

Statements on Davis-Besse Nuclear Power Plant and Democracy

by Mike Ferner

The Program on Corporations, Law & Democracy (POCLAD)

Nuclear Regulatory Commission Hearing Regarding Davis-Besse

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From its startup in 1977 until today, accidents at the Davis-Besse Nuclear Plant are not just expensive and alarming. They rise well above the ordinary, standing out as milestones in the history of atomic power near-catastrophes.

Twenty-three years ago this fall, over a thousand people rallied at Crane Creek State Park and marched past Davis-Besse, demanding it be shut down. Twenty-one years ago, several hundred more people rallied at the same site with the same demand. Legal actions seeking the same goal have been filed in the intervening years. One wonders how high the body count will have to be before Davis-Besse is closed for good.

After being a keen observer of nuclear power's sad saga for a quarter-century, I've come to realize it's not the NRC's fault that Davis-Besse keeps lurching from one near disaster to the next. We would be naive to expect a regulatory agency that has never shut down a single atomic power plant to start with this one. After all, the role of the NRC, like the EPA and similar agencies, is not to protect the public interest so much as to regulate the rate at which we are poisoned. This is artfully accomplished under a faade of democratic process, when in fact the real purpose is to protect the divine right of property by creating an energy sink; a black hole into which endless time, effort, money and hope are dutifully shoveled by polite citizens.

But faster than legions of citizens can pour sweat and treasure into that black hole, utility companies, chemical corporations, the oil industry -- pour ever more poisons into our air and water. Communities and workers continue to be poisoned. And First Energy Corporation's nuclear nightmare continues to lurk on the shore of Lake Erie.

Reflecting on how we are running faster to stay in place, I've learned that not only are we not developing better answers -- we're not even asking the right questions. In fact, WE aren't even asking the questions. At the behest of corporate cash, public officials and their regulatory agencies carefully narrow the focus of what we are permitted to ask, guaranteeing a pile of answers that mean nothing.

- Will people settle for an expensive Band-Aid over the hole in Davis-Besse's head, or will they raise hell until we order a new reactor vessel cover?
- If the public "wins" that round, should it be a brand new cover or a 20 year-old model from a chemical company in Midland, Michigan that only drove it to church on Sundays?
- If we "win" that round, will First Energy Corp. shareholders or ratepayers pick up the zillion dollar tab?
- Should we stock 500,000 or 1,000,000 doses of iodine in case of a meltdown?
- Do you want fries with that order?
- Paper or plastic?

Recently I've come to believe that it's time we, as in "we the people," you know, the ones the Constitution says from whom all political authority flows -- we need to start asking the questions and they must be better, more fundamental questions.

- Why are corporations allowed to make political contributions? For 50 years in Ohio the people, through their legislators, made it illegal for them to invest a nickel on politics.
- Why did the Supreme Court interpret the First Amendment so that corporate cash is the same as free speech?
- Why do corporations -- legal fictions -- have the same rights to due process and equal protection under the 14th Amendment as flesh and blood people? What does this mean when the day finally comes to shut down Davis-Besse?
- How did the people of the Sacramento Municipal Utility District actually VOTE to shut down the Rancho Seco Nuclear Plant -- one just like Davis-Besse?
- What difference does it make when, as in Sacramento, the people actually govern? When they control the corporate fictions they create -- and are not just reduced to pleading before regulatory agencies?

These are the kind of questions we are now learning to ask. They are fundamental. They get to the root of why we have to live with nuclear nightmares and corporate control over our lives.

As we learn how to ask more of these kinds of questions we are also learning what to do with the answers; we are learning that a nation of self-governing people will not tolerate nuclear nightmares; that with political power where it belongs we will move beyond feasibility studies to renewable energy sources free from monopoly control; how we will use our brains and our creativity to build a world where we can live in peace with the planet, other species and ourselves.

And to the hard-working, dedicated staff of the Nuclear Regulatory Commission, I respectfully say, the answers to the questions we truly need to ask will not come from this forum or any like it.

Citizens Campaign to Close Davis-Besse

Remarks by Mike Ferner

Rally at Crane Creek State Park

27 July 2002

The Davis-Besse Nuclear Plant is too dangerous to reopen! For many reasons, but here are just three:

1. Negligent -- no . . . that does not go far enough -- derelict and reckless arrogance masquerading as a maintenance program.
2. A frightening history of razor-thin escapes from catastrophic accidents -- and not one but several. If Hollywood wants a real thriller they only need contact FirstEnergy Corp. for the script.
3. A complete lack of any semblance of democratic control over the nuclear industry.

The first reason to keep Davis-Besse closed: The Maintenance Masquerade:

Ask any technical expert here today, or talk with John Kiely in Toledo, a Ph.D. in structural engineering who spent over six years designing reactor containment buildings for the Bechtel Corp. He will tell you that when you're running a nuclear power plant, strict adherence to meticulous maintenance is your guide to avoid catastrophe.

