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August 15, 2012

Mr. Hubert T. Bell  
Inspector General  
U.S. Nuclear Regulatory Commission  
Mail Stop O5-E13  
11555 Rockville Pike  
Rockville, MD 20852

Dear Mr. Bell:

I am writing to demand an investigation into the manner in which Region III staff authorized the December 2 restart of FirstEnergy's Davis-Besse nuclear power plant, approved FirstEnergy's "Root Cause Report" relating to the cracking in the shield building wall, and downplayed the seriousness of those laminar cracks.

I originally wrote to you on June 8, 2012, because I was concerned about public statements that NRC spokespeople were issuing on the nature and location of the cracks in the Davis-Besse shield building wall. FirstEnergy had repeatedly misrepresented publicly that the cracks were in "architectural" or "decorative elements" of the wall "that do not have any structural significance," and I was concerned that Region III spokespeople were issuing statements that reinforced FirstEnergy's mischaracterizations of the problem.

At the time, those public statements by the NRC spokespeople stood in sharp contrast to the open and candid assessments that I and my staff had been receiving from NRC Region III engineers. Those engineers repeatedly told us that the cracks were located adjacent to the outer rebar in the main 30-inch-thick concrete wall. They repeatedly stated that this was a "structural" part of the wall. They repeatedly stated that there were no "architectural" or "decorative elements" that were separate from the wall itself, and that it was one concrete wall that was poured at one time. They readily acknowledged that the laminar cracking existed around the entire circumference of the building. Both I and my staff developed a respect for the honesty and candor of the NRC engineers.

That situation changed on Thursday night at the public meeting that was held at the Oak Harbor High School. I asked the NRC engineers questions that I or my staff had asked before, but the answers I received were quite different. For example, on January 5, 2012, my senior counsel, Howard Schulman asked NRC engineers directly whether the NRC

1) was "assuming" that the cracking rendered the main outer vertical rebar structurally ineffective, or 2) had "concluded" that the main outer rebar had no structural effect. The unqualified answer, on January 5, was that the NRC had "concluded" that. At the public hearing, however, when I asked the NRC engineers to confirm that information, their response was, "That wasn't our conclusion. FirstEnergy used that assumption in order to be conservative in its calculations of the current strength of the wall." When I asked the NRC engineers to confirm that the cracks were in a structural area of the wall, the response was "Well, the cracks are not in the most important structural part of the wall, which is the area between the two rings of rebar." When I asked them to confirm that the cracking existed around the entire circumference of the building (the FirstEnergy "Root Cause Report" recited that laminar cracking was found in all 15 of the sections tested—the 16<sup>th</sup> section was not tested), their response was that "there is essentially no cracking on the north side of the building." This last point is significant because FirstEnergy's purported explanation for the cracking is that moisture from the blizzard of 1978 was driven deep into the concrete wall by high winds from the southwest, leaving no logical explanation for how cracks could have formed in the leeward side of the building.

I cannot determine what caused this change in the answers of these Region III engineers, but I am concerned that it is a response to pressure from their superiors. Someone made a decision to rush Davis-Besse back into operation on December 2, 2011, which, according to NRC emails obtained through FOIA, occurred while Region III engineers were still debating the impact of the cracking. I am concerned that NRC officials are trying to legitimize that decision by readily accepting FirstEnergy's purported cause, and the minor remedial actions that FirstEnergy is proposing, and **actively campaigning for public acceptance of them.** I note that the new Region III director paid a visit to the editorial board of the Toledo Blade, apparently to "sell" FirstEnergy's explanation and the continued viability of the Davis-Besse shield building wall.

FirstEnergy has consistently misled the public about the nature and extent of problems at Davis-Besse, incurring the largest fine in NRC history as a result of its deceit in concealing the facts about the corrosion in the reactor head. We need a Nuclear Regulatory Commission that tells the public the truth, not one that merely repeats the soothing, but misleading, statements of the reactor's operator. We need an independent investigation of the cracking in the Davis-Besse wall, of the legitimacy of FirstEnergy's purported "root cause," of the decision to restart Davis-Besse on December 2, and of the abrupt change in the responses of the Region III engineers. We need to restore the NRC's credibility as a regulator capable of objectivity. The people of northern Ohio need to know whether or not the shield building remains strong enough to protect them from a potential catastrophe.

Sincerely,



Dennis J. Kucinich  
Member of Congress