

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

U.S. NUCLEAR REGULATORY COMMISSION
FIRST ENERGY NUCLEAR OPERATING COMPANY
PUBLIC MEETING

Meeting held on Tuesday, August 20, 2002, at
7:00 p.m. at the Oak Harbor High School, Oak Harbor,
Ohio, taken by me, Marlene S. Rogers-Lewis, Stenotype
Reporter, and Notary Public, in and for the State of
Ohio.

PANEL MEMBERS PRESENT:

- U. S. NUCLEAR REGULATORY COMMISSION
- Jack Grobe, Chairman of the NRC oversight panel
for Davis-Besse facility
- William Dean, Vice Chairman, MC 0350 Panel
- Christine Lipa, Branch Chief, Region 3
- Anthony Mendiola, Section Chief PDIII-2, NRR
- Douglas Simpkins, Resident Inspector -
Davis-Besse

1 MR. GROBE: Okay, I think we're
2 getting ready to start here. Why don't you all find
3 a seat.

4 Good evening. My name is Jack Grobe. I'm
5 the Chairman of the NRC's oversight panel for the
6 Davis-Besse facility.

7 Let me introduce the staff up here on the
8 stage and introduce the purpose of the meeting
9 tonight. On my far left is Tony Mandiola. Raise
10 your hand, Tony.

11 MR. MANDIOLA: (Indicating).

12 MR. GROBE: Thank you. Tony is a
13 supervisor in our licensing organization in
14 Washington, responsible for Davis-Besse licensing
15 coordination activities.

16 Also on my immediate left is Bill Dean.
17 Bill's the Vice Chairman of this oversight panel, and
18 he's the Deputy Director of the Division of
19 Engineering and the Office of Nuclear Reactor
20 Regulation, which is an office in our headquarter's
21 offices in the Washington D.C. area.

22 On my far right is Doug Simpkins. Doug is
23 the Resident Inspector at Davis-Besse. He works for
24 the Nuclear Regulatory Commission, but he works at
25 the Davis-Besse facility every day. He's one of two

1 inspectors that are assigned full-time to the
2 facility.

3 On my immediate right is Christian Lipa.
4 Christine is the Branch Chief in our Chicago office
5 of the Nuclear Regulatory Commission, responsible for
6 Davis-Besse, and I'm also out of the Chicago office.

7 Sir, if you could put your sign down -- thank
8 you. I appreciate that we have folks with signs, if
9 you could not elevate them, I'd appreciate that.

10 That gives people behind you an opportunity to
11 observe the meeting.

12 The purpose of the meeting tonight is a
13 continuation of our ongoing dialogue with the public
14 regarding Davis-Besse. We conducted a meeting this
15 afternoon from about two to 5:30 or 5:45 with the
16 Licensee and provided an opportunity for folks that
17 were able to attend this afternoon to ask us
18 questions or provide comments. Recognizing that not
19 everybody can attend a meeting during business hours,
20 we also have a second meeting in the evening for
21 those folks that couldn't make the afternoon meeting,
22 so I'm glad that all of you came. The purpose,
23 again, of the meeting this evening is to provide you
24 just a little bit of background information, and then
25 give you an opportunity to ask questions, provide

1 comments. I think we have two opportunities. You
2 should have received, out in the foyer, copy of some
3 handouts that we have, as well as some question
4 cards. If you don't want to approach the microphone,
5 you can fill out a card and forward that card up and
6 we will answer the question that way.

7 Before we get started with questions and
8 comments, I want to ask Doug Simpkins and Christine
9 Lipa to give a little bit of background information
10 on nuclear power and what happened to Davis-Besse and
11 the activities of the NRC's oversight panel, so let
12 me turn it over to Doug and Christine.

13 MR. SIMPKINS: Hopefully everybody
14 got a handout when you came in today. This is the
15 large handout.

16 On this side that has the picture of the
17 containment it list the Barriers That Protect Public
18 Health and Safety. I'm not going to read those to
19 you, but what I am going to do is I'm going to direct
20 you to the drawing here in just a moment.

21 Over here I have a slide up here of -- from
22 our website which talks about a typical pressurized
23 water reactor. Now what happens is -- Christine,
24 I'll need to point.

25 MS. LIPA: Oh, okay.

1 MR. SIMPKINS: The nuclear reaction
2 occurs right here in the reactor vessel. What that
3 does is it generates heat energy which is carrying
4 the pressurized water through pipes in a continuous
5 loop like this, (indicating), and as it does, it goes
6 through a steam generator here, and this steam
7 generator is a heat exchanger, kind of like the
8 radiator on your car, and what it does is it
9 transfers heat energy from this water over to this
10 water. The water in here is pressurized. The
11 water here is not, and so when this water on the
12 secondary side gets heated up, it turns to steam.
13 The steam comes out the top, the steam generator in
14 this picture, comes through pipes and then goes to a
15 turbine and turns the turbine. Once it turns the
16 turbine, this is attached to a shaft, which turns the
17 generator, and the generator is what, in turn, makes
18 the electricity. The steam continues down through
19 here and goes into what's called a condenser. The
20 condenser is cooled by water coming from the circ
21 water system, which is the cooling tower that
22 everybody sees, the 493 foot structure out at the
23 Davis-Besse site, so that water comes from the
24 cooling tower, comes in through here and continues
25 out. The water here does not mix with the water

1 over here, okay, so you have three cycles. You have
2 this cycle, you have this cycle, and you have this
3 cycle. They are all contained for themselves.

4 The reactor, since it's pressurized, is a lot
5 like a pressure cooker that you might have at your
6 house. The part right here is the reactor head.

7 Next slide.

8 The reactor head is bolted to the rest of the
9 vessel. We've taken that out, we wanted to show you
10 some important things about this. The reactor head
11 is about six inches thick of carbon steel, and you
12 control the nuclear reactions with control rods.

13 These control rods will raise and lower depending on
14 what your needs are for the reaction.

15 As they go through the head, they go through
16 a nozzle and allow the control rod to continue on
17 into the core. Next slide, please.

18 This is a picture of the nozzle, and the
19 control rod goes in through here and down into the
20 core. As it goes through the six inches of steel --
21 they had to seal it some how, so they put what they
22 call a J-groove weld right here. Well, when they
23 put -- my laser is going dead, when they put this in,
24 it had stresses in it, and, subsequently, developed
25 cracks over a period of time. It's an interesting

1 wide phenomenon unknown. What happens is the water
2 that can go through the cracks, can go up into here.
3 Now, the water that's inside the reactor has boric
4 acid in it. Boric acid is very similar to sodium
5 borate, which is borax in the store, but it's very
6 pure. They call it -- they refer to it as boric
7 acid, so the boric acid comes in through here, can
8 get on the carbon steel. It's corrosive to carbon
9 steel, it can dissolve it away.

10 The inside layer here is stainless steel,
11 it's about an eighth of an inch thick. It's called
12 cladding, and it is not dissolved away by boric acid.

13 Next slide.

14 This is an honest rendition of what the
15 cavity looks like. The control rod nozzle has been
16 removed here, and what had happened was the boric
17 acid leaking water came up through here and dissolved
18 over time this area here, so that it was left in with
19 a cavity. It did still have the thin layer of
20 cladding here, which is about an eighth of an inch
21 thick, which retained a function of being a pressure
22 barrier. Next slide.

23 This is a picture from the outside of the
24 reactor head. This area right here, these are
25 called weep holes, and this is a service structure,

1 which is kind of like a top hat on top the reactor
2 head, which is here. This head will continue out
3 this way. What you see here is boric acid coming
4 out of the weep holes from around the head in
5 different locations. This is boric acid. Normally
6 this is white, but, in this case, it actually is red
7 from oxides, and that was presumably from the
8 corrosion products from the head coming out through
9 these weep holes.

10 Now, on your diagram, you can see here that
11 you've got a containment structure all the way
12 around. The inside lining is a steel containment
13 vessel, and then you have the shield building around.
14 The shield building is concrete, reinforced with
15 steel rebar. You can see the reactor vessel on the
16 bottom of the steam generators as well.

17 To replace the head, they're actually cutting
18 a hole in the concrete service structure, and then
19 will eventually cut a hole in the stainless steel
20 reactor vessel, containment vessel, as well, and they
21 will be able to get the old head out and the new head
22 in.

23 MS. LIPA: Okay, the next thing
24 we were going to do was talk about the -- our panel
25 here, and we're called the 0350 panel which is based

1 on an inspection procedure, 0350 that we used to
2 guide our activities, and the first slide is
3 basically to update the public on what we've done
4 since the last public meeting, and what we have been
5 doing is monitoring the Licensee's activities
6 associated with the vessel head replacement. As you
7 know, they got a new vessel head from Midland, and
8 they're replacing the old one that had the corrosion
9 on it, and also they are preparing to open up the
10 containment to bring the new vessel head in and
11 remove the old one out.

12 The next bullet on this slide is we held an
13 AIT follow-up inspection which followed up on their
14 results of the AIT inspection which we exited on
15 April. That report has been issued, and then we
16 held an AIT follow-up inspection to come out and
17 determine which of those findings are violations of
18 regulatory requirements, so we've held the exit on
19 those with the Licensee, and we've given them the
20 examples. We have yet to finalize our conclusions
21 and issue our report. We estimate that to be the
22 middle of September.

23 The next slide is some other activities that
24 we're doing as a result of the 0350 panel. We've
25 determined that certain inspections will be

1 necessary. One of them we've completed is the
2 containment walkdown inspection Part 1, and that did
3 identify some problems with qualifications of the
4 plant's inspectors, and as a result they've gone back
5 and redone their inspections, and that report will be
6 available in the middle of September.

7 The next bullet is we had a meeting last week
8 in the Region 3 office to discuss the Licensee's root
9 cause associated with management, organizational
10 effectiveness and human performance factors.

11 What the Licensee had done was they did a
12 root cause early on that they submitted to us in
13 April that addressed the technical factors as far as
14 the leaking through the nozzle and that boric acid
15 will corrode steel, which are known conditions, but
16 how this was allowed to occur at Davis-Besse is what
17 the second root cause focused on.

18 The next bullet -- the next slide. This is
19 just to let you know some upcoming activities that
20 the 0350 plans. We'll be continuing to monitor the
21 activities associated with head replacement. We
22 have an inspector on site this week following the
23 activities with the opening the containment and
24 bringing in the new head, also reviewing the American
25 Society of Mechanical Engineering codes associated

1 with the new vessel head.

2 Also the second bullet will be evaluating the
3 root cause that they submitted. They plan to submit
4 that to us on the docket, which means they will be
5 mailing us a letter which means it will be available
6 publicly, and then also we'll be beginning the
7 management of human performance inspection, which
8 will focus on a really thorough review of how
9 thorough we believe the Licensee's root cause was and
10 what corrective actions they have planned based on
11 that root cause and when they're going to take those
12 actions.

13 And the next bullet, another one of our
14 upcoming inspections is a program effectiveness.
15 This is one of the Licensee's Building Blocks that
16 they have determine that there are a number of their
17 programs that need to be reviewed for adequacy of the
18 station, and we'll be reviewing their progress and
19 looking at those programs and making those programs
20 better programs. Some of the examples are listed
21 here, the corrective action program, boric acid
22 corrosion control program and modification control
23 program.

24 We've also stated Part 2 of the containment
25 walkdown inspections. As I mentioned earlier

1 because of some qualification problems early on, the
2 Licensee had to retrain individuals and pretty much
3 start their walkdowns in containment from scratch, so
4 we plan to continue reviewing what they're finding
5 from those walkdowns, how they plan to prepare
6 confine that show some damage.

7 That's it for that slide, and then there's a
8 few more here we can go through.

9 The next thing I wanted to talk to you about
10 that the 0350 panel has been working on is what's
11 called a restart check list, and we issued our
12 restart checks list on August 16th to the Licensee,
13 and this is also a publicly available document, and
14 it lists the items that are required prior to
15 restart, and I'll just go through a few of them to
16 give you a sense of what we're trying to accomplish
17 with this restart check list.

18 We're trying to make sure that we understand
19 that the Licensee has come up with the root cause,
20 and that their review of that root cause is adequate.
21 Also, to make sure that all safety significant
22 structure systems and components are ready for safe
23 operation prior to restart, and also to make sure
24 that we understand what they've done for reviews of
25 their programs such as boric acid, corrosion program

1 and root cause analysis are approved and that they
2 ensure safety, and that's really all I have on that.
3 We've got a number of points there, and it's
4 available on our website.