As John Kiely said at our news conference Wednesday, "Clearly, Davis-Besse has not had that kind of maintenance. And without it, ALL BETS ARE OFF that the containment building can withstand a major accident."

ALL BETS ARE OFF!! So much for FirstEnergy Corp.'s and the NRC's faith that the containment building will always insure there is (their favorite phrase) "no danger to the public;" that we will be safe from the deadly poisons created in that reactor.

Others here today will no doubt speak to ways that poor maintenance can cause the containment building to fail. Let me tell you why it matters.

We've all heard about the hole rusted into Davis-Besse's head. Here's why we should care if 600-degree water at 2200 pounds pressure comes screaming out of a hole in the reactor vessel.

We would see the unraveling of a true nuclear nightmare -- what corporate and government spin doctors politely call a "loss of coolant accident" that could very plausibly lead to a breach of containment.

What happens next -- right here across northern Ohio, Lake Erie and beyond, was last studied by the Nuclear Regulatory Commission in 1982. The NRC estimated:

- The first year, between 1,400 and 4,200 people will die from radiation sickness -- an incredibly nasty way to go -- and 73,000 more people will be injured and sickened

- from radiation exposure;
- Over time, 10,000 people will die from radiation-induced cancers;
 - An unknown number of people will contract non-fatal cancers, with chemotherapy a regular part of their lives;
 - 84 Billion dollars in property damage -- for anybody counting, that's in 1980 dollars;
 - a 15-mile radius where deaths will occur and
 - a 70-mile radius in which injuries will occur.

Right here, friends. To people in Oak Harbor and Fremont, Cleveland and Toledo. To the many species in nearby Sandusky Bay and Lake Erie. To farmers and the land. For many hundreds of years.

The second reason to keep Davis-Besse closed: Brushes with Catastrophe:

As the Citizen's Campaign to Close Davis-Besse takes to the road, you will hear more of the details, but keep in mind these three dates:

1977 -- when the plant was first operating at low power and had an accident exactly like the beginning stages of Three Mile Island.

1985 -- when according to the NRC "lack of attention to detail in the care of plant equipment; the licensee's history of performing . . . maintenance . . . and evaluating operating experience . . . in a superficial manner" caused the plant to lose feedwater flow and come within 45 seconds of uncovering the reactor core.

1988 -- when a tornado struck Davis-Besse, destroying electrical transmission equipment and forcing an emergency shutdown. For two days equipment problems frustrated efforts to keep the reactor under control.

BUT WHAT'S WORSE than all the above is . . .

The third reason to keep Davis-Besse closed: Lack of Democratic Control:

When our government continues to promote and subsidize nuclear power long after it has proven to be an unacceptable threat to life on our planet, no further proof is needed that 'we the people' do not control public policy.

Albert Einstein, warned us that, "to the village square we must carry the facts of atomic energy; from there must come America's voice." The father of the atomic age knew that decisions about nuclear power were so grave that the only way to make them safely was with democracy.

But self-governance has not been our history. Private interests like the nuclear industry -- assisted by their willing handmaidens in government -- have captured the very means by which we are to "promote the general welfare" and make a better life for all of us.

The robed agents of property sitting on the Supreme Court have given corporations the same -- and more -- constitutional protections than flesh and blood persons.

What does this mean in real life?

It means that in 1976, citizens in Ohio -- some of them here today -- with a total budget of \$30,000, could collect a half-million signatures to place a nuclear safeguards issue on the Ohio ballot. And utility companies from around the country -- protected by the First Amendment -- could pour in two million dollars to defeat it.

It means that corporations, having been granted "personhood" have Fourth Amendment protections against unreasonable searches. This means no surprise inspections on company property from OSHA or the NRC -- regulatory agencies that we're told are created to protect us when in fact they serve their corporate masters.

It means property rights continually trump human rights. Continually trump real persons' ability to create a better life and protect this planet from greedy brutes.

It means that we must not only work to keep Davis-Besse closed, and work to protect the incomes and jobs of Davis-Besse workers, we must also learn our histories and develop new ways to strip corporations of the rights they have usurped from us.

You may have heard of this elementary law of physics: two bodies cannot occupy the same space at the same time. Just as that is impossible, so too it is impossible for corporations to have the rights of persons and ours not be diminished; for corporations to exercise free speech and not diminish our rights.

Remember Einstein's words: "To the village square we must carry the facts of atomic energy; from there must come America's voice." He didn't say from the NRC or from patronizing CEO's -- but from the village square, from we the people, from whom all political power in this nation is supposed to come.

In the coming months that is exactly what the Citizens Campaign to Close Davis-Besse must do -- take the facts of atomic energy; and I would add, the story of how our rights were handed over to corporations -- to the village square. From THERE must come America's voice.

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