

Statement by Congressman Dennis J. Kucinich
Hearing before the Atomic Safety and Licensing Board
Regarding Cracks in the Shield Building at Davis-Besse nuclear power plant
Docket No. 50-346-LR
ASLBP No. 11-907-01-LR-BD01
November 5, 2012

Today, the Atomic Safety and Licensing Board (ASLB) is charged with evaluating the believability of FirstEnergy's claim that the cracking throughout the protective shield building at the Davis-Besse nuclear power plant is not a problem. Specifically, the ASLB and the American people are not only asked to trust FirstEnergy's assessment of the root cause of the cracking, but that FirstEnergy's operation of Davis-Besse can be trusted and that NRC's oversight is adequate. At stake is FirstEnergy's request to renew Davis-Besse's operating license for another 20 years.

The trust is not warranted.

In February 2001 the NRC began investigating an aging mechanism that often caused cracking in reactors. As a result of these findings, in late September 2001, the NRC determined that the Davis-Besse plant was at risk and should shut down by December 31, 2001. FirstEnergy resisted the order claiming that it could stay open without incident until March 2002. FirstEnergy argued that a shutdown would cause an unnecessary financial burden.

Rather than following its own safety procedures and shutting down Davis-Besse, the NRC relented and allowed the plant to operate until February 2002. After the Davis-Besse plant had been shut down, workers repairing one of five-cracked control rod nozzles discovered extensive damage to the reactor vessel head. The workers found a large, corroded crater the size of a football in the reactor vessel head next to one of the nozzles. Only three-sixteenths of an inch of steel remained intact at the bottom. Even that began to crack and bulge.

The NRC later found that the plant might have been as close as 60 days from bursting. If it did, there would have been a major release of radioactivity. It would have jeopardized the immediate and long-term safety of millions of Americans, not to mention the single biggest source of fresh water in the world, the Great Lakes.

The Government Accountability Office later weighed in on the incident, calling it "the most serious safety issue confronting the nation's commercial nuclear power industry since 'Three Mile Island.'" The Department of Justice said that FirstEnergy admitted they "knowingly made false representations to the Nuclear Regulatory Commission (NRC) in the course of attempting to persuade the NRC that its Davis-Besse Nuclear Power Station was safe to operate beyond December 31, 2001."

FirstEnergy's insurance company became worried and commissioned an independent study to analyze the date from the incident. The study, which was released in April 2007, painted an even

darker picture than the regulatory rebukes that came before it. The report found that corrosion of the steel plate happened at a faster rate than was reported by FirstEnergy, bringing the reactor closer to a catastrophic incident than had previously been reported.

Despite the findings of these three bodies, just a few weeks before that study was released, FirstEnergy asked the NRC to remove the requirement for independent assessments of Davis Besse's operations. They asked for less oversight.

The NRC's 2004 Confirmatory Order Modifying License lists some of FirstEnergy's malfeasant policies and actions that led to the 2002 incident, providing more evidence that profits were prioritized over safety. It specifically lists the key reasons the leak was allowed to persist and grow; FirstEnergy's self-policing mechanisms failed. Worse, FirstEnergy tried to convince the NRC that the problems were solved when in fact they were not.

FirstEnergy continues –to this day- to try to prioritize profits over safety. Since there is not enough time to cover in detail the full history of FirstEnergy's bad decisions, near misses and safety lapses, I ask to place into the record of this hearing a document prepared by Beyond Nuclear that does just that. The main event not covered by this document is very recent.

In 2011, FirstEnergy had to shut down Davis-Besse to replace yet another reactor head because of known leaking problems. In so doing, they found cracks in the building designed to protect the core from external missiles like planes, but also to prevent the release of radioactive air and steam in the event of a problem with the reactor. The latter scenario is what almost happened in 2001 at Davis-Besse and is exactly what happened at Fukushima, when the containment buildings blew up from steam build up. A structurally compromised building affords less protection to protect the public.

