Utility Slammed for Response to Fatal Tunnel Fire

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DENVER (AP) — The U.S. Chemical Safety Board slammed Xcel Energy Inc. on Monday for the company's handling of the aftermath of a tunnel fire that killed five workers at a hydroelectric plant, as well as for a host of "troubling episodes."

The board cited the electric and gas utility's failure to cooperate in the agency's probe, and said that investigators had to turn to the the U.S. Attorney's Office Civil Division in Denver to compel the company to turn over information.

"Xcel Energy believes it has always cooperated and acted responsibly and continues to be fully committed to safety as a core value and an operational priority," the company said in a statement.

The board, an independent federal agency that investigates serious chemical accidents and makes safety recommendations, plans to release its final report and recommendations on Wednesday.

That report comes about two weeks after Xcel decided to release a draft version after initially trying to block it. The company feared it would be released close to the criminal trial in the case, possibly influencing jurors.

Xcel, contractor RPI Coating, and RPI executives Philippe Goutagny and James Thompson each are charged with violating U.S. Occupational Safety and Health Administration standards. They're expected to go on trial next year.

The safety board said the report wasn't complete that it had instructed Xcel to keep the draft confidential.

Xcel also said it wanted to release the draft report because the company wanted to show that the board excluded findings of a gap in OSHA standards.

Xcel and the board are at odds over whether OSHA regulations were sufficient or clear enough to ensure worker safety. The board says the utility should have had a specially trained rescue crew on-hand in emergencies, rather than calling 911 as directed by Xcel's plan.

The tunnel fire started when flammable vapors ignited on a machine that was being used to spray a coat of epoxy sealant on a portion of a 4,000-foot-long water pipe, trapping five of nine workers inside the pipe. Specially trained rescue crews didn't arrive until an hour and a half after the fire started.

Donald Dejaynes, 43, Dupree Holt, 37, James St. Peters, 52, Gary Foster, 48, Anthony Aguirre, 18 — all from California — ultimately died from smoke inhalation.

In the letter sent Monday to Xcel CEO Richard Kelly, the board said Xcel's "unprecedented" legal action to block the report delayed its release and diverted resources from other investigations.

"In the wake of the corporate responsibility concerns raised by the Big Branch Mine accident in West Virginia and the disaster in the Gulf of Mexico, I strongly urge Xcel to renew its focus on safety and to swiftly implement the CSB's recommendations," wrote Chairman Rafael Moure-Eraso.

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