5 The next thing that I wanted to do is
6 summarize for you some of the items that we learned
7 when the Licensee came in last Thursday and shared
8 their root cause, and I just have five bullets that I
9 wanted to go through.

10 When the Licensee came into the Region 3
11 office last Thursday, they had -- no, I don't have a
12 slide on this. They presented to us their summary
13 of their root cause, and they went into how they had
14 these findings and what they have. Let me just share
15 a few points with you.

16 One of their conclusions was that there was a
17 focus on production established by management
18 combined with taking minimum actions to meet
19 regulatory requirements that resulted in the
20 acceptance of degraded conditions at the station.

21 They had one root cause with management
22 oversight where they determined that there was a less
23 than adequate nuclear safety focus and a production
24 focused combined with the minimum actions to meet
25 regulatory requirements.

1 Also another root cause had to do with the
2 corrective action program. The Utility's had a
3 corrective action program so that they can find and
4 fix programs, and this is something that we expected.
5 It's also required by regulations. They had a
6 program, and it was a sound program that they found
7 instances where they were not implementing that
8 program properly.

9 Another example in the root cause was
10 technical rigor. What they determined was that they
11 were not adequately reviewing conditions from a
12 technical prospective, and they were addressing the
13 symptoms more than the actual problem, and then there
14 were also some problems with program compliance, the
15 boric acid corrosion control procedure which is the
16 one that would have identified those red streaks that
17 you saw on the picture, it would have identified the
18 cause of that. It would have cleaned it off. It
19 would have evaluated what the condition of the metal
20 was underneath the boric acid. They did not follow
21 that procedure, so those were the findings that the
22 Licensee came in and share with us.

23 UNIDENTIFIED: I don't understand,
24 though, with all of these different regulations and
25 reports they have, how's come the NRC resident

1 inspector or anybody else in the NRC didn't pick up
2 on this before all this time went past?

3 MS. LIPA: Well, I appreciate
4 that you have a question. What we're going to do is
5 finish up a few things here and then we'll turn it
6 over to public questions and answers, and you'll be
7 available to come up here so that we can get your
8 question on the record, and then we'll address it at
9 that time. Okay? Thank you.

10 UNIDENTIFIED: That was a good
11 question.

12 MS. LIPA: Well, like I said,
13 we'll get to questions in a few minutes.

14 UNIDENTIFIED: How long have you
15 worked there, Doug, out of curiosity?

16 MS. LIPA: The -- if you could
17 just hold your questions for a few minutes, please.
18 The -- I think that's about all I wanted to cover as
19 an introduction.

20 I was going to go through a few more items
21 just for those of you that missed today's meeting,
22 just to let you know what we did during today's
23 meeting, which was about three hours long, was we
24 discussed with the Licensee the progress that they're
25 making on their various Building Blocks, and we asked

1 them to give us an update, and we asked them
2 questions to make sure we better understood the
3 Building Blocks and the intent is that we planned
4 specific inspections for each of those Building
5 Blocks and then the results of those inspections will
6 be published in inspection reports, so that's kind of
7 the process from where we're headed. That's all I
8 had for a summary of today's activities.

9 MR. GROBE: Okay. Thanks,
10 Christine. Ma'am, why don't you come on down, and
11 you can sign in and everybody can hear your question,
12 use the microphone, and we can begin answering
13 questions.

14 As you come down, I'd like to introduce a
15 couple more folks in the audience that work for
16 Nuclear Regulatory Commission; Roland Lickus. Raise
17 your hand, Roland.

18 MR. LICKUS: (Indicating).

19 MR. GROBE: Roland works out of
20 the Region 3 office in Chicago. He's our State and
21 Govern affairs liaison.

22 Right behind him is Vika Mitlyng. Vika is a
23 Public Affairs Officer in the Region 3 office, and we
24 have John Johnson here. John is visiting from
25 Washington. He's the Deputy Office Director from the

1 office of Nuclear Reactor Regulation in Washington.
2 I think I've hit -- oh, Nancy Keller, you may have
3 met -- there you go, Nancy. Nancy is our office
4 assistant here at the Resident Inspectors office, and
5 she's helping us with the logistics of this meeting.

6 Ma'am, please come down and approach the
7 microphone.

8 PROF. LINEBAUGH: This is time for
9 questions now?

10 MR. GROBE: Yeah.

11 PROF. LINEBAUGH: All right.

12 MR. GROBE: Hang on. Just relax.

13 PROF. LINEBAUGH: Do we line up for the
14 questions?

15 MR. GROBE: If you want to.

16 PROF. LINEBAUGH: What is the format for
17 this evening's meeting? You passed out an agenda --

18 MR. GROBE: Sir --

19 PROF. LINEBAUGH: -- but you didn't ask
20 us what we thought of the agenda, and we would like
21 to have some idea so we can have a public meeting in
22 a Democratic way, not being -- without experts over a
23 moat here like a castle up on a stage speaking down
24 to us when we have our questions --

25 MR. GROBE: Why don't you have a

1 seat, okay?

2 PROF. LINEBAUGH: Yes, I shall.

3 MR. GROBE: Thank you.

4 PROF. LINEBAUGH: But would you tell us
5 the format of this evening's meeting?

6 MR. GROBE: Yes, very good. What
7 I would like you to do, if it would be all right, is
8 come to the podium, and you can sign in so we have
9 your name, and we have a transcriber here this
10 evening. If you use the microphone, then everybody
11 in the audience can hear your question, and then
12 they'll also be able to hear our answer. I want to,
13 if we can, take this in a little bit of order, and,
14 ma'am, you asked a question earlier, so you can be
15 first, but what I'd like to focus on is members of
16 the local community first that are living in this
17 community and local public officials or
18 representatives, public officials, and then any other
19 concerned citizens can come next and -- did I hit
20 them all?

21 MR. DEAN: (Nod indicating yes).

22 MR. GROBE: I think -- is that a
23 structure that is well understood, okay? And I'd
24 like to ask everybody to show respect for one
25 another. Okay, go ahead, ma'am.

1 MS. JOHNSTON: My name is Charlene
2 Johnston, and my question is with all the regulations
3 that the NRC has and all the quality assurance
4 programs that they have, why wasn't this problem
5 caught a long time ago? I mean, it's a simple
6 question. What's the simple answer?

7 MR. GROBE: It is a very good
8 question. The -- excuse me. I can tell you that
9 through the NRC inspection program, we have a
10 group -- what we refer to as our reactor oversight
11 process. It has a base line level of inspection at
12 every nuclear plant in the United States, and we did
13 not disclose this problem through that base line
14 inspection program. The --

15 MS. JOHNSTON: I mean, all the
16 reports that came that showed that there was rust
17 from the boric acid problem, all those reports that
18 were filtered to the NRC, I mean, who read those
19 reports and who didn't report on to that to the rest
20 of the NRC that there was a problem?

21 MR. GROBE: Yeah, there were no
22 reports received by us that this was going on.

23 MS. JOHNSTON: You don't require
24 any --

25 MR. GROBE: Can I answer your

1 question? Because our inspection program failed to
2 disclose this earlier, the top individual in the
3 Nuclear Regulatory Commission -- his title is the
4 Executive Director, put together a task force, and
5 the people on this task force are folks from all
6 different offices of the Nuclear Regulatory
7 Commission that don't have any relationship or
8 involvement in the activities at Davis-Besse -- the
9 individual that chairs it from our regional office in
10 Texas and there's an individual from our office of
11 research who is assisting him from --

12 MS. JOHNSTON: Yeah, I understand all
13 that --

14 MR. GROVE: Ma'am, please let
15 me --

16 MS. JOHNSTON: -- but what's the
17 answer to the question, I don't know the answer.

18 MR. GROBE: I don't have the
19 answer yet. The lessons that -- it's referred to as
20 the Lessons Learned Task Force, and they're scheduled
21 to complete their report at the end of September, and
22 I know that they've completed all of their interviews
23 and background work that they're doing and their
24 report is to due to be --

25 MS. JOHNSTON: I mean, I'm not

1 talking about a future report, I'm talking about
2 reports that would have been filed in years gone by
3 and the months that have gone by before it came out
4 that this was public. Why didn't the NRC know about
5 it before?

6 MR. GROBE: There were no reports
7 that were submitted that disclosed --

8 MS. JOHNSTON: And that's not
9 required, you know, from the Utility, that's not
10 required that they file reports with you about these
11 things?

12 MR. GROBE: That's correct.

13 MS. JOHNSTON: That's amazing, isn't
14 it?

15 MR. GROBE: The -- yeah, the
16 Licensee has what is called the corrective action --

17 THEREUPON, the audience began to applaud.

18 MR. GROBE: The Licensee has what
19 is referred to as a corrective action program, and
20 when they identify a deficiency at the plant, they
21 document that in what's referred to as a condition
22 report. That's the title that they use at
23 Davis-Besse, and they evaluate that condition and are
24 supposed to -- and they are required to fix it. In
25 this case, they did not do that, and they failed to

1 follow those requirements.

2 Are there any members of the local community
3 that have a question?

4 PROF. LINEBAUGH: Yes, yes, I'm here at
5 the podium --

6 MR. GROBE: Good.

7 PROF. LINEBAUGH: -- showing courtesy
8 and respect by holding my tongue. You asked
9 earlier whether --

10 THE REPORTER: Your name?

11 PROF. LINEBAUGH: Yes, I'm Dr. Peter
12 Linebaugh, Professor of History at the University of
13 Toledo on my way to New York downwind of Davis-Besse
14 speaking, and I regard myself very much as part of
15 the local community, have been for years and intend
16 to remain so for future years, hopefully without
17 mutation only if possible by shutting down
18 Davis-Besse. This is the only way to go. I think
19 we have had it out of the man's mouth --

20 THEREUPON, the audience began to applaud.

21 PROF. LINEBAUGH: -- that he received
22 out of the Nuclear Regulatory Commission's mouth, he
23 confessed to the first question that they received no
24 reports from those who may hold the Licensee.

25 MR. GROBE: Excuse me, sir, could

1 you face the microphone, please?

2 PROF. LINEBAUGH: No, I'm speaking to my
3 fellow citizens.

4 MR. GROBE: Well, then --

5 PROF. LINEBAUGH: You may listen.

6 THEREUPON, the audience began to applaud.

7 PROF. LINEBAUGH: This is our meeting
8 and you are our guests.

9 MR. GROBE: Sir --

10 PROF. LINEBAUGH: From your own mouth
11 you have said you've come here to speak to the
12 public, and such as the public has been able to come,
13 we are here, and we are engaging in a dialogue, so
14 you can treat us also with respect as we do to you.

15 MR. GROBE: I was just trying to
16 be --

17 PROF. LINEBAUGH: It's very serious.
18 Since last November it has become clear that the NRC
19 has advocated its responsibility to the public, and I
20 am shocked, and I must vociferate with you. To come
21 here and to be shown technical slides of -- you know,
22 I know at the last minute is a bit difficult to get
23 everything just so-so up there, and I commend you for
24 your effort; however, the subject matter is not what
25 brings -- that you showed us is not what brings us

1 nor is it what we expect from the NRC.

2 In 1660, in the age of coal, when the City of
3 London burned down owing to a baker's fault, Sir
4 Christopher Wren did not invite some people in to
5 show slides about what was wrong with the oven, and,
6 now, that our City and our County and our locality
7 and our State is in grave danger, to have the
8 representatives of the Federal Government come here
9 and fail to recognize the serious danger that we have
10 been in, that our offspring is in, that other living
11 creatures are in, owing to a three-eighths inch
12 difference between us and what, Chernobyl, Three-Mile
13 Island, Armageddon? Not to address that question as
14 our common goal here tonight shows to me dereliction
15 of duty and an amidation of your responsibility to
16 the public, and I think the NRC should be ashamed to
17 have succumbed to the profiteering, graven,
18 humiliating actions of this FirstEnergy Corp.

19 THEREUPON, the audience began to applaud.

20 MR. GROBE: I don't want anybody
21 to interpret my comments by any stretch as making
22 excuses for FirstEnergy, but I did want to explain a
23 design feature of every nuclear power plant, which
24 you may not appreciate.

