Report: Enforcement lacking

Public at risk from Oconee, other nuclear plants

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Inconsistent enforcement by federal regulators stands in the way of protecting the public from the dangers of nuclear energy, across the country and at the Upstate's Oconee Nuclear Station where concerns over fire and flood have hovered for decades, a nuclear watchdog group says in a new report.

The U.S. Nuclear Regulatory Commission can be an effective regulator but hasn't followed through in holding utilities across the nation accountable, the Union of Concerned Scientists environmental group said in its annual report analyzing the state of industry safety.

The report — "The NRC and Nuclear Power Plant Safety in 2013: More Jekyll, Less Hyde" — lists 10 instances of what the group considers "near miss" events that required special inspections and posed higher-than-acceptable risks.

The Oconee station managed to stay off the "near miss" list this year — but the report nonetheless made special mention of duel, ongoing safety concerns at the plant: the threat of a break in the Lake Jocassee Dam upstream and repeated delays in meeting fire-protection standards set three decades ago.

Duke spokeswoman B.J. Gatten said that Oconee's three reactors are operating safely and that the company is taking action to meet the NRC's standards for fire and flooding protection.

NRC spokesman Joey Ledford said that the report "consistently mischaracterizes" the effectiveness of the agency's regulatory actions.

The report's author — Dave

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Lochbaum, a nuclear safety expert who once trained NRC inspectors — wrote that the NRC has been complicit in allowing utilities like Duke to ignore deadlines for years.

"What's protecting the people around Oconee from fire risk? Luck," Lochbaum wrote. "What's protecting Oconee's owner from the cost and bother of legally managing the fire risk? The NRC."

The report comes just before the three-year anniversary of the nuclear disaster in Fukushima, Japan, when a massive earthquake and tsunami caused fire systems to fail and reactors to flood.

In the report, Lochbaum pointed to long-held concerns among NRC engineers that a break in the Jocassee Dam — while unlikely — would assuredly result in a meltdown of Oconee's three reactors.

Last year, *The Greenville News* reported on an NRC whistleblower's analysis detailing dam concerns that spanned decades.

The NRC had held the analysis from public view on grounds that it contained security-related information, but the document has since been released in largely unedited form.

The News also reported on hundreds of internal emails that show NRC staffers expressing frustration over superiors they said were cowing to the industry instead of holding it accountable for the threat of a dam failure.

Just one month after the Fukushima meltdown, Lochbaum wrote, the NRC met with the public but didn't mention the long-held concerns.

"The exact same flooding hazard that exists today at the Oconee nuclear plant was not mentioned by the NRC — so the public was actually misled into believing no such problems existed," Lochbaum wrote.

After Fukushima, the NRC required all nuclear utilities to study flood and seismic hazards.

Last summer, Duke presented the findings of its flood study and is awaiting the NRC's response.

Ledford said the NRC will provide a written response "in the near future."

Meanwhile, the company has interim measures in place that have been approved by the NRC and is performing permanent modifications that "will add additional safety margin against flooding damage to the nuclear facility," Gatten said.

The NRC's directive to Duke to address flood concerns comes at the same time as the agency has ordered the company to honor newly set deadlines to improve fire protection.

Nearly two decades after fire standards were put into place in 1980, the NRC discovered that almost half of the nation's reactors weren't in compliance.

The agency in 2004 gave utilities the choice to comply with the 1980 rules or be allowed to operate under temporary standards in pursuit of new standards.

In 2010, the NRC approved Duke's plan to implement new fire-protection measures and gave the company two years to complete them.

In summer 2012, Duke asked for an extension until the end of 2014, then four months later asked for another extension to the end of 2015.

The NRC declined to grant the extension and issued notice to the company of an "apparent violation," which carried the potential for civil fines.

Then, last July, the NRC ordered Duke to complete the fire-protection transition by the middle of November 2016.

The decision ultimately granted the company a four-year extension from its original request for two, Lochbaum wrote.

"If two years' delay is unsafe, four years' delay is insane — especially since fire regulations have been in place since 1980," Lochbaum wrote.

"What's protecting the people around Oconee from fire risk? Luck."

DAVE LOCHBAUM
AUTHOR OF REPORT

The Oconee station has operated safely under temporary measures allowed by the NRC as part of the upgrade, Gatten said.

"The completion of the fire protection modifications is receiving the full attention of Duke resources to ensure this project is completed to deliver the additional benefits as designed," Gatten said.

Two years ago, Oconee was named on the "near miss" list after emergency breakers in the station's backup reactor core cooling system were deemed inoperable.

Last year, another Duke station in South Carolina, Catawba, was listed as a near miss after a shutdown of its reactor opened electrical breakers that disconnected the reactor from the power grid.

This year, one Duke reactor was cited as a near miss — the Shearon Harris plant outside of Raleigh, N.C.

In 2001, workers at Oconee discovered that a crack in a metal tube passing through a reactor vessel had caused a leak of cooling water, Lochbaum wrote.

In response, the NRC required owners of similar reactors, including Shearon Harris, to examine larger portions of the tubes and increase the frequency of inspections, Lochbaum wrote.

However, last May a special inspection team of the NRC found that a reactor vessel flaw had not been properly diagnosed a year earlier, he wrote.

The incident shouldn't be classified as a near miss, Ledford said.

"The bottom line here is that the reactor vessel flaw was identified before it developed into a safety concern," Ledford said.