



## To the editor: Where's the outrage?

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The largest public corruption scandal in the state of Ohio's history — involving a company that funneled millions of dollars in bribes to public officials through dark money groups in return for legislation designed to kickback over a billion dollars in public funds to the company — has culminated in the convictions of a former Republican Speaker of the Ohio House of Representatives and a former chairman of the Ohio Republican Party in federal court.

They each face up to 20 years in prison. The former chairman of Ohio's top public utilities regulatory commission resigned after he was linked to the scandal. A key lobbyist charged in the scandal took his own life.

And at the center of the scandal was a corrupt utility company responsible for ensuring the safe operation and maintenance of three nuclear power plants. Therefore, that company, FirstEnergy, avoided prosecution by entering into an agreement with the Department of Justice and paying a

hefty fine. To date, no executive nor senior manager at FirstEnergy has faced charges.

I wonder, where is the public outrage? Malfeasance and graft of this magnitude should be shocking to begin with, but this scandal laid bare the chilling fact that, despite the layers of supposed federal and state regulatory oversight, inherently dangerous nuclear assets have been in the hands of criminals.

For evidence that a rotten corporate culture influences nuclear plant safety culture for the worse, we need only look to the checkered history of the Davis-Besse nuclear power plant. In 1985, the Davis-Besse suffered a loss of the main and backup supplies of cooling water because of a series of system failures and multiple mistakes by a control-room operator.

The Federal Nuclear Regulatory Commission initially assessed what was then a record \$900,000 fine on then-operator Toledo Edison, criticizing the company for “a series of problems that formed a long history of ineffective and inadequate attention and direction in the operation and maintenance of the Davis-Besse facility.”

In 2002, Davis-Besse experienced the worst nuclear safety incident in the United States since the Three Mile Island accident when workers found a pineapple-sized cavity in the plant’s carbon steel reactor vessel head, as well as a smaller hole.

The Government Accountability Office stressed, in a review of the NRC’s response to the incident, that “[h]ad this lining given way, the water within the reactor vessel would have escaped, triggering a loss-of-coolant accident, which — if back-up safety systems had failed to operate — likely would have resulted in the melting of the radioactive core and a subsequent release of radioactive materials into the environment.”

The NRC levied a new record fine of \$5.45 million on FirstEnergy, by then the owner of Davis-Besse, for multiple violations associated with the incident, some of which were found to be willful. Two employees and a contractor were convicted of concealing the damage and lying to the NRC. FirstEnergy admitted fault and agreed to pay \$28 million in fines and restitution to the Department of Justice. The cost of replacing the reactor head was borne by customers.

One year later, a switch at FirstEnergy triggered a blackout across the entire Midwest, Northeast, and Ontario, Canada, costing the economy more than \$10 billion and causing the loss of nine lives.

Even the massive fraud perpetrated by FirstEnergy on Ohio's ratepayers cannot be dismissed as an exceptional, one-time aberration; the underlying behavior is far from rare.

In fact, while FirstEnergy was bribing public officials in Ohio, Exelon's ComEd was in the middle of its own long-running bribery scheme in Illinois — ComEd entered into its own deferred prosecution agreement with the Department of Justice in 2020 under which it paid a \$200 million fine.

The Guardian just reported on an investigation revealing that U.S. power companies have made political donations of at least \$215 million through dark-money groups in recent years to further their interests. Even if much of this activity is legal, power companies' willingness to covertly fund political agendas that advance profits at the expense of public safety, their work force, and the rate-paying public is incredibly disturbing. Our heroic workers who have prevented disasters and saved lives deserve so much more, and rate-paying customers deserve justice too.

It is high time to figure out how to curb this dangerous nuclear misbehavior and ensure the safe operation and maintenance of our region's nuclear assets.

I call for an independent forensic audit, by the Government Accountability Office or another watchdog group, of the factors that allowed FirstEnergy's criminal activity to evade initial detection. The audit should include recommendations for changes to law, regulations, or policy that will help prevent this criminal activity from happening again. Additionally, an independent audit of the safety culture and the structures, systems, and components important to safety at the four nuclear plants formerly owned by FirstEnergy is warranted to ensure safe operation moving forward.

We also need stronger penalties to disincentivize criminal activity.

In the future, bad actors like FirstEnergy should have both their corporate finances and their nuclear plant operations subjected to independent, third-party oversight. Executives and senior managers at power companies

who are found guilty or admit guilt for corporate crimes should be banned permanently from future employment in the industry.

*U.S. Rep. Marcy Kaptur, a Democrat, represents District 9.*