25 Could you put up that slide of the -- that

1 has containment and the reactor coolants -- that
2 there are actually --

3 UNIDENTIFIED: If the laser pen will
4 so work --

5 MR. GROBE: I'm sorry.

6 UNIDENTIFIED: -- you know, we're so
7 dependent on the technological fix here.

8 MR. GROBE: There are actually three
9 barriers to the release of radioactive materials in a
10 nuclear power plant.

11 The first barrier is the fuel itself, and the
12 fuel is comprised of a ceramic, inside a zirconium
13 alloy pen, and that's the first barrier to release
14 radioactive materials.

15 The second barrier is the reactor coolant
16 system or -- it's referred to as the primary pressure
17 boundary, and you're exactly correct that the carbon
18 steel portion of that primary pressure boundary was
19 corroded away, and the remaining stainless steel was
20 never intended to retain pressure as a corrosive
21 inhibitor, but not an intended -- or designed to be a
22 pressure retaining boundary.

23 The third barrier is the containment
24 structure itself. The first barrier and the third
25 barrier were intact, so had the reactor coolant

1 system, primary pressure boundary breached, there
2 were still two barriers from the release of
3 radioactive material, but I appreciate your comments.
4 Thank you very much. Yes, sir?

5 UNIDENTIFIED: I think we have a --
6 set a little precedent here. I'd like to follow it.
7 Mike Ferner had some statements to have --

8 THE REPORTER: Excuse me. Could I
9 get your name?

10 UNIDENTIFIED: I'm speaking on behalf
11 of Mike Ferner.

12 THE REPORTER: Could I get your name?

13 UNIDENTIFIED: Mike Ferner had
14 comments that he wanted to make. Unfortunately, his
15 dad died, and he was unable to come, so I'm going to
16 read his comments in his absence.

17 The Davis-Besse Nuclear Plant is too
18 dangerous to reopen for many reasons, and here are
19 three:

20 Negligent, derelict, reckless arrogance
21 masquerading as a maintenance program.

22 No. 2., a frightening history of razor-thin
23 escapes from catastrophic accidents, and not one, but
24 several. If Hollywood wants a real thriller, they
25 only need to contact FirstEnergy Corp. for a script.

1 And, No. 3., a complete lack of any semblance
2 of Democratic control over the nuclear industry.

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

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

12 As John Kiely said in a news conference
13 recently, Clearly, Davis-Besse has not had that kind
14 of maintenance. And without it, all bets are off
15 that the containment building can withstand a major
16 accident.

17 All bets are off!! So much for FirstEnergy
18 Corporation and the NRC's faith in the containment
19 building that will always ensure that there is no
20 danger to the public; that we will be safe from the
21 deadly poisons created in that reactor.

22 Poor maintenance can cause a containment
23 building to fail, and let me tell you why it matters.

24 We've heard about the hole rusted into
25 Davis-Besse head. Here's why we should care if 600

1 degree water at 220 pounds pressure -- I'm sorry,
2 2,200 pounds pressure comes screaming out of a hole
3 in the reactor vessel.

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

8 What happens next -- right here across
9 northern Ohio, Lake Erie and beyond, was last studied
10 by the Nuclear Regulatory Commission in 1982 when the
11 NRC estimated the first year between 1,400 and 4,200
12 people will die from radiation sickness - an
13 incredibly nasty way to go, and 73,000 more people
14 will be injured and sickened from radiation exposure
15 over time;

16 10,000 people will die from radiation-induced
17 cancers;

18 An unknown number of people will contract
19 non-fatal cancers with chemotherapy, a regular part
20 of their lives;

21 84 billion dollars in property damage and
22 that would be 1980 dollars;

23 A 15-mile radius where deaths will occur;

24 And a 70-mile radius where injuries will
25 occur.

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

5 The second reason to keep Davis-Besse closed:
6 Brushes with Catastrophe: Let's highlight three
7 incidents.

8 In 1977 when the plant first opened at low
9 power, it had an accident exactly like the beginning
10 stages of Three-Mile Island.

11 1985, when according to the NRC's lack of --
12 and I'm quoting now, "lack of attention to detail in
13 the care and plant equipment, the Licensee's history
14 of performing maintenance and evaluating operating
15 experience in a superficial manner" caused the plant
16 to lose feedwater flow and come within 45 seconds of
17 uncovering a reactor core -- 1985.

18 1988 when a tornado struck Davis-Besse,
19 destroying electrical transmission equipment and
20 forcing an emergency shutdown. For two days
21 equipment problems frustrated efforts to keep the
22 reactor under control.

23 But what's worse than all of the above is the
24 third reason to keep Davis-Besse closed: That is the
25 lack of Democratic Control:

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

6 Albert Einstein warned us that to the village
7 square we must carry the facts of atomic energy, and
8 from there it must come America's voice. The father
9 of atomic age knew the decisions about nuclear power
10 were so grave that only -- the only way to make them
11 safely was with democracy. But self-governance has
12 not been our history. Private interests like the
13 nuclear industry -- assisted by their willing
14 handmaidens in Government -- have captured the very
15 means by which we are to promote the general welfare
16 and make a better life for all of us.

17 The robed agents of property sitting on the
18 Supreme Court have given corporations the same - and
19 more - Constitutional protections than flesh and
20 blood persons.

21 What does this mean in real life? It means
22 that in 1976 citizens in Ohio -- some of them here
23 today -- with a total budget of \$30,000 could collect
24 a half-million signatures to place a nuclear
25 safeguards issue on the Ohio ballot. And utility

1 companies from around the country -- protected by the
2 First Amendment -- could pour in two million dollars
3 to defeat it.

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

11 It means rights continually trump -- it means
12 property rights continually trump human rights.
13 Continually trump real persons' ability to create a
14 better life and protect this planet from greedy
15 brutes.

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

21 You have heard this elementary law of
22 physics: Two bodies cannot occupy the same space at
23 the same time. Just as that is impossible so, too,
24 is it too impossible for corporations to have rights
25 of persons and ours not be diminished; for

1 corporations to exercise free speech and not diminish
2 our rights.

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

9 In the coming months we will take the facts
10 from atomic energy, and I would add, the story of how
11 our rights were handed over to corporations -- to the
12 village square. From there must come America's
13 voice. Mike Ferner.

14 THEREUPON, the audience began to applaud.

15 MR. GROBE: Do you need a copy of
16 that? Were you able to --

17 THE REPORTER: Yes, if he's got an
18 extra copy.

19 MR. GROBE: Yeah, could you, sir,
20 do you have a copy of your letter?

21 UNIDENTIFIED: Yes.

22 MR. GROBE: The transcriber had a
23 great amount of difficulty because you were facing
24 away and the microphone was a little bit --

25 UNIDENTIFIED: Yes.

1 MR. GROBE: Do you have an extra
2 copy? That would be wonderful. I appreciate your
3 comments.

4 The one thing that you said that I would like
5 to reinforce is that the management and staff at the
6 Davis-Besse facility clearly did not meet our
7 expectations. They did not meet our regulatory
8 requirements and that's -- those performance
9 deficiencies are why the plant is shut down now, and
10 the role of the oversight panel is to make sure that
11 the -- if the plant restarts, that it's in a safe
12 condition when it restarts and we make a
13 recommendation to the senior managers and the
14 agencies and that decision is made by the regional
15 administrator in Chicago as well as the director of
16 the office Nuclear Reactor Regulation in Washington,
17 so I appreciate your comments.

18 Are there other members of the local
19 community here that have a comment?

20 MS. MUSER: Yeah, I have a
21 comment. My name's Mary Jo Muser, and I have lived
22 in northern Ohio all my life, as have my three
23 children and now my four grandchildren. The
24 numerous safety problems at Davis-Besse, we all know
25 what they are from the hole in the head, rust

1 particles throughout the plant, workers going home
2 with radioactive particles on their clothing, and now
3 even a leaky containment building. Our sadly -- a
4 symptom of the nuclear industry that has a history of
5 poisoning our earth and its generations for at least
6 a quarter of a million years to come. From the
7 mining of the uranium itself which produces 180,000
8 metric tons of contaminated waste in one year for the
9 average plant to the radioactive gaseous air releases
10 during the normal operation of the nuclear power
11 plant, not to mention the scrapped fuel rods and
12 radioactive waste, etc., etc. The fact remains and
13 always will remain, there will never be any safe way
14 to dispose of this poison that continues to threaten
15 life on this planet, our home.

16 We have 50 years of leaky radioactive
17 unstable dump sites to prove this. How can the
18 public depend on the NRC, that in our not too distant
19 past allowed burial of nuclear waste in cardboard
20 boxes. How do we trust an industry that routinely
21 sells uranium to three aid as scrapped to be recycled
22 in consumer goods. How do we trust an industry that
23 puts short-term profit over life itself. What right
24 does the nuclear industry have to threaten that which
25 our creator has given us.

1 It is time to address the fact that from it's
2 very beginnings of the Manhattan Project to Hiroshima
3 to Chernobyl, Three-Mile Island, Indian Point and now
4 Davis-Besse that we have created mistakes time and
5 time again with long-term ramifications too massive
6 to fully understand. We will be long gone while
7 generations to come will be left -- if they survive
8 to deal with the problems in the form of nuclear
9 poison we leave behind. We must look to cleaner
10 energy for our planet. The earth is finite, and we
11 cannot afford to disregard this fact. There is no
12 way to get rid of the poison that this industry has
13 spread throughout the world and we have time bombs in
14 the form of spent fuel and radioactive waste
15 everywhere. This is our legacy for generations to
16 come. What a sad one it is.

17 There is something fundamentally and morally
18 wrong about this. We all know this deep down inside
19 at the very base of core of our human level. When I
20 look at my daughter raising her children to have
21 morals and a belief in a future, it makes my heart
22 heavy and I wonder how do I explain to them about
23 greed and the evil things that are done in the name
24 of profit. My question is how do I explain to them
25 why money is more important than the future or their

1 lives themselves. I implore you not to ignore the
2 warning signs again and again, but to learn from our
3 past mistakes. Let's work together as part of the
4 greater family called humanity and build a future as
5 safer, cleaner energy. It's time to put the dinosaur
6 of this nuclear nightmare to rest once and for all.

7 Thank you.

8 THEREUPON, the audience began to applaud.

9 MR. WHITCOMB: Good evening. My
10 name is Howard Whitcomb. I'm here tonight as a
11 resident of Oak Harbor. I have been a resident of
12 Oak Harbor since 1985.

13 I don't want to be rude to anyone, but my
14 comments are directed to the NRC based on what was
15 presented this afternoon.

16 I've had an opportunity from 6:00 to 7:00 to
17 review FirstEnergy's documentation to the best detail
18 that I could in that time frame. I've reviewed my
19 notes, and I have several concerns, and if you don't
20 share the concerns, then I agree with the four folks
21 that have already presented their comments more
22 eloquently than I could do, but I think that in
23 essence the theme is, you folks, I'm not sure what
24 you're doing as an entity.

25 This afternoon for the third time, I have

1 heard the COO of FirstEnergy state how great a
2 performer they were, okay? Nonsense. It took
3 years for this reactor vessel degradation to occur.

4 Now, you can hide behind the fact that the
5 machine operated, I can run my car at 6,000 RPM and
6 it will probably last until I run out of oil, and
7 that's exactly what happened. They ran this thing
8 until it couldn't run any longer. I take exception,
9 Mr. Simpkins, with your casual statement that a
10 three-eighths inch -- you said one-eight inch
11 stainless steel cladding acted as a pressure
12 boundary. That is not its design.

13 Second of all, I take exceptions with your
14 comments, Mr. Grobe, this specific accident has never
15 been analyzed. Period. We run the fuel
16 temperatures at 2,100 degrees. Melt down is at
17 2,250. There's a very slight margin of error.

18 If there had been a rupture in that reactor
19 vessel head, there would have been no containment of
20 water in the reactor vessel. Everyone in this room
21 knows when you boil water at atmospheric at 212
22 degrees it turns to steam. What do you think is
23 going to happened at 600 degree water at 2,200 P.S.I.
24 all of a sudden exposed to the environment of
25 atmospheric conditions? It all turns to steam.

1 You haven't told the public about the safety relief
2 in the containment structure and how they're going to
3 relieve, so don't sit there and tell us time and time
4 again how we had two other barriers of safety that
5 has never been analyzed. Period.

6 THEREUPON, the audience began to applaud.

7 More troubling, however, and I am
8 disappointed in your panel because you didn't point
9 this out, and I had to point it out this afternoon,
10 and I don't know how many people were there, but I'm
11 going to make an issue of it again.

