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FirstEnergy Nuclear intends to file License Amendment Request on Shield Building cracking
Environmental coalition vows legal action in opposition

Oak Harbor, OH and Washington, DC—At a meeting of the U.S. Nuclear Regulatory Commission’s (NRC) Advisory Committee on Reactor Safeguards (ACRS), held at the agency’s Rockville, MD HQ yesterday, FirstEnergy Nuclear Operating Company (FENOC) and NRC Staff revealed that the nuclear utility plans to submit a License Amendment Request (LAR), in order to restore its Davis-Besse atomic reactor’s Current Licensing Basis and Design Basis in the aftermath of severe Shield Building cracking first discovered four years ago. Representatives from environmental groups, comprising multiple coalitions opposing the 20-year license extension sought by FENOC, as well as current operations, have vowed to legally intervene in opposition to the LAR.

At the meeting, responding to pointed ACRS questioning, FENOC spokesmen confirmed that, if the cracking grows badly enough, large chunks of concrete could detach from the Shield Building, and plummet onto safety-significant structures below, such as the auxiliary building and borated water storage tank.

The ACRS subcommittee meeting, its second in the license extension review proceeding, focused on NRC’s Safety Evaluation Report (SER), published in August. The full ACRS committee will meet on November 5 to review the SER. After that, a Decision by the Director of NRC’s Office of Nuclear Reactor Regulation, and a Decision by the full NRC Commission, at dates yet to be determined, would mark the end of the license extension review proceeding, culminating with NRC approval for Davis-Besse to continue operating from 2017 to 2037.

Such License Renewal Application (LAR) reviews and approvals by NRC usually take only 24 months to complete. Davis-Besse’s has taken 61 months thus far, mostly due to severe cracking of its concrete containment Shield Building around the reactor, first revealed on October 10, 2011. An environmental coalition comprised of Beyond Nuclear, Citizens Environment Alliance of Southwestern Ontario, Don’t Waste Michigan, and the Ohio Green Party, represented by Toledo attorney Terry Lodge, filed multiple contentions before NRC’s Atomic Safety and Licensing Board (ASLB) regarding the cracking from 2012 to 2015, but the administrative law panel consistently refused to grant an evidentiary hearing on the merits of the concerns.

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The ASLB stood firm against the environmental intervenors, even after FENOC revealed two years ago that the cracking was growing worse. Just a year ago, FENOC revealed that ice-wedging crack propagation takes place every time it freezes at Davis-Besse – though FENOC had known two and a half years earlier that the Shield Building walls contained water, even before its 2012 weather sealant operation then locked the water in the Shield Building walls, causing the worsening cracking.

As documented in a Confirmatory Action Letter (CAL), in early December 2011, NRC allowed FENOC to restart Davis-Besse, despite the severe cracking found two months earlier, on the condition that the root cause and extent of the problem was identified, and corrective action taken. However, FENOC has had to revise its root cause analysis multiple times; the full extent of the cracking may still not be known; and the only corrective action taken – weather sealing the Shield Building exterior in late 2012 – actually has backfired, by locking water in the walls, causing ice-wedging crack propagation.

Another unfulfilled promise, that has lingered for four years, is re-establishment of Davis-Besse’s Current Licensing Basis (CLB) and Design Basis, undermined by the cracking. In NRC staff internal emails, obtained by the environmental coalition via the Freedom of Information Act (FOIA) in mid-2012, it was revealed that the agency agonized over allowing the reactor to restart, in the face of the loss of CLB and Design Basis, but did allow operations to resume despite the many unanswered questions and concerns.

Those same FOIA documents also contained internal NRC staff emails, warning about the potential for collapse of sections of the Shield Building from small additional “loads,” such as earthquakes, tornadoes, or meltdown pressures – a risk now confirmed by FENOC itself.

At an NRC public meeting at Camp Perry, Ohio on January 5, 2012, agency spokespeople assured concerned local residents and environmental group representatives that the CLB and Design Basis would be restored.

The promise was made yet again by agency officials at an NRC public meeting held at Oak Harbor High School in early August 2012. FENOC committed to having a plan by the end of 2012. However, it appears the CLB and Design Basis cannot be so easily restored, hence the need for the License Amendment Request.

The LAR presents an opportunity for environmental intervenors to again petition for a hearing in opposition before the ASLB. A similar intervention led to the permanent shutdown of two reactors in CA in June 2013.

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“The FirstEnergy License Amendment Request changes everything,” said Terry Lodge, legal counsel for the environmental coalition. “We will challenge this latest attempt by FENOC, to run this dangerously degraded reactor for 22 more years, at every turn.”

“The acceptance by NRC of only 23 bore samples as representative of 280,000 surface square feet is preposterous. NRC simply does not want to know just how extensive the cracks are, because they would have to take responsibility and enforce safety regulations. Instead, NRC seeks ‘plausible deniability,’ accepting cherry picked methodologies and sampling data,” stated Michael Keegan with Don’t Waste Michigan’s Monroe chapter.

“They’ve lied to us from the start about re-establishing the Current Licensing and Design Bases,” said Pat Marida of the Ohio Sierra Club’s Nuclear-Free Committee. “FENOC should retire Davis-Besse as planned, on Earth Day, 2017, rather than continuing to play radioactive Russian roulette on the Lake Erie shore for twenty more years.”

In 2013, the Sierra Club joined the environmental coalition in legally challenging the experimental replacement of Davis-Besse’s safety-significant steam generators. However, NRC and the ASLB rejected the requested hearing, allowing the experiment to proceed in 2014, despite the risks.

“The entire $3 billion bailout FirstEnergy seeks to extract from Ohio ratepayers on their electricity bills wouldn’t be enough to replace Davis-Besse’s dysfunctional containment,” said Kevin Kamps of Beyond Nuclear in Takoma Park, MD. “Davis-Besse should permanently shutdown like the Crystal River, Florida reactor did a couple years ago, in response to fatal fracturing of its concrete shell,” Kamps added.

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