Duke faces possible penalties in May

Watchdog spokesman calls for shutting down Oconee plant

BY NORMAN CANNADA
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Officials with the Nuclear Regulatory Commission (NRC) said Tuesday they will notify Duke Energy by May of any penalties the company will face for failing to implement a fire safety plan by the Dec. 31, 2012, deadline.

The notification is the next step after the Tuesday meeting in which a nuclear energy watchdog called for shutting down the Oconee Nuclear Station or levying maximum fines of $420,000 per day.

Duke presented its case in person during a pre-decisional enforcement conference at the NRC headquarters in Rockville, Md. Duke spokeswoman B.J. Gatten said the purpose of the meeting was for company officials to tell the NRC about action the Oconee plant has taken to complete the project as well as what the plant i doing to ensure safety.

"We're requesting they conside the safety measures we have put in place and that the failure to complete the project has not compromised plant safety," she said.

Duke received a letter in January saying the Oconee plant is in "apparent violation" for failing to meet the deadline to implement a fire safety plan. The NRC turned down a request for a two-year extension of the deadline and then sent a letter Jan. 31 saying that Duke could request the conference before any penalties were levied.

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DUKE: 'The plant is operating safely,' a Duke spokeswoman said

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While both Duke and NRC officials have said the Oconee plant is safe, the issue is centered around the implementation of the protected service water (PSW) system – which Duke now says may not be completed until 2016.

Tuesday's conference was the last meeting before NRC officials would announce penalties against the Oconee plant.

At the conference, Duke officials pointed out they were the ones who reported the problems with the PSW system and emphasized efforts they were making to mitigate potential problems, including placing priority on the work and mitigating potential fire hazards by hiring "fire watchers" and an additional five firefighters per shift.

Duke officials said there had been "no actual consequences of the apparent violation" and stressed the plant remains safe. Company officials said the project has presented numerous challenges, including obtaining materials for the work

David Lochbaum, of the Union of Concerned Scientists, was one of more than 20 people who were part of the phone conference.

He called Duke's failure to meet the Dec. 31 deadline "inexcusable" and lobbied for strong sanctions to "get Duke's attention." Lochbaum suggested the NRC shut down the plant until all fire safety features were in place or fine the Oconee plant $140,000 a day for each of the three nuclear reactors at Oconee until the project is completed.

Gatten responded to Lochbaum's comment saying, "The plant is operating safely."

Roger Hannah, an NRC spokesman, said shutting down the Oconee plant is within the commission's legal authority, but added that action is not likely.

"If the NRC believed the Oconee Nuclear Station had major safety violations and had immediate safety issues, it would have already been shut down," he said.

Hannah added that the $140,000 in fines per reactor per day is the maximum allowed.

Hannah said any discussion of the amount of fines, if any, levied against Duke was "premature." He said the NRC will now determine if the apparent violation was an actual violation and then look at measures Duke has taken before determining any action the commission should take.

Paul Gunter, a spokesman for Beyond Nuclear, another group concerned about the hazards of nuclear reactors, said the commission is being scrutinized for its handling of the Duke issue.

"The NRC enforcement policy is as much on trial here as the Oconee Nuclear Station," Gunter said.

ncannada@upstatetoday.com | (864) 973-6684