12 This plant was shut down in March of this
13 year, we had all of these plans and this
14 implementation that was going to occur from
15 FirstEnergy. They march off smartly using
16 unqualified personnel, using inadequate procedures
17 and went and did all these inspections in the plant
18 but for the efforts of your, Mr. Holmberg. He
19 identified two violations in July, and now they have
20 to go back to square one and redo those inspections.
21 Well, you know what? That's one example. What
22 other activities are going on in the plant to
23 inadequate criteria or with unqualified personal?

24 Second of all, I'm very concerned about the
25 fact that they've hired all of these outside

1 contractors to come and do these very technical
2 activities. When all these contractors leave the
3 site, who's left? We have had no assurance from
4 FirstEnergy that they have any plan whatsoever in
5 place to assure that this same thing isn't going to
6 happen again, and I've got to tell you what I saw
7 today was we've got this restart activity and we're
8 looking in the middle of October to be ready to start
9 this plant up. I haven't heard anything yet coming
10 close to a root cause analysis. I'm going to cite
11 what Mr. Pearce, the Vice President -- Vice President
12 of Oversight said today.

13 Root cause, FirstEnergy Nuclear Operating
14 Company, nuclear safety values, behaviors and
15 expectations were inadequate to enable oversight to
16 effect needed positive change in station operations.

17 The first word that comes to my mind when I
18 hear that is filibuster, okay? That has absolutely
19 no meaning and, furthermore, it's not a root cause.
20 It's a symptom. The question is why were things
21 inadequate? That's what we want to know. We want
22 to be assured that it isn't going to happen again.

23 The gentleman that cited Mr. Ferner's letter
24 regarding Harold Denton's letter of August 14th,
25 1985, I have raised those issues prior to this

1 meeting. I got to say that if we're relying on what
2 Harold Denton found and the NRC found back in 1985 as
3 the basis for the root cause analysis today, we're
4 missing the boat. You're missing the boat. We're
5 the residents of this community that have invested
6 our lives here. We're not going to stand up and
7 have another near miss, and to add a little more
8 detail to what was already provided, when there was
9 that loss of offsite power incident, the same
10 equipment that had failed on June 9th, 1985 failed
11 again in 1987.

12 Thirdly, in 1993, the auxiliary feedwater
13 system was found to be valved out of service, and
14 they were cited for it, and, I believe, Mr. Grobe,
15 you were involved with that citation.

16 Now, Davis-Besse has had a series of
17 problems, management, technical, mechanical failures,
18 electrical failures.

19 The biggest issue today before us is what are
20 they doing about the management issues? Changing
21 the faces isn't going to do it. It's a cultural
22 problem, and they have known about it for years, and
23 you have known about it for years; you
24 specifically, Mr. Grobe.

25 Now it's time to come clean and tell the

1 story the way it should be. I don't understand why
2 as a member of the public I can't ask FirstEnergy
3 questions. You have done everything in your power
4 to isolate them from the public, and I'm a member of
5 the public --

6 THEREUPON, the audience began to applaud.

7 MR. WHITCOMB: And I have worked for
8 NRC. I have worked for Toledo Edison. I'm a
9 nuclear qualified engineer in the Navy, and I'm damn
10 proud of it, and I don't want a bunch of rhetoric
11 being thrown around trying to deceive the public that
12 everything is fine. Everything is not fine, sir.
13 Thank you.

14 THEREUPON, the audience began to applaud.

15 MR. GROBE: Just a couple
16 comments, Howard.

17 I think you've attended every meeting we have
18 conducted here so you have a fairly detailed
19 knowledge of the issues that we have raised. I
20 couldn't agree with you more in simply replacing some
21 managers does not solve the problem, and it's an
22 issue that we have reinforced over and over again at
23 these public meetings and was even discussed again
24 this afternoon and you're absolutely correct that
25 this is a cultural issue, the way the people at the

1 plant thought about their responsibilities and made
2 decisions and that needs to be changed. I believe
3 that will be the pacing issue for restarting. I
4 don't know where you got the date of October,
5 whatever. I've not seen a date published by us or
6 anybody else.

7 The challenge that FirstEnergy faces is
8 understanding how to change the cultural attitudes of
9 the people that work at the plant, and the plant
10 won't restart until the NRC is convinced that that's
11 occurred and that the plant can be operated safely.

12 Other questions or comments? Yes, sir?

13 MR. LODGE: My name is Terry Lodge,
14 I'm from Toledo. The wrong part of the NRC is here
15 tonight. I think the five commissioners ought to
16 come out and listen to this anger and this knowledge,
17 this knowing perception of what's going on.

18 There's a -- I have been to a number of these
19 hearings also, and I have been watching things on the
20 website, and I have been staying current in the
21 media. There's incredible stories that are being
22 told now that are mainstream information. The story
23 of Davis-Besse and its regulators is a story of
24 dysfunction. There's a putrefying dead animal in
25 the middle of the village square that people step

1 around quietly and whisper about cynically.

2 There are so many issues that aren't being
3 discussed by the NRC and FirstEnergy. In the last
4 week we saw FirstEnergy admitting in the pages of our
5 newspapers to some probably criminal acts to
6 falsification of quality assurance records to not
7 doing inspections that were asserted to have been
8 done.

9 Tonight, today, even after those disclosures
10 we get to listen to the NRC have a civilized dialogue
11 on the stage, across a moat, safely separated from
12 the public's right to ask questions.

13 In the last couple of weeks we have seen
14 disclosures in our newspapers about how the five
15 appointed commissioners vetoed this. This is the
16 draft of the staff order that would have shut down
17 Davis-Besse on an emergency basis at the end of last
18 November.

19 In April, the Nuclear Information and
20 Resource Service under the Freedom of Information Act
21 requested this and other documents. The NRC has
22 released this and other documents to members of
23 Congress and to the press, but not to the people, not
24 to nears. Just in case you haven't heard about it,
25 I'm going to leave a copy with your Court Reporter.

1 I'd like to read you a statement made by
2 Richard Meserve, the Chair of the Nuclear Regulatory
3 Commission, presumably one of the commissioners who
4 led the charge to veto the Staff's science based
5 engineering based order to allow the Utility to
6 operate an additional 75 days.

7 In our newspapers out here in the Midwest,
8 the newspapers that somehow get their hands on the
9 public's information, we read that the commissioners
10 overrode highly qualified talented staff people of
11 the NRC whom we praise while we damn the
12 commissioners.

13 Richard Meserve in his confirmation statement
14 given in September 1999 to a Senate Committee on
15 Environment and Public Works said a couple of very
16 interesting things. Referring to the coming
17 deregulation of the electrical industry, he said
18 first and foremost, it reinforces the need for the
19 NRC to fulfill its obligation to demand safe
20 operations by Licensees. The NRC must assure that
21 the pressure to reduce costs -- pressures to reduce
22 costs do not become incentives to cut corners on
23 safety. I understand -- this is Mr. Meserve
24 talking -- I understand that the principal statutory
25 responsibility of the Commission is the protection of

1 the public's health and safety and of the
2 environment. The NRC must ensure that its Licensees
3 meet the agency's safety and environmental
4 requirements.

5 Yet interestingly when FirstEnergy, which is
6 an economically struggling large utility in the midst
7 of a de-regulating environment, when the NRC came
8 to the -- pardon me, when FirstEnergy came with its
9 spin masters and its public relations people and it's
10 former staff legal director of the NRC is its special
11 legal consultant to meet last fall with the NRC, the
12 NRC bought hook, line and sinker the economic
13 troubles of the utility and placed them over what, I
14 guess, the chair understood in 1999, but had
15 forgotten in the interceding years. This is, as I
16 understand it, Mr. Meserve is a nuclear physicist and
17 a lawyer. What an interesting combination of skills
18 that he should be so ignorant.

19 He further said in his confirmation
20 statement, it is incumbent on the NRC to reach
21 decisions in appropriate ways. Decisions must be
22 fair and be perceived to be fair. They must be
23 appropriate for the particular task at hand, and they
24 must be efficient and timely. There should be no
25 slighting the significant role that Congress gave to

1 the public in NRC processes.

2 I notice that he didn't say the role of the
3 public after the fact carefully controlled managed as
4 to the opinions it's allowed to voice.

5 The NRC staff and the regulated industry
6 benefit from public participation, he said, because
7 the public may often illuminate issues in ways that
8 would otherwise escape scrutiny. Moreover, the
9 American public will not accept the legitimacy of
10 decisions that derive from processes from which it
11 has been excluded.

12 Well, the public was excluded from a
13 disastrous decision making process last fall. The
14 public interest -- let's face it, the public interest
15 is a very distant second to the role that the NRC
16 commission sees itself as playing.

17 After reading the NRC's -- of the NRC's
18 sellout of the public interest, the first thing that
19 occurred to me was the NRC has no more credibility to
20 regulate the nuclear industry posed with the most
21 serious disaster in waiting since Three-Mile Island
22 with scientific and engineering opinion from its own
23 staff, the NRC ignored all of that and rolled over
24 capitulated to the whines of a Utility in economic
25 trouble. As a result, weak regulator that the NRC

1 ever was, it has no credibility with the public. It
2 has no credibility in this process, and if a complete
3 melt down of the NRC's credibility for its shabby
4 complicity with FirstEnergy weren't enough, yesterday
5 I received a fax of a proposed ruling that the
6 Nuclear Regulatory Commission is making on the 2.206
7 petition that was filed by nears, Union of Concerned
8 Scientist and a dozen or so grass roots anti-nuclear
9 organizations. That petition called for a truly
10 independent panel, not a manual 0350, surely not the
11 so-called independent panel that the Utility has
12 pulled together. A truly independent panel is being
13 rejected by the Nuclear Regulatory Commission. Once
14 again, the putrefying elephant, the desiccating beast
15 that no one talks about is ruling the process. In
16 fact, one of the very reasons -- it is amazing, and I
17 will be filing comments just because it's so
18 infuriating, one of the very reason a truly
19 independent panel is being shunned by the NRC is what
20 they call an independent panel put together by
21 FirstEnergy. It is amazing to me that -- that the
22 Commission still believes that anybody is going to
23 believe the truth, the value, the validity of any
24 pronouncements that are made. The NRC doesn't have
25 any credibility with anyone out here. I'm here to

MARLENE S. ROGERS-LEWIS & ASSOC. REPORTERS
(419) 929-0505
(888) 799-3900

1 tell you that we in the Midwest are asking you to
2 take a message back to your bosses. I hope you'll
3 take Mr. Meserve's statement. I hope you'll take
4 the message that we don't recognize the NRC's
5 credibility to regulate. We don't recognize the
6 objectivity, the purported objectivity that you
7 continually try to foist on us. We don't believe
8 that the NRC is serious about changing a
9 corporation's culture, perhaps because it can't. It
10 was astounding last week, absolutely appalling.
11 FirstEnergy actually admits in so many words that for
12 the last three and a half years we put production
13 concerns ahead of safety. They put profit concerns
14 ahead of safety. Davis-Besse has a 25-year deep
15 management culture of putting profit ahead of public
16 safety and the NRC is completely complicit.

17 So the message is we aren't here to lobby for
18 a better plant. We aren't here to hear technical
19 explanations or to hear that you don't know yet what
20 the problem is. We believe we know very well what
21 the problem is. We believe that Davis-Besse is so
22 corroded and corrupted from a physical standpoint
23 that it must be shut down forever. We believe --

24 THEREUPON, the audience began to applaud.

25 MR. LODGE: We believe that in the

1 management culture faces will change, the culture
2 will always be to beat up the messenger who says,
3 guys, we should remove insulation from the reactor
4 head, it holds water, or, guys, we should cut holes
5 so we can inspect the reactor head better. Those
6 things somehow just don't get very high priority.
7 Guys, maybe we should tell the NRC that we have gone
8 from a monthly changing of filters because they get
9 so damn clogged with iron to every other day or maybe
10 the inspectors seen them. We don't know, do we?
11 That's one of the lessons we haven't learned yet.

12 We're here to say that we're not going to
13 step around the putrefying dead elephant. We're not
14 going to give dignity and validity to the
15 dysfunctional game that the NRC is engaged in with
16 FirstEnergy against the public.

17 We are withdrawing our consent to you to pay
18 any regulatory attention and oversight to Davis-Besse
19 or indeed any nuclear power plant. We don't believe
20 you. We can't believe you. We're going to
21 consult -- we citizens, are going to consult among
22 ourselves, and we're going to shut down this plant
23 forever.