True to form, there were important differences between the story FirstEnergy told the public and the real story which I only uncovered because of my own investigation. Specifically, FirstEnergy tried to convince the public that the cracks were only cosmetic in nature, were few in number, and were not widely distributed. None of the above was accurate. And yet FirstEnergy was eager to restart Davis-Besse, even though they would not know the cause of the cracking until February. The NRC's official ruling that the reactor was safe to start only came down the exact same day the reactor was started.

FirstEnergy and the NRC would have us believe that the cracks which surround the shield building are the result of a blizzard in 1978 and that the cracks are not new, or a result of the aging process.

Documents recently released pursuant to a request by Beyond Nuclear under the Freedom of Information Act show NRC staff saying that the conclusions in the NRC's own report about the cracking are questionable and that the methods used to arrive at the conclusions are suspect. An email says "The core bores have shown that the cracks are at different depths, so this doesn't seem to capture the current situation. Throughout the calculation, the word Crack, singular, is used. They also mention that the extent of the crack is only 10'-12'. This seems to greatly downplay the issue."

What is FirstEnergy and NRC's solution to a cracked protective structure? Paint it. I suggest whitewash as an appropriate cover. I have asked for a full investigation by the NRC Inspector General because the NRC has once again shown itself to be more a friend than an impartial regulator of the industry.

Now we are hearing that the problem with the cracks in shield building may not be restricted to Davis-Besse. It may be a problem affecting plants across the nation. If the cracks require repair, it will be extremely expensive. Maybe even cost prohibitive. The pressure to sweep this under the rug will be huge.

Davis-Besse is not the only evidence of mismanagement on the part of FirstEnergy. Perry is instructive as well. On September 26, 2002, the NRC Office of Investigations concluded that FENOC's application for access was falsified at Perry. On October 6, 2003, the NRC Office of Investigations concluded that overtime records were deliberately falsified at Perry so as to appear to comply with technical specifications. On April 1, 2004, the NRC informed FirstEnergy that it found "creative timekeeping" at the Perry plant.

On March 4, 2011, the NRC sent an "Annual Assessment" letter about Perry in which the NRC stated that "Perry Nuclear Power Plant operated in a manner that preserved public health and safety and met all cornerstone objectives," but that "performance at the Perry Nuclear Power Plant during the assessment period continued to exhibit weaknesses in the area of human performance." It also said that "This assessment period is the seventh consecutive assessment period identifying a substantive cross-cutting issue in the human performance area first opened in our March 3, 2008, end-of-cycle assessment letter."

Another incident occurred at Perry on April 21, 2011. This is how it was described in an NRC press release:

On April 21, while four workers were retracting the monitor from the reactor core they detected a rapid increase in radiation levels. They stopped the activity and immediately left the area. At the time, the plant was shut down for a refueling outage.

Even though there was no overexposure to the workers, no impact on the safety of the plant or the public, plant staff failed to conduct an adequate radiological evaluation of the activity and to implement necessary controls to eliminate a potential for overexposure.

In addition to the source range monitor violations Perry has had other incidents involving the same area of weaknesses with the control of radiation exposure to certain workers in the plant.

This is how it was described by the Cleveland Plain Dealer on July 7, 2011:

The Perry nuclear power plant's managers did just about everything wrong when they sent four workers into a small room under the reactor to retrieve a radiation monitor stuck in the reactor's core, federal regulators said in a report Thursday.

The workers, who were exposed to high levels of radiation in the April incident, were given the wrong work instructions for the job, the Nuclear Regulatory Commission said. They used equipment that did not meet industry standards and worked in an area with wires, cables and railings that could have gotten in the way of a quick escape that also involved climbing up a ladder, the NRC said. The incident occurred during a refueling shutdown.

“There was an open, unbarricaded, unguarded hole in the grating floor that was a nominal 6 foot deep and 36 inches long by 34 inches wide,” the report said, adding that several trip hazards also were present at the work site.

How does the record of performance by FirstEnergy and the NRC justify a faith that, in a sudden break from the past, profits will not be placed before safety for the next 20 years?