

BEYOND NUCLEAR PRESS RELEASE

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Beyond Nuclear Investigation Shows Nuclear Reactor Fire Safety Laws Unenforced: Reactor Owners Flouted Regulator's Orders and Misrepresented Compliance at US Nuclear Power Plants for Decades

TAKOMA PARK – A Beyond Nuclear investigation has uncovered that, for decades, nuclear reactor owners across the US failed to comply with federally-mandated fire protection law to assure the safe shutdown of nuclear power plants following a significant fire.

Furthermore, in defiance of federal Orders to bring reactors into compliance, owners illegally substituted their own, less protective actions without first seeking the required approval for exemptions. In at least one case and likely more, reactor owners then misled the Nuclear Regulatory Commission (NRC) regarding the completion of corrective actions per federal Orders to come into compliance with law.

After decades of non-enforcement, NRC is instead granting exemptions that in fact diminish reactor safety and increase the risk of a meltdown, the Beyond Nuclear research found. Yet the NRC cites fire as the most likely contributor to “station blackout” – a loss of on-site and off-site power which can then set in motion a catastrophic accident such as occurred at the Fukushima-Daiichi reactors in Japan.

“The nuclear industry has abandoned front line fire protection using control room-powered safe shutdown at many reactors and instead is relying on sending workers into the plant to execute last-ditch manual actions,” said Paul Gunter, Director of Reactor Oversight at Beyond Nuclear. Gunter conducted the research and presented his findings on December 13 to an NRC Commission briefing on national fire protection. “Post Fukushima, this is unacceptable. A de facto agency policy of ‘forgive and forget’ that’s been going on for years, and an inability to take enforcement action to move industry beyond its own financial interests, leaves public safety unduly and dangerously in the lurch.”

The [statement and supporting documents](#) of Paul Gunter as presented to the US Nuclear Regulatory Commission Briefing on Fire Protection at NRC headquarters on December 13, 2011 can be found on the [Beyond Nuclear website](#).

The investigation uncovers a pattern of nuclear power plant operators abandoning front line control room-powered operation for the safe shutdown and cooling of reactors following a big fire. Instead, operators like Chicago-based Exelon substituted last ditch “manual actions” that plan to send workers into areas of a burning plant – discounting smoke, fire and radiation – to manually pull circuit breakers, flip switches, turn valves, etc. to shut down and cool the reactors. After decades of regulatory non-enforcement policy for such violations, the industry submitted a large numbers of exemptions for long-standing fire safety violations where the federal agency failed to enforce its own fire protection orders.

Gunter’s research showed that a 1980 NRC law enacted to enforce fire protection at reactors, and subsequent agency Orders in 1998 to 26 reactor units to physically protect control room electric circuits from fire damage, had been consistently over-ridden by reactor owners. Instead, owners substituted Operator Manual Actions (OMA) without requesting an exemption from the agency. Ultimately, rather than enforce its own law, its own Orders and in at least one case, take enforcement action for the misrepresentation of material fact to the agency for compliance with corrective actions Ordered by the agency, the NRC ignored violations until finally issuing exemptions to allow the manual actions, Gunter found.

One such instance occurred at the Oyster Creek reactor in New Jersey, a General Electric Mark I boiling water reactor that is the same design as the four units involved in the catastrophe at Fukushima-Daiichi. The owner, Exelon, failed to comply with the 1980 fire law and then ignored the 1998 NRC Orders to come into compliance with the law which requires control room shutdown and cooling of the reactor during and following a fire.

Instead, in 2001 Exelon informed the NRC that it was in compliance with federal fire code per the Order. In reality, Exelon had substituted manual actions for control room operations without seeking an exemption from NRC. Yet, despite a 2003 NRC inspection that revealed non-compliance for fire zones that were under orders to protect control room operations, the NRC never noted this, nor Exelon’s false claim of compliance. In 2009 Exelon submitted a request to be exempted from fire code protecting control room electrical circuits as per the 1998 Order. Instead, on March 30, 2011, while the Fukushima disaster was still unfolding, the NRC issued an exemption to Exelon, rendering its substitution of manual actions legal after the fact.

Beyond Nuclear is requesting an investigation and public accounting of how many reactor operators did not complete corrective actions per Order and willfully misrepresented compliance with Orders which would be a felony violation of NRC law.

The findings come at a time when the NRC and the industry find themselves straddled between two fire compliance strategies; the long troubled prescriptive standard and a newly piloted performance based standard that is heavily reliant on costly fire modeling and risk analysis. With roughly half the industry now divided in each approach, the NRC and nuclear power plant operators are currently not on good footing in either strategy.

The 1980 prescriptive law requires that when control room primary and back-up electrical circuits appear in the same fire zone, operators must physically protect one electrical circuit so that no single fire knocks out the preferred control room-powered operation for safe shutdown. The manual actions assume the safe shutdown electrical circuitry to be destroyed by a fire and instead send workers into the plant (discounting smoke, fire and radiation) to manually shut down the reactor.

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Beyond Nuclear aims to educate and activate the public about the connections between nuclear power and nuclear weapons and the need to abandon both to safeguard our future. Beyond Nuclear advocates for an energy future that is sustainable, benign and democratic. Beyond Nuclear: 6930 Carroll Avenue, Suite 400, Takoma Park, MD 20912. www.BeyondNuclear.org. Tel: 301.270.2209. Email: info@beyondnuclear.org.