24 THEREUPON, the audience began to applaud.

25 MR. LODGE: Please take that

1 message back to your bosses whether it's the
2 appointed commissioners or the utility companies that
3 we know call the shots over your decision making.
4 Thank you.

5 THEREUPON, several members marched out
6 chanting, "Two, four, six, eight NRC can't regulate."

7 MR. KARDATZKE: I just had a couple
8 quick questions. I had three points. One is --

9 MR. GROBE: Why don't you wait
10 just a moment. I want to make sure I can hear you.

11 MR. KARDATZKE: My name is Merl
12 Kardatzke. I live on Graytown Road within 10 miles
13 of here -- of Davis-Besse more specifically, and I
14 had a question about the integrity of the fuel rods.

15 We see newspaper reports of contractors who
16 rotate through here, and then have been detected at
17 other locations because they have particles that they
18 have carried from this plant that were undetected
19 here and then detected elsewhere, and the story was
20 the detectors weren't set at the right level here to
21 detect these particles, but this indicates that the
22 fuel rods themselves which would be the source of
23 this have been breaking down, and that's one of our
24 containment barriers --

25 MR. GROBE: Right, that's an

1 excellent question.

2 MR. KARDATZKE: -- that we count on.

3 MR. GROBE: That's an excellent
4 question. Did you want me to answer that?

5 MR. KARDATZKE: Go ahead.

6 MR. GROBE: And then we can go on
7 with your other questions.

8 MR. KARDATZKE: Okay.

9 MR. GROBE: Just to give you a
10 sense of what the reactor core -- reactor core looks
11 like. There is well over a hundred fuel bundles and
12 each of those bundles contain well over a hundred
13 fuel pins, and as happens from time to time and this
14 is not unique to Davis-Besse, some of those pins
15 develop pin hole leaks and that did happen to
16 Davis-Besse during the past year -- actually the year
17 prior to them shutting down, so during the summer and
18 fall of last year. As a result of these very tiny
19 leaks in a few of the many fuel pins during the
20 reactor, you get a very small concentration of fuel
21 related radioactive materials. There's a number of
22 different kinds of radioactive materials that are
23 found in the reactor. Some of them are graded
24 through what's called activation and those would
25 normally be metals like cobalts and iron and things

1 like that. There's other radioactive materials that
2 are inside the fuel pins that are either thinning
3 products, it's the outcome of splitting ahead of them
4 or actually with fuel itself through radiant material
5 and when you have one of these leaks in the fuel pin,
6 you can get some of these fission products or fuel
7 materials into the coolant and that happened at
8 Davis-Besse, and there's limits in the license on the
9 amount of activity that can be in the coolant, and
10 they did not exceed those limits. This is not unique
11 to Davis-Besse. When the reactor shut down, there is
12 some work that goes on inside the cooling system, and
13 the specific work was going on that these fellows
14 were involved in was inside the steam generators, and
15 Doug showed a picture of where the steam generators
16 are. There was some fuel related radionuclides
17 inside the steam generators, and they got onto the
18 clothing of those individuals, and through a variety
19 of mistakes, on the part of the company, some of
20 those particles got offsite. The radioactivity that
21 got offsite was significantly below any regulatory
22 limits, the -- significantly below anything that was
23 any danger to the public, but it was detectable, and
24 detectable radioactivity in the public because of
25 operation in the nuclear power plant is not something

1 that is -- that should happen, so the Utility --
2 FirstEnergy, after a number of discussions with us
3 followed up on this and found all of the locations
4 where radioactive materials was carried offsite and
5 collected it and disposed of it properly.

6 We completed an inspection a number of weeks
7 ago. Results of that inspection are still under
8 review, and I expect that report to be issued in the
9 next several weeks into this matter.

10 There were several violations of the
11 requirements. The specific detector -- excuse me,
12 that you were referring to is what's referred to as a
13 whole body counter. It's not a detector to prevent
14 the release of radioactivity. It's a specialized
15 detector to evaluate whether an individual has
16 radioactive materials inside them because there's the
17 possibility if you're a radiation worker in the plant
18 that you can inhale radioactive materials or ingest
19 them, so there's a detector that's designed to tell
20 whether or not that happened to evaluate the level.
21 That detector is a fairly sophisticated device. It
22 has a very complicated computer analysis and the
23 specific isotopes, specific kinds of radioactive
24 material that these individuals were exposed to were
25 not the kinds of radioactive material that that

1 detector was set up to detect, which was another
2 mistake on the part of the Licensee, so it's -- its'
3 not a pretty picture. I mean, a number of mistakes,
4 number of violations of the requirements and -- I
5 think I answered all of yours questions.

6 Do you have any other questions regarding the
7 particles?

8 MR. KARDATZKE: That was my question
9 concerning the particles, of course, it does reveal
10 the weakness of the -- with the clothes, but as far
11 as general safety, I understand, and -- but because
12 they left the site, it was revealed. It wouldn't
13 have been made public no matter how much particles
14 had occurred, had it been located on site, their
15 clothes disposed of or whatever.

16 MR. GROBE: It's -- it would have
17 only been revealed had we selected one of those
18 activities to review during one of our routine
19 inspections, but you're correct, had it not gotten
20 offsite and been detected at another nuclear power
21 plant, it may not have been detected.

22 MR. KARDATZKE: There was another
23 question that I had on the simplified view of the
24 containment building. It's -- it shows a missile
25 shield. Now, since it's inside the containment, I

1 don't think that you're talking about a missile
2 coming inside here, you're talking about missiles
3 coming out of the reactor head; is that correct?

4 MR. GROBE: Actually, the word
5 missile is probably not a good choice of words, but
6 there's all sorts of missiles that can be created in
7 any kind of a factory situation. Any type of
8 rotating equipment if a part comes loose, it can
9 become what we call a missile because it's thrown off
10 a piece of rotating equipment, like a motor or a
11 turbine, and these kinds of equipment, pieces of
12 equipment existed -- many industrial applications.

13 MR. KARDATZKE: This is immediately
14 above the reactor head.

15 MR. GROBE: That's correct.

16 MR. KARDATZKE: And I understood that
17 there were some annular cracks -- there was one case
18 where there was an annular crack on there.

19 MR. GROBE: This particular
20 missile shield that you're looking at is intended to
21 protect the containment structure from a missile that
22 could be created below the missile shield. Most of
23 you probably have the picture of what he's talking
24 about, but it's possible that the reactor coolant
25 system itself could create a missile piece of

1 equipment that's ejected and that shield is intended
2 to protect the containment structure itself in that
3 type of --

4 MR. KARDATZKE: For example, if one of
5 those nozzles --

6 MR. GROBE: That's correct.

7 MR. KARDATZKE: -- if it broke down,
8 it would become a missile?

9 MR. GROBE: That's correct.

10 MR. KARDATZKE: My third point was
11 this, with contractors rotating in and out
12 Davis-Besse doing -- responsible for the work either
13 because of the danger of too much exposure inside or
14 because of technical nature of the work, how do you
15 expect to have a culture build up here within a
16 facility when the people are just coming and going in
17 large measure?

18 MR. GROBE: That's an excellent
19 question. I'm going to use my words, these are not
20 FirstEnergy words, but what the company is doing is
21 bringing in people that have strong safety culture
22 and appropriate expertise, in a sense departnering
23 them, with their own workers. Many of the oversight
24 panels that were brought in, experienced individuals
25 or executives from other companies and an oversight

1 panel might contain several of those individuals and
2 several FirstEnergy people from Davis-Besse and a
3 couple of people from Perry and Beaver Valley, so
4 what they're trying to do is bring in differing views
5 to cross-cultivate those views, and that's one of
6 their efforts to raise the awareness, their staff to
7 what their expectations are in the future.

8 In addition to that, the level of work effort
9 is more than a normal operating organization could
10 accomplish, so they need additional help in that
11 regard because of the level of effort that they are
12 going through right now.

13 MR. KARDATZKE: So a lot of the people
14 involved in a shutdown and restart are not part of
15 the normal operation of the facility?

16 MR. GROBE: No, no. There's a
17 lot of people working at the site today, probably in
18 the order of 500 that are not part of the normal
19 operating organization at Davis-Besse. A number of
20 them come from Perry, Beaver Valley, D. C. Cook,
21 I can't -- I think Salem is one of the sites that
22 they mentioned earlier today. A number of them are
23 experienced nuclear workers, but they're contractors.
24 They don't work for other utilities, and they have
25 unique expertise to do the kind of work that they're

1 doing here at Davis-Besse. They may have had past
2 expertise in doing the specific kind of recovery
3 activities at problem plants in the past, and -- so
4 they need that kind of help.

5 In addition, they're trying to capitalize on
6 having those people there, a cross-fertilizing with
7 their people. We have not yet seen the
8 comprehensive corrective action program that the
9 Licensee is going to use to try to change the culture
10 of their organization and how they are going to
11 monitor that change and how they're going to measure
12 it. The Licensee just presented to us last Thursday
13 their root cause in this area, their evaluation of
14 what their problems are, and you heard earlier this
15 evening some of those. They concluded that their
16 organization put an inappropriate level of emphasis
17 on productivity instead of maintaining design safety
18 margins, so it's -- that's a difficult issue to
19 address, and I expect in the next couple of weeks
20 we're going to get a comprehensive plan on how they
21 are going to try to address that, and we're going to
22 be monitoring their limitation. We're going to be
23 monitoring indicators both through our inspections as
24 well as watching what they're doing of those
25 attitudes and behaviors changing, and that is the

1 true root cause to this problem that occurred at
2 Davis-Besse. It's the people, the decisions they
3 made, and the way they did their job, and the NRC
4 needs to be convinced that that's change before this
5 plant restarts.

6 MR. KARDATZKE: Thank you.

7 MR. GROBE: Thank you.

8 MR. DEAN: I just want to take
9 the opportunity to say a few things. We try to
10 conduct this meeting and often have a dialogue with
11 people. We did have some people take the
12 opportunity to have a diatribe which makes it
13 difficult to have communication like we just did with
14 you, sir, but there were a couple of issues that were
15 raised that we did not have the opportunity to
16 address, and I think more importantly that we don't
17 let some disinformation or misinformation exist out
18 there regarding some of the things that have occurred
19 over the past year.

20 First of all, the issue that was raised
21 regarding the Commission vetoing or influencing
22 unduly the Staff's decision whether to issue an order
23 or not to shut down Davis-Besse, and just to
24 summarize briefly as we were dealing with the
25 industry-wide issues regarding cracking in these

1 nozzles and trying to develop the approach as to how
2 we would wrestle with this issue with all Licensees,
3 not just Davis-Besse. There were some concerns that
4 Davis-Besse had a potential susceptibility, that
5 concerned our staff, and we had several staff that
6 felt that perhaps the plant should be shut down
7 sooner than later, and we engaged in a -- in a fairly
8 significant dialogue over a period of time with staff
9 and management in the NRC regarding what decision we
10 should make, and one of the potential actions was to
11 issue an order, and we had prepared an order in case
12 we needed to issue that as a potential option.

13 What we ended up doing after discussion and
14 the staff was involved in this discussion with NRC
15 management was to develop a point in time where we
16 thought it was prudent for the Licensee to shut down
17 and the Licensee, in fact, shut down early because of
18 the NRC's actions, and, in fact, if you look at the
19 history of all of the things that have occurred over
20 the past couple years relative to the issue of
21 control rod nozzle cracking, because of the NRC's
22 influence really helped develop Davis-Besse shutting
23 down and finding the issue, so while it certainly
24 would have been a lot better for us to find that
25 issue earlier, and looking at things in retrospect,

1 there certainly were opportunities there to put the
2 pieces together that didn't happen, and that's one of
3 the things we did have to look at and do a
4 self-assessment of our own activities, and I think
5 Jack talked about that.

6 The other issue that I wanted to talk
7 about --

8 MR. GROBE: Before you go on to
9 that.

10 MR. DEAN: Yeah.

11 MR. GROBE: It's important that --
12 we're a country governed by laws, and we all have to
13 follow those laws, and there's a number of -- nobody
14 is happy here. FirstEnergy certainly isn't happy.
15 The NRC is not satisfied with where it finds itself,
16 and we certainly have a lot of critics, no doubt
17 about that, but there's been far before -- long
18 before any of the critics came to the forefront, the
19 NRC initiated a variety of activities, and Congress,
20 quite frankly, initiated some activities to find out
21 the truth, and we had a number of folks here that
22 already believe they know the truth. I don't, and
23 our office investigations -- that's the part of the
24 agency that investigates our Licensees, is conducting
25 an investigation to find out why these things happen.

