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**Congress of the United States**  
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WORKFORCE

June 8, 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:

*The Plain Dealer* reported yesterday that engineers at the Davis-Besse nuclear reactor had discovered "a pinhole coolant leak in a pipe weld Wednesday evening while doing a walk-down inspection of the plant...while the reactor was in 'hot standby' mode." I intend to monitor this situation carefully as the facts are revealed in the days or weeks to come, but I am concerned about the following statements, made by NRC spokespeople and reported in news articles on the subject:

"The leak was below the U.S. Nuclear Regulatory Commission threshold for mandatory reporting." [Telephone interview with *Bloomberg*]

"Such leaks are not uncommon...[N]uclear plants go through an extensive startup process after outages to look for problems." [*Business Week*]

My staff has consulted with David Lochbaum about these statements. As you are aware, Mr. Lochbaum is the Director of the Nuclear Safety Program of the Union of Concerned Scientists. This is his response:

It's disappointing because operational leakage is a recurring problem at Davis-Besse and the NRC has had ample opportunity to get this right by now.

NRC Daily Event Report 48000 conveys the report FirstEnergy submitted to NRC about:

- 1) detection of a 0.1 gallon per minute leak from a 3/4-inch diameter pipe socket weld for Reactor Coolant Pump 1-2 1st seal cavity vent line
- 2) Entry into Condition B of LCO 3.4.13
- 3) Cool down of the reactor coolant water to comply with Required Action B.2

LCO 3.4.13 establishes four different limits on leaks. Condition B is entered when one or more of three entry conditions is satisfied: (1) Required Action and Completion Time for Condition A not met, or (2) Pressure boundary LEAKAGE exists, or (3) Primary to Secondary LEAKAGE exceeds limit.

Contrary to what the NRC spokesperson claims, the leak at Davis-Besse was NOT, repeat NOT, below the NRC's threshold for mandatory reporting.

LCO 3.4.13 allows (a) NO, in other words, ZERO pressure boundary leakage, and (b) up to 1 gallon per minute unidentified leakage. FirstEnergy clearly considered the leak to be pressure boundary leakage.

Had they considered it to be unidentified leakage rather than pressure boundary leakage, the 0.1 gallon per minute leak was less than the 1 gallon per minute leak limit -- thus Required Action A.1 would have been satisfied. That would not then support entry into Condition B.

So, the leak was considered pressure boundary leakage. Consequently, even though the leak rate was only 0.1 gallon per minute, or below the allowable unidentified leakage limit, it was above the ZERO limit for pressure boundary leakage.

FirstEnergy entered Condition B due to pressure boundary leakage. It's the only way for them to invoke Condition B --- neither of the other two entry conditions was satisfied. They pursued Condition B.2, being in Mode 5, as a result.

Thus, the NRC is simply wrong to tell people that the leak was below the threshold for mandatory reporting. FirstEnergy reported the leak because they were required to do so under the law.

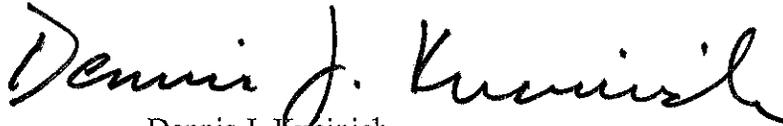
I am concerned because this is not the first time that the NRC Region III spokespeople have made misleading and inaccurate statements about problems at Davis-Besse. Since last October, I have been monitoring the cracking in the Davis-Besse shield building wall and I have publicly criticized FirstEnergy's repeated misrepresentations that the cracks were found in "architectural" or "decorative elements" of the wall "that do not have any structural significance." Both FirstEnergy and the NRC have known since the cracks were first discovered on October 11, 2011 that they were located at the main outer steel reinforcement in the wall, which clearly has "structural significance."

Unfortunately, Region III spokespeople have issued statements that have reinforced FirstEnergy's mischaracterizations of the problem. For example, the Associated Press reported on October 23, 2011 that "the Nuclear Regulatory Commission issued a report Friday saying the crack is in 'non-structural, architectural' concrete and poses no

'immediate safety concern...'" In December, the NRC issued "QandAs for Davis-Besse Shield Building Issues" in which the NRC continued to characterize the cracking as being in "architectural" concrete that "is additional concrete incorporated into the design for aesthetic reasons."

FirstEnergy has consistently misled the public about the nature and extent of problems at Davis-Besse. 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. I have full confidence in Chairman Jaczko's leadership and I support his efforts to make NRC more independent, efficient, open, clear and reliable. I am therefore asking for an independent investigation of the reasons behind the disparity between the public statements made by the NRC and the full truth will prevent further degradation of NRC's credibility as a regulator capable of objectivity.

Sincerely,

A handwritten signature in black ink that reads "Dennis J. Kucinich". The signature is written in a cursive, flowing style.

Dennis J. Kucinich  
Member of Congress

cc: Chairman Gregory B. Jaczko