



NEWS FROM BEYOND NUCLEAR

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Contact: Paul Gunter, Director of Reactor Oversight,
Beyond Nuclear, 301.523.0201 (cell); 301.270.2209 (o)

Documents Reveal Oyster Creek NJ Nuclear Plant To Get Pass On Federal Safety Order

Nuclear regulator bows to industry demand to let country's oldest "Fukushima" reactor operate outside safety compliance

TAKOMA PARK, MD, November 24, 2015 — Beyond Nuclear, a national anti-nuclear and environmental advocacy group, today blasted the U.S. Nuclear Regulatory Commission for giving the country's oldest nuclear reactor a pass to avoid an essential safety retrofit that the federal agency itself had ordered.

Agency documents uncovered by Beyond Nuclear show that the NRC will allow Exelon, the Oyster Creek owner, to remain in violation of the agency's own Fukushima "lessons learned" Order issued by the Commission on June 6, 2013.

The Order had mandated Exelon to install a "severe accident capable" hardened containment vent, to be completed during next summer's scheduled refueling outage and before restart in fall 2016.

Instead, the NRC will allow Oyster Creek, the same General Electric Mark I boiling water reactor design as Fukushima, to continue operation outside compliance until the scheduled closure date of December 31, 2019 as agreed with the State of New Jersey.

Documents showed the NRC had capitulated to Exelon's June 2, 2014 written request for an "extension to comply" with the Order until January 31, 2020, one month after the plant's planned closure date.

In separate conversations with a source, Beyond Nuclear learned that the NRC decision was based on Oyster Creek's original license extension, potentially allowing the plant to avoid safety fixes until its federally licensed operation termination date of April 9, 2029. However, all indications are that the plant will close in four years.

"This is an extremely serious Fukushima lesson being unlearned by the regulator and industry that gambles with New Jersey's health, safety and economy for Exelon's limited financial gain," said Paul Gunter, Director of the Reactor Oversight Project at Beyond Nuclear. "The oldest Fukushima-style reactor in the world is being given a pass to allow willful violation of codified safety requirements," he said. "Instead of dealing Exelon a

'Get Out of Safety-Fix Free' card, the NRC should permanently shut down Oyster Creek," he continued.

The NRC's decision to exempt Oyster Creek follows a disturbing pattern of collusion between the regulatory agency and the industry it is supposed to regulate, a problem that Japanese authorities identified as a cause of its own Fukushima nuclear disaster.

"The NRC's waiver of enforcement for Oyster Creek's willful violations is symptomatic of a deeper 'nuclear regulatory capture' that risks public health and safety to maximize industry production and profit," said Gunter. "This is the same collusion of government, regulator and industry that Japan's independent investigation into the 2011 accident found to be the principle cause of 'a profoundly manmade disaster' at Fukushima," Gunter concluded.

BACKGROUND

A November 16, 2015 NRC letter to the Chicago-based Exelon Generation Company excuses the Oyster Creek operator from complying with the federal Order (EA 2013-109) that modified Oyster Creek's operating license along with 29 more General Electric Mark I and Mark II boiling water reactors and scheduled safety upgrades to their containment structures.

Exelon argued that because Oyster Creek plans to operate for two more refueling cycles until the end of 2019 it "is not necessary" to comply with the Fukushima Order.

While the NRC's November 16th letter states that "the licensee has presented good cause for a relaxation of the order," Exelon is crediting "special conditions" that pre-existed the Order and "compensatory measures" none of which measure up to the "severe accident conditions" explicit in the 2013 Order. These conditions, after fuel damage would have already occurred, include the ability to "reliably" manage extreme steam pressure spikes, out of control temperatures, large volumes of non-condensable explosive gases and deadly fields of radiation generated by the melting reactor core.

Exelon is crediting a pre-existing Direct Torus Vent System that was voluntarily installed by most Mark I boiling water reactor operators in 1992 at an earlier request of the NRC.

Japan similarly responded by installing the same hardened containment vent system that failed to save the three Mark I containments at Fukushima.

The 1989 NRC letter revealed that the Mark I's small containment design (one-sixth the volume of Three Mile Island) is highly prone to failure in the event of a nuclear accident. The NRC had recommended that operators voluntarily install a venting system to temporarily defeat containment to save it from permanent rupture. However, this torus containment venting system was not designed, constructed or analyzed to be "severe accident capable." Oyster Creek's credited containment vent for the fall 2016 restart will not be "severe accident capable."

Under the NRC Order's mandated schedule, Exelon was to have completed its Phase 1 installation of an upgraded "severe accident capable" hardened vent on the 18-foot diameter donut-shaped containment component called the "wetwell" or "torus" before restarting in fall 2016. The Order requires an additional Phase 2 upgrade with the installation of "severe accident water addition" and "severe accident water management" systems on the large "drywell" containment component by the Fall 2018 restart from refueling. Oyster Creek is the only reactor to request and receive a waiver for compliance of remaining 30 units that originally consented to the Order in June 26, 2013.

The NRC 2013 Order explicitly states that the scheduled two-phase "severe accident capable" upgrades are required because "the NRC finds that the public health, safety and interest require this Order be made immediately effective."

NRC November 16, 2015 compliance relaxation letter to Exelon Generating Company

http://www.beyondnuclear.org/storage/mark-1-campaign/fof/oyster-creek/oyst_order_11162015_relaxed-Revised-ML15092A159.pdf

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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. The Beyond Nuclear team works with diverse partners and allies to provide the public, government officials, and the media with the critical information necessary to move humanity toward a world beyond nuclear. Beyond Nuclear: 6930 Carroll Avenue, Suite 400, Takoma Park, MD 20912. Info@beyondnuclear.org. www.beyondnuclear.org.