1 Was there some ulterior motive or ill-attempt, or
2 were these just mistakes by Davis-Besse staff?

3 Our office of Inspector General -- that's the
4 group that investigates us initiated an investigation
5 into how the agency made these decisions, why they
6 made the decisions, and was there anything
7 inappropriate in the decision making process.
8 There's laws that govern how we issue orders and when
9 we can issue orders, and it all goes through a
10 process. Congress is initiating investigation into
11 the agency's handling of these matters, so I'm, quite
12 frankly, much more interested in waiting for the
13 truth of the facts, and those will come out over
14 time. I'd like to have it all out, but the fact of
15 the matter is, it does take time. The investigation
16 of Davis-Besse will be done in a few months, and you
17 will be receiving those results through these
18 meetings and through our public documents and
19 Congress and the Inspector General's investigation of
20 us. They will also be something that we'll be coming
21 to light over the next several months, I don't know
22 exactly when, but I just wanted to emphasize that the
23 NRC is not satisfied with our inspection programs,
24 and we're certainly reviewing how we handled this
25 from an inspection point of view, how we handled our

1 internal decision making on whether or not to require
2 Davis-Besse to shut down or what we finally ended up
3 with, which was an earlier shutdown than what they
4 were planning, how we handled other generic issues,
5 what we call generic issues, or issues that effect
6 multiple plants. We have a number of reviews going
7 on, and, hopefully, we will get to the bottom of it
8 and prove and avoid this kind of situation in the
9 future.

10 MR. DEAN: And the other issue --
11 I'm sorry, the other issue I wanted to raise or not
12 sit there in a line like a rotten egg, while some of
13 the speakers have impugned the credibility of the NRC
14 and some people may have that opinion, but the one
15 point that I do want to get across is that members of
16 the NRC, the five people up here and the inspectors
17 that we have at the plants across the country and in
18 the regions and our technical staff and headquarters
19 take our role and responsibility in terms of ensuring
20 public health and safety extremely seriously, and,
21 you know, personally, you know, I can share with you
22 that, you know, comments made like the NRC's in the
23 pocket of industry, and so on, so forth, are really,
24 you know, really painful to hear that because that's
25 probably the furthest thing from the truth. We have

1 a public trust to assure public health and safety.
2 We take that very seriously from the Resident
3 Inspectors all the way up to you the Senior
4 Management of the safety scene, the Commissioners, so
5 I just want to make sure that you fully understand
6 our dedication to that.

7 MR. GROBE: Yes, ma'am?

8 MS. CLEMENTE: I guess, I have a
9 couple of things. I want to first know -- I mean, I
10 understand that you believe and it's very painful for
11 you for us to make accusations that we do not trust
12 you, but I want to know if you understand why we feel
13 that way?

14 MR. GROBE: Sure.

15 MS. CLEMENTE: Okay, because, I mean,
16 I have a few questions, I'm a schoolteacher from
17 northern Ohio, and I teach my students to really
18 critically think and to look at all the sides and
19 research and to choose the best decision and the best
20 decision is paying particular attention to, you know,
21 not only what is good for themselves, but what is
22 good for the people surrounding them and what is good
23 for the environment, and the Davis-Besse situation
24 came to my attention and I have done a lot of
25 research. I have looked on a lot of sides, and I

1 really have come to the conclusion that pays
2 particular attention to the safety, to the people, to
3 the environment, and that's what the plant needs to
4 be shut down and the community is here tonight, we're
5 very aware, I feel, and we are very passionate, I
6 feel, some are extremely passionate, which is great,
7 and I have three questions that are very concerning
8 to me.

9 One is, you had stated -- and I know that you
10 put a lot of blame on FirstEnergy, but I was looking
11 through E-mail correspondence between you and
12 FirstEnergy and you both agreed that there was
13 significant likelihood of leakage and destruction, so
14 I am -- I understand that there are laws to go
15 through, but there are times when you need to step
16 over those laws, and you need to step in and say this
17 is not safe, and I do not understand why you allowed
18 the plant to operate until February, why you kept,
19 you know, why you allowed it to continue when you
20 originally stated that it needed to be shut down, why
21 you allowed them to authorize that, so I would like
22 an answer to that.

23 MR. GROBE: Sure. You used a
24 word that is very interesting and that's the word
25 safe, and the definition of safe is different in each

1 of our minds and how we evaluate, what goes on day in
2 and day out. We make those judgments continually.
3 We have defined standards of safety and pressure
4 boundary leakage is not permitted. Is occurs from
5 time to time. If it occurs, the plant is shut down.
6 It was possible and you can argue likely that there
7 was some pressure boundary leakage at Davis-Besse, it
8 was not known that there was pressure boundary
9 leakage. The judgment that was made is should there
10 be pressure boundary leakage, what is the risk, and
11 that's how we evaluate safety. There are risk
12 standards. We're fairly scientific about how we
13 evaluate risks to the public and the risk to the
14 reactor for various situations, and the judgment that
15 was made was based on risk, and the conclusion was
16 that the risk was low, and that's why the plant was
17 allowed to continue operating until February.

18 MS. CLEMENTE: I just -- it's just
19 very, very hard for me to come to the conclusion that
20 the risk was low because --

21 MR. GROBE: I understand that.

22 MS. CLEMENTE: -- especially when
23 you came on across those other plants where there
24 were cracks that were not common. I think that that
25 definitely should have definitely alerted you that

1 there is something else going on and that you should
2 look at this in a very, very more personal and pay
3 way more attention than I feel that you did, so I
4 feel that it's very understandable for us, the
5 community, to not trust you at all and --

6 MR. GROBE: I understand.

7 MS. CLEMENTE: -- I think you really
8 need to take that into consideration when you make
9 your final decisions because if you don't take into
10 consideration what we say and what we think, I just
11 feel it's going to be a grave mistake because if
12 something like this ever happens again, it's going to
13 be horrendous.

14 MR. GROBE: That's why we're here
15 is to hear what --

16 MS. CLEMENTE: I hope that's why
17 you're here. I have a feeling and I felt that a
18 little bit why you're here is to more defend
19 yourselves and not admit that you're wrong.

20 MR. GROBE: I hope I didn't appear
21 defensive. I hope nobody up here appeared
22 defensive. We're here to listen and to learn and an
23 individual earlier -- I'm not sure, it might have
24 been you, Howard, made the comment regarding the
25 stainless steel cladding was on the interior surface

1 of the reactor vessel. That cladding was never
2 designed to withstand pressure, it's metal, so it
3 does, but that's not what its purpose was. It's
4 purpose was a corrosive inhibitor on the interior
5 surface, in fact, it did retain pressure and there
6 wasn't a leak of the reactor so there wasn't an
7 accident. The risk was higher, and because the six
8 and a half inches of steel wasn't there, but the --
9 but there wasn't an accident.

10 MS. CLEMENTE: I had spoke to someone
11 that they had brought up that they had helped design
12 the plant and that they had suggested that the entire
13 plant use stainless steel.

14 MR. GROBE: Uh huh, yeah, we've --

15 MS. CLEMENTE: Was that a
16 consideration to you or did you -- why did you decide
17 not to do that?

18 MR. GROBE: You know, we've talked
19 about a variety of different metals already this
20 evening. The fuel pins themselves are made out of
21 the zirconium alloy, it's called zircalloy, the
22 reactor material itself and most of the piping is
23 made out of carbon steel. Some components are made
24 out of stainless steel. Each different application,
25 you choose the material that's best for that

1 application based on its ductility and its corrosive
2 resistivity and -- there's a whole variety, and, of
3 course --

4 MS. CLEMENTE: I understand that, but
5 if someone came to you and said, I have the research,
6 I definitely can tell you that you need to use
7 stainless steel. I mean, I know that you probably
8 are not the specific person that he came to so I'll
9 just move on, but are you encouraging -- my other
10 question is, are you encouraging or are you looking
11 into having FirstEnergy shut the nuclear part down
12 and use the turbines or a nature of gas or something
13 like that? Are you at all even considering it?
14 Probably not 'cause you're a nuclear commission,
15 right?

16 MR. GROBE: Well, a steam turbine
17 and a gas turbine are two completely different
18 things. The gas turbine is more like a jet engine.

19 MS. CLEMENTE: So there is no
20 absolute way that they could possibly use any parts
21 of this plant for any other wave of electricity; is
22 that correct?

23 MR. GROBE: I'm not sure. You
24 might be able to generate like little --

25 MR. DEAN: Coal.

1 MR. GROBE: I don't know if you
2 could hear --

3 MS. CLEMENTE: For coal?

4 MR. GROBE: The only difference
5 essentially between a nuclear plant and a coal fired
6 electrical generating plant is the source of heat.
7 In a nuclear plant the source of heat is nuclear
8 reaction. In a coal plant, it's burning coal, so one
9 could conceptualize that you could build a coal
10 burner at the site and pipe in the steam in that way,
11 but I'm not sure that that would be cost effective.

12 MS. CLEMENTE: Uh huh. The other
13 question -- the last question I have is if an
14 accident were to happen, would you feel safe driving
15 10 miles to Sandusky because that's what the
16 evacuation plan says.

17 MR. GROBE: It's an interesting
18 question. I can tell you that the emergency plans,
19 the evacuation routes are something that got
20 thoroughly reviewed. By and large, those types of
21 reviews are not done by the NRC. They are done by
22 the Federal Emergency Management Agency, FEMA.

23 MS. CLEMENTE: Uh huh.

24 MR. GROBE: But FEMA and the NRC
25 work closely together. We have a responsibility for

1 the plant's site and monitoring radioactive
2 materials, and they have responsibility for
3 coordinating the State and overseeing the emergency
4 response offsite, but, again, you use that word,
5 safe. Is it as safe as normally driving down the
6 road? Well, probably not, because people -- they are
7 going to be more people on the road, and they're
8 going to be driving maybe a little faster, so -- but
9 is it an adequate evacuation plan, I think it is, so
10 -- I'm not sure how else to answer your question.

11 MS. CLEMENTE: I think we have to
12 discuss the term safe. I find that very, very hard
13 to believe that all of you think that that, or even
14 you, just you think that it's an adequate evacuation
15 plan, 10 miles to drive to Sandusky for so many
16 people when you're talking, it's a huge choice
17 attraction and not even the entire city of Oak Harbor
18 and Port Clinton would even fit into the auditorium
19 where you say that they should go.

20 MR. GROBE: You know, it's -- I
21 just recently had the opportunity to review a
22 document that was written regarding the evacuation of
23 Lower Manhattan, September 11th of last year, and
24 many, many more people were evacuated from Lower
25 Manhattan than live anywhere near this plant, and it

1 was done with very little impact to the safety and
2 the public, so, again, these are judgments that you
3 have to make and decisions that have to be made based
4 on weighed risks, and the evacuation plan for this
5 area has been thoroughly reviewed and found
6 acceptable, and I'd love to talk to you more about
7 this meeting because I'm not sure I'm convincing you,
8 but --

9 MS. CLEMENTE: No, you're not.
10 You're definitely not.

11 MR. GROBE: And I appreciate that.

12 MS. CLEMENTE: I'm extremely,
13 extremely concerned not only for the children, but
14 for the entire community. I'm very, very concerned.
15 I haven't been convinced that I should trust you.
16 All the articles that I have read have just
17 completely disappointed me, and I really wished that
18 you would have stepped in a lot further. I think
19 three-eighths of an inch is extremely alarming. I
20 think cracks are alarming. I think the fact that it
21 exists is alarming and --

22 MR. GROBE: We couldn't be in
23 closer agreement on that point.

24 MS. CLEMENTE: Well, I guess I'm just
25 saying that I need to see it. I mean, you're saying

1 a lot of things tonight, so I'm just looking, and I'm
2 asking to see it. I want to see some evidence that I
3 can trust you and that this community can as well.

4 MR. GROBE: The best thing would
5 be to continue coming to meetings if you can,
6 particularly the afternoon meetings and --

7 MS. CLEMENTE: Well, I teach, so --

8 MR. GROBE: I understand.

9 MS. CLEMENTE: I will be here at
10 night.

11 MR. GROBE: Okay.

12 UNIDENTIFIED: Get the head on it,
13 get her going.

14 MR. GROBE: Pardon me?

15 UNIDENTIFIED: Let's get the head on
16 it and get her going.

17 MR. GROBE: Okay. Can I ask a
18 question here? We've been at it for about an hour
19 and 45 minutes, would it be appropriate to take about
20 a five minute break?

