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# NRC NEWS

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## **\$5,450,000 FINE FOR DAVIS-BESSE REACTOR VESSEL HEAD VIOLATIONS**

The Nuclear Regulatory Commission has proposed a \$5.45 million fine against FirstEnergy Nuclear Operating Company for violations of NRC regulations associated with the significant reactor vessel head damage discovered in March 2002 at the Davis-Besse Nuclear Power Plant. The plant is located at Oak Harbor, Ohio.

This is the largest single fine ever proposed by the NRC. The principal violation, assessed a \$5 million fine, was that the utility restarted and operated the Davis-Besse plant in May 2000 without fully characterizing and eliminating leakage from the reactor vessel head which led to significant corrosion damage. Additional violations (assessed \$450,000) included providing incomplete and inaccurate information to the NRC on the extent of cleaning and inspecting the reactor vessel head in 2000.

“This substantial fine emphasizes the very high safety and regulatory significance of FirstEnergy’s failure to comply with NRC requirements and the company’s willful failure to provide the NRC with complete and accurate information,” said Luis Reyes, NRC Executive Director for Operations.

In addition to the fine proposed for the utility, the NRC has issued an Order to a system engineer, prohibiting his involvement in NRC-regulated activities for five years. Enforcement action may be taken against additional individuals in the near future.

The plant was started up on May 18, 2000, after a refueling and maintenance outage without a complete cleaning and inspection of the reactor vessel head, as required. During operation, leakage through tubes which penetrate the reactor head caused significant corrosion damage to the reactor vessel head.

In 2001 the NRC directed Davis-Besse and other plants to inspect by Dec. 3, 2001, the tubes which penetrate the reactor vessel head for possible leakage. FirstEnergy requested that it be permitted to operate an additional three months before shutting down for the inspection, and the NRC staff, based on information submitted by FirstEnergy, permitted the plant to operate until Feb. 16, 2002.

“FirstEnergy supported its request with inaccurate and incomplete information about the cleaning and inspection of the reactor vessel head in 2000,” said Reyes. “Had the NRC known that the

plant was being operated with leakage through the reactor vessel head, the agency would have taken immediate action to shut down the plant.”

The corrosion damage to the reactor vessel head was discovered about three weeks after the plant shut down. The plant remained shut down for more than two years for replacement of the reactor vessel head and improvements to other safety systems. Significant changes were also made in the plant’s management.

After extensive inspections by the NRC of improvements to safety systems and the utility’s efforts to raise safety consciousness in the plant’s management and staff, the NRC determined that Davis-Besse could restart and operate safely. The NRC also required that the utility undertake annual independent assessments of important plant activities for five years.

“Since the plant’s restart in March 2004, it has operated safely and continues to operate safely,” Reyes said. “Davis-Besse’s performance has been closely monitored by a dedicated NRC oversight panel and the inspection staff, including three NRC resident inspectors that are assigned to that site.”

The NRC has issued an Order to Andrew Siemaszko, who was a system engineer at Davis-Besse, which prohibits his involvement in NRC-regulated activities for a five-year period. Siemaszko was responsible for ensuring that the reactor vessel head was cleaned and inspected during the 2000 outage.

Records prepared by Siemaszko indicated that the reactor vessel head was cleaned and that no damage to the head was found. The agency found that he had deliberately provided incomplete and inaccurate information in plant documents, which are required by the NRC. Siemaszko no longer works at Davis-Besse.

The enforcement actions are available on the NRC's web site for Davis Besse at: <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/reactors/ea05071.html> ; and for Siemaszko at: <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/individuals/ia05021.html> .

The utility and Siemaszko are required to respond to the enforcement actions within 90 days. They may request an extension of the response date. In addition to these actions, the NRC has previously referred Davis-Besse issues to the Department of Justice.

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