21 UNIDENTIFIED: Yeah.

22 MR. GROBE: Okay, let's take five
23 minutes if that's okay with you.

24 THEREUPON, a brief recess took place.

25 MR. GROBE: Yes, ma'am?

1 MS. BECK: My name is Meredith
2 Beck, I live in Port Clinton.

3 MR. GROBE: Could you turn the
4 microphone a little bit or stand closer to it?

5 MS. BECK: My name is Meredith
6 Beck. I live in Port Clinton. I'm not affiliated
7 with any group and my question is -- it's kind of a
8 loaded question, but I wondered if the NRC has ever
9 not granted a license to a nuclear power plant and
10 that that led then to shutting down a nuclear power
11 plant, and the underlying, underneath that, of
12 course, is, is there any history that when push comes
13 to shove the NRC can actually make us not do that?
14 Thank you.

15 MR. GROBE: I am not aware of a
16 situation where a utility continued to desire to
17 operate and the NRC didn't permit it. There have
18 been several situations where the NRC -- a plant was
19 in a shutdown condition and the NRC continued to
20 expect that it be meet appropriate safety
21 requirements and the Utility eventually decided that
22 it wasn't economically appropriate for them to
23 continue trying to meet those requirements and
24 decided on their own to shut down permanently, and
25 I'm aware of a number of plants that are of that

1 nature. Oftentimes it's not just a financial
2 situation, but it's also a political decision. There
3 are a couple that come to mind that there is
4 states -- none in Ohio.

5 MS. BECK: Can you give us one
6 example?

7 MR. GROBE: Well, in the mid '90s,
8 the main Yankee plant had a variety of steam
9 generator problems, and eventually they decided to
10 shut down the plant permanently, and there's been a
11 couple other plants like that. There was a design
12 plant, Rancho --

13 MR. DEAN: Rancho Seco.

14 MR. GROBE: Thank you, I was
15 trying to think of that, Rancho Seco, Zion in
16 Illinois, Trojan in Oregon, so there's been a number
17 of times when Licensees have had performance problems
18 and have eventually decided not to restart the plant.

19 MS. BECK: Thank you.

20 MR. GROBE: Thank you for your
21 question. Yes, ma'am?

22 MS. LUEKE: Yeah, I'm -- supposed
23 to sign in here?

24 THE REPORTER: Yes.

25 MS. LUEKE: -- Donna Lueke, and I

1 live in Marblehead, and I have been trying like
2 several of the other people to understand this whole
3 process and have been trying to read up as much as
4 possible and so I have accumulated a couple
5 questions, I believe, but -- and the one that comes
6 to me that I think is most important after hearing
7 everything you've had to say tonight and the other
8 people have had to say is that they are
9 investigations ongoing, there are criminal
10 proceedings ongoing, at this point or there is a
11 question of some legal actions being taken, as I
12 understand?

13 MR. GROBE: I can get into that a
14 little bit if you'd like; is that your question?

15 MS. LUEKE: I guess I better
16 finish my thought.

17 MR. GROBE: Okay, go ahead.

18 MS. LUEKE: And then we can come
19 back to that, but at the very least there are a lot
20 of investigations going on right now about the whole
21 Davis-Besse situation. Your own internal
22 investigations are going on.

23 MR. GROBE: Internal, right.

24 MS. LUEKE: While all this is
25 going on things seem to those of us that live around

1 here to be proceeding unimpeded. The new head is
2 being put in place, and you're hearing about all the
3 great high tech things that are being used to put it
4 there, and is this process being continually
5 monitored by the NRC? And if all this is going on
6 and they're talking about start ups at the -- at the
7 most I've read -- the latest I've read has been at
8 the end of the year, how will there be time for all
9 these processes to happen for us to find out what
10 went wrong in the first place, what is wrong with the
11 system, what's possibly wrong with the management at
12 the company, what's wrong internally with the NRC
13 process? The questions go on and on, and I don't
14 know -- I know enough about investigations to know
15 they don't happen overnight, nor should they, so how
16 is it happening that they are right now as we speak
17 cutting into this building and who decide -- did you
18 get to decide that that was okay, or was that all by
19 Davis-Besse?

20 MR. GROBE: Lots of questions.

21 MS. LUEKE: Yeah, I guess there
22 are.

23 MR. GROBE: Let me take them one
24 at a time? If I miss one, remind me.

25 MS. LUEKE: Okay.

1 MR. GROBE: First let me talk a
2 little bit about your first question which was the
3 investigative process and the concept of criminal
4 proceedings. The NRC doesn't have the authority to
5 do criminal proceedings, engage in criminal
6 proceedings. If we issue fines or something like
7 that it's what's referred to as a civil penalty, a
8 civil proceeding, but we have a close relationship
9 with the Department of Justice, and there are
10 criminal sanctions in the Atomic Energy Act and the
11 Energy of Format associated with deliberate
12 violations or requirements. Now, we don't handle
13 those proceedings, the Department of Justice does, so
14 if after the completion of the investigation of
15 Utility, we conclude that there's evidence of
16 deliberate wrong doing, we would share that with the
17 U.S. attorney, the appropriate U.S. attorney, I guess
18 that would probably be the guy in Cleveland for this
19 area, and he would make a judgment as to whether or
20 not the facts warranted prosecution and proceed.
21 These are all what ifs, okay? Likewise, our Office
22 of the Inspector General, if they concluded that I
23 cheated on my travel voucher and they decided that
24 they wanted to proceed, that would be a potential
25 criminal activity, and they would have a relationship

1 with the Department of Justice and could prosecute
2 from an internal investigation.

3 MS. LUEKE: That timing's a little
4 different, though, when we're looking at a public
5 safety consideration here.

6 MR. GROBE: Yeah, I was going to
7 get to your --

8 MS. LUEKE: We don't have the time
9 to allow this to proceed.

10 MR. GROBE: I can assure you we
11 have all the time in the world. This panel is not
12 schedule driven. This panel is safety driven, and
13 this plant won't restart unless we're comfortable
14 based on our inspections that the plant can be safely
15 operated, and we would make a recommendation then to
16 the Senior Management of the agency, and I assure you
17 that they would solidly question us, and the plant
18 wouldn't restart unless we, indeed, found it to be
19 safe.

20 Now, activities would proceed, and we're
21 continually inspecting. I don't think Mel's here
22 tonight, but Mel Holmberg was on site today
23 inspecting. Doug Simpkins was on site today
24 inspecting. We have inspectors here all the time,
25 and a decision of what direction to proceed is the

1 Licensee's. The decision as to whether or not it's
2 been done safely is our judgment, and we will make
3 that judgment as best we can and make a
4 recommendation to our Senior Management as to whether
5 we think the plant is ready to restart. If that
6 happens in December, that's fine; if it happens in
7 March, that's fine, as far as we're concerned.
8 We're not driven by financial condition of the
9 company or by anything else. We're driven by safety.

10 MS. LUEKE: But yet you're a
11 nuclear agency, so, therefore, your job is dependent
12 on the industry, so then decisions that are made, and
13 I'm sorry, I missed the question that was asked just
14 before me, so obviously you're not going to decide to
15 shut down a nuclear power plant, it's not in your --
16 I understood that you said it's not in your scope to
17 maybe that decision, but I'm assuming you could make
18 that recommendation --

19 MR. GROBE: Yeah --

20 MS. LUEKE: -- for a safety
21 reason, but, you know, we've got FirstEnergy who has
22 their obvious financial self-interest because they're
23 a corporation and that's what they do. Nuclear
24 Regulatory Commission regulates the nuclear industry,
25 so you're focused only on that.

1 MR. GROBE: Yeah, the -- I must
2 have misspoke if I gave you the impression that it's
3 not within our purview to shut a plant down.
4 Absolutely, we have the authority to shut a plant
5 down if it's unsafe. The young lady before you
6 asked whether or not we had ever not allowed a plant
7 to restart that wanted to restart, and I don't know
8 of any time when a plant that desired to restart
9 could not get to the level of safety that was
10 appropriate to allow them to restart.

11 MS. LUEKE: Is that ruled out? I
12 mean, is -- are you already -- do you have that
13 prejudice? I'm just asking --

14 MR. GROBE: No.

15 MS. LUEKE: -- I'm not trying to
16 be -- I mean, is that within the realm? The spectrum
17 is start it tomorrow, never start it.

18 Are you willing to look at far as never
19 restart this plant?

20 MR. GROBE: Again, we're not
21 schedule driven. We're not schedule driven, and let
22 me just give you a sense. I have been involved in
23 four of these, and it's -- I don't want to be
24 involved in anymore. One of them the plant was shut
25 down about eight months. The one that was the

1 longest was almost three years before they actually
2 got to the level of performance that the agency
3 concluded that the plant was safe to restart, so it
4 doesn't have anything to do with scheduling, and it
5 doesn't have anything to do with a desire on our part
6 to restart a plant. It only has to do with whether
7 or not the plant is safe, and safe is defined as
8 meeting our regulations.

9 MS. LUEKE: Would you completely
10 rule out saying this isn't salvageable? There's so
11 much trouble here, there's so much management
12 problems here, there is such a structural problem
13 here? Do you rule that out completely?

14 MR. GROBE: I've seen plants with
15 much more significant problems than what Davis-Besse
16 has achieve restart.

17 MS. LUEKE: That's scary. I
18 guess I'm not feeling -- like the person before me,
19 I'm just not feeling very comfortable with it.

20 MR. GROBE: I appreciate that.

21 MS. LUEKE: And I know you're not
22 either.

23 MR. GROBE: The person -- a few
24 people ago used the concept of trust --

25 MS. LUEKE: Yeah.

1 MR. GROBE: And trust is a -- what
2 I call a soft issue. It's -- you need to redevelop,
3 if you've lost trust in us, you need to redevelop
4 trust, and the only way to do that is to watch and to
5 listen and to see what motivates us, and I can assure
6 you that I personally am motivated by making sure
7 that this plant doesn't restart unless it's safe.

8 Now, the only way for you to gain confidence
9 in that -- I can't just tell you that, is for you to
10 watch and listen, and we are providing just
11 tremendous opportunities for you to gain access to
12 what we do. We're transcribing all of these
13 meetings. All of these transcripts are on the
14 website. There's a special section in our website
15 just for Davis-Besse, and it's -- it's well organized
16 and easy to get through. There's a ton of
17 information there, and please pay attention to that,
18 and if you're concerned -- if you continue to be
19 concerned, come back and talk to us more about that.

20 MS. LUEKE: Okay. The oversight
21 committee that's examining the NRC at this point, is
22 that from within the NRC or are there any outside --

23 MR. GROBE: There's three separate
24 activities that I'm aware of. We have a group
25 called the Lessons Learned Task Force, which was

1 chartered by the Executive Director to look at our
2 programs and processes and to try to find out what
3 structurally within the agency might have contributed
4 to us not seeing this or what performance problems
5 might have existed that contributed to this.

6 Second is our Office of Inspector General,
7 that's our internal -- the folks that investigate us
8 is doing an investigation and the -- which committee
9 is it? Committee of --

10 MS. LIPA: House --

11 MR. DEAN: Energy & Commerce.

12 MR. GROBE: -- house Energy &
13 Commerce Committee is conducting an investigation of
14 this whole matter.

15 MS. LUEKE: So that is an external
16 committee?

17 MR. GROBE: Yeah, the Inspector
18 General does not report to the NRC, he reports to
19 Congress, so he's also external.

20 MS. LUEKE: I think that perhaps
21 may need to be emphasized to people who have at this
22 point lost trust.

23 MR. GROBE: Uh huh. Well, I mean,
24 you're --

25 MS. LUEKE: That --

1 MR. GROBE: -- an individual
2 that's interested in listening.

3 MS. LUEKE: Uh huh.

4 MR. GROBE: There were some people
5 here this evening that had already made up their
6 mind. They weren't interested in waiting for the
7 facts.

8 MS. LUEKE: Well, I understand
9 their frustration also because you're talking about
10 inherent problems, a company that wants to make
11 money, a regulatory agency that's dependent on the
12 nuclear industry, I mean, that's what you do for a
13 living, and that's where your focus is, and so what I
14 think a lot of us are saying is where, except for in
15 a forum like this is a voice of the public interest?
16 Where is the big picture interest that doesn't
17 include nuclear energy that may not -- that may look
18 at the options? Maybe a coal plant, I mean, that
19 doesn't sound very good to me because of the inherent
20 problems with the pollution with coal plants,
21 although, I hear that that's been improved, but is
22 anyone looking at those other options?

23 MR. GROBE: Well, those are
24 decisions that the Utility would make. Those are
25 financial decisions.

1 MS. LUEKE: That's not very
2 comforting. This is a Utility that has mismanaged
3 for their shareholders, who's mismanaged the safety,
4 and that doesn't inspire much confidence, and we have
5 no options. I checked to see since deregulation,
6 there are other energy companies available, I checked
7 on every one. None of them are available to those of
8 us consumers. They are either only for commercial
9 or industrial, or they're -- the list that was sent
10 or they're not operational yet, so this is what we
11 are facing.

12 MR. GROBE: Those in the audience
13 that have has much gray hair as I do will recall that
14 originally when the Government set up how it was
15 going to oversee nuclear energy, the use of nuclear
16 energy and created the atomic energy commission, and
17 the atomic energy commission had two roles; one was
18 to promote the safeness of the atom, and some of us
19 may be able to recall all those little quotes that
20 went along with that and also to regulate it, and
21 Congress saw to it that that seemed to be a conflict
22 of interest, so it separated the responsibility for
23 safety and the responsibility for production and
24 encouraging the develop of nuclear energy, and
25 originally it was Nuclear Regulatory Commission and

1 the energy -- ERDA, Energy Research and Development
2 Administration, and then that was combined and it
3 became what we know today as the Department of
4 Energy. The NRC and the Department of Energy have
5 two completely different roles. I appreciate your
6 observation that I'm a Nuclear Engineer, and we have
7 a variety of different expertises up here working
8 nuclear power. Those are probably the kind of people
9 you'd want involved overseeing the safety with
10 nuclear power.

11 MS. LUEKE: Certainly.

12 MR. GROBE: But our only focus and
13 our only mission is to protect the health and safety
14 of the public and the environment, and that's all
15 we're interested in. I can get work.

16 MS. LUEKE: Yeah, I want to
17 believe you, I really do, I'd like it a lot better,
18 but would you listen to what we're saying and at
19 least consider the possibilities of the other
20 options?

21 MR. GROBE: Again --

22 MS. LUEKE: I know it's not your
23 job, but will you take them --

24 MR. GROBE: I didn't speak clearly
25 earlier. Whether a utility chooses the different

1 options, is their decision. It's not anything that
2 we would be influenced on. If FirstEnergy chose to
3 build a coal burner right next to the containment
4 building and pipe it into the turbine building,
5 that's their decision, and that would be fine with
6 me, you know, then we have a decommission issue not a
7 ready for operations issue, but that's their
8 decision, that's not ours. Our responsibility is to
9 make sure that if there is going to be nuclear power,
10 that it's safe.

11 MS. LUEKE: I understand that;
12 however, they have to satisfy you.

13 MR. GROBE: Right.

14 MS. LUEKE: You do have that
15 power.

16 MR. GROBE: Right.

17 MS. LUEKE: And if you will, let's
18 say, admittedly in the past there has been error on
19 the side of the corporation or at least the
20 appearance of that, whether it's true or not, we
21 still don't know until all these investigations
22 happen.

23 MR. GROBE: Uh huh.

24 MS. LUEKE: So if the error has
25 been on the side of that in the physics of the

1 pendulum, would you open up the other side of your
2 mind --

3 MR. GROBE: That's an excellent
4 question.

5 MS. LUEKE: -- is what I'm asking?

6 MR. GROBE: If, in fact, there's a
7 spectrum of how violations -- that's what we deal
8 with, violations, there's a spectrum of how
9 violations come to be, and we're all human beings and
10 we make mistakes, and occasionally people who work in
11 nuclear power plants make mistakes and they violate
12 requirements. In legal terms that's called
13 negligence, but that's just a normal mistake,
14 oversight, type of thing.

15 The other kind of violation is what we refer
16 to as willful, and the most interest type of willful
17 violation is referred to as deliberate, and what that
18 means is that a person knowingly and cognitively made
19 a decision for some ulterior motive to violate
20 requirements, whether it was profit or to save time,
21 whatever it might be, and that's called a deliberate
22 violation, and so you've got negligence on this end,
23 deliberate on this end, and then in the middle
24 there's this kind of nebulous thing, which is called
25 careless disregard, and it's also considered a

1 willful violation, and what that means is that the
2 person is knowledgeable and should have been more
3 careful, but they carelessly disregarded their
4 responsibilities, so careless disregard and
5 deliberate are all part of what we call willful.

6 If it's concluded that these violations were
7 willful, that puts it into a little bit different
8 light, and that's something that would precipitate
9 additional consideration. I can't speculate on --
10 I'm getting into speculation land, and I don't want
11 to speculate on anything specific, but it would
12 certainly result in different thoughts and different
13 actions on the part of the agency, so that
14 investigation will be completed before restart, and
15 we will know whether or not these violations were
16 willful or whether they were just errors and
17 oversights.

18 MS. LUEKE: I guess the other
19 questions I have are minor and I can address them in
20 another way.

21 MR. GROBE: Okay.

22 MS. LUEKE: But that one, I think,
23 is really the big one, and I think I hear it from a
24 lot of people, so our charge to you is to -- all of
25 you here and those -- anybody from the Nuclear

1 Regulatory Commission is to, please, open your mind
2 in the other direction, and do I need to restate
3 that?

4 MR. GROBE: No. I understand.

5 MS. LUEKE: I guess I beat that
6 horse, but, thank you, and I think that's all we can
7 ask of you, and not only do we ask it of you, but we
8 require it of you.

9 MR. GROBE: And I think that's
10 fair. Thank you.

11 Other questions or comments? Yes, sir?

12 MR. DOUGLAS: My name is Jim
13 Douglas. I live on Duff Washington Road, about a
14 mile from Davis-Besse front door. I was there before
15 they came, and I have watched the plant my whole
16 life.

17 I believe that Davis-Besse does not even know
18 the root cause of what caused the corrosion on the
19 top of their head -- their vessel.

20 I'm a plant engineer, I'm a chemical
21 engineer, retired, and they have not come up with one
22 decent answer as to why the head eroded like it did,
23 and I don't want to get into great many arguments
24 about this, but since I'm dealing with the Nuclear
25 Regulatory Commission tonight and not Davis-Besse

1 supervision, I would like to ask a couple of
2 questions of you, and you have half answered some of
3 my questions in stating just how responsibly you feel
4 about the safety and security in the plant in the
5 protection of John Q. Public, namely me. I live
6 down the street, okay? And I'm convinced you guys
7 are very, very serious about it, but one thing I have
8 not heard -- I did read in the paper, I should say,
9 that the NRC is considering letting them start back
10 up after repairs, proper repairs and proper
11 reformation of supervision that -- and also to apply
12 a great -- I'm sure, a pretty sizable fine for all of
13 the infractions and the sloppy supervision that has
14 been in that plant, and there has to be just about no
15 other way to say it than the supervision has been
16 very, very poor technically in Davis-Besse.

17 However, I am wondering if you people on the
18 NRC realize the implications of putting these several
19 million dollar fines against Davis-Besse for the
20 infractions that they have had, and I'm certainly
21 here to ask you not to put the dollar fines against
22 Davis-Besse for the simple reason, they are a public
23 utility, and they haven't got a nickel to their name,
24 period. John Q. Public pays all their bills, so if
25 you fine them, you're fining John Q. Public; whether

1 you like to believe it that way or not, that is true.

2 However, there is a type of fine -- and I
3 don't know whether you people are -- it's within your
4 power to do it, but if you were to give them a fine
5 because of poor supervision of the plant in the
6 nature of all supervision will be docked 10% on their
7 salary, there is a fine that will make supervision
8 sit up and take notice, and they will -- they will
9 damn well sharpen up in a great big hurry, but to
10 fine them with just a big lump of money is a first
11 class joke because Davis-Besse supervision is just
12 laughing up their sleeve at you and at us because
13 they get all their money from John Q. Public. That's
14 all there is to it, so it does no good, in my book,
15 to fine them, but what will do some good is to hurt
16 supervision and to get at them, make them sharpen up.
17 You guys are all docked 10%, President on down,
18 that's it, because of your lousy operation of the
19 plant and because of your lousy attitude toward the
20 safety of John Q. Public, that's what you're suppose
21 to correct.

22 MR. GROBE: That's a very
23 creative --

24 MR. DOUGLAS: It's a very creative
25 suggestion, yes, it is.

1 MR. GROBE: It is, and,
2 unfortunately, it's not within my legal authority.

3 MR. DOUGLAS: However, you can
4 suggest it, I believe.

5 MR. GROBE: Well, I'm not sure it
6 would be appropriate, quite frankly, for me to
7 suggest it. Again --

8 MR. DOUGLAS: Well, there's where we
9 differ.

10 MR. GROBE: Okay. I understand.

11 MR. DOUGLAS: I believe it is quite
12 appropriate because supervision at Davis-Besse has
13 been absolutely disgusting and appalling, and I have
14 been there since Davis-Besse started, long before
15 they started and even today I am still living there.
16 I hope they do start back up. I am not of the
17 opinion of many of the people here. We don't need a
18 dead horse around our neck in the electric company
19 because all it's going to do is up the electric rates
20 again. I don't want that.

21 MR. GROBE: Let me just lay out
22 some landscape for you of what is within my authority
23 or the NRC's authority and what our policies are.

24 It's within our authorities to level fines,
25 but the fines are against the company.

1 MR. DOUGLAS: Oh, please don't.
2 Yes, I --
3 MR. GROBE: I understand your
4 position, these are issues that have been discussed
5 extensively, and as a result of that we only use
6 fines in situations where there are willful
7 violations or something that is not related to
8 nuclear safety directly; for example, if the company
9 chose to discriminate somebody for raising a safety
10 concern, that's related to nuclear safety, but it's
11 not a hardware type issue, that would be covered
12 under our civil penalty process, or if the company
13 deliberately or willfully violated requirements, that
14 would be covered under our civil penalty process.
15 All other violations don't have associated within
16 them fines, so it's -- it's -- there's a very fine
17 line between our authority and the responsibilities
18 of the company to run the business and your
19 suggestion crosses that border. It's not within our
20 purview to tell the company how to run the business,
21 and I, quite frankly, have no idea what they may or
22 may not have done with salaries or benefits or
23 bonuses or anything of that nature.
24 MR. DOUGLAS: I am not concerned
25 with those details either.

1 MR. GROBE: But -- so we have the
2 authority, if there was a willful violation to take
3 action against individuals, civil action, not
4 criminal action. The Department of Justice has the
5 ability to take criminal action, and we have done
6 that, and those types of actions include banning an
7 individual from working in the nuclear industry for a
8 period of time, those types of actions, so if we end
9 up finding ourselves in a situation where there is a
10 willful violation, those are the types of things that
11 we will consider in dealing with that, but I
12 appreciate your suggestion.

13 We have about, I think, 10 more minutes, and
14 if you have another question, sir, that's fine, and
15 if there is other folks that have questions, I need
16 to get to their questions, too.

17 MR. DOUGLAS: Okay. I'll leave it
18 go at that. Thank you.

19 MR. GROBE: Thank you very much.
20 Yes, ma'am?

21 MS. KRAMER: Can you hear me?

22 MR. GROBE: Yes.

23 MS. KRAMER: I know I'm really
24 short. I and a few others here tonight we work for a
25 non-profit environmental organization where it's our

1 job to communicate with hundreds of our members on a
2 daily basis.

3 MR. GROBE: Could you get a little
4 closer to the microphone?

5 MS. KRAMER: Sure. Is that better?

6 MR. GROBE: Yeah.

7 MS. KRAMER: Did you hear that
8 first part?

9 MR. GROBE: I did.

10 MS. KRAMER: Okay. Through our
11 conversations, we inform our members about the
12 problems with Davis-Besse and FirstEnergy's inability
13 to operate the power plant safely.

14 What is your definition of safety?

15 MR. GROBE: That's a good
16 question. I can -- I can tell you the range of
17 level of risk that a plant in the United States
18 normally operates, and your head might start swimming
19 because I'm going to be talking about very strange
20 numbers, but a normal plant in the United States
21 operates at a risk of around 10 to the minus fifth,
22 10 to the minus seventh, probability of a core damage
23 accident, and what that means is that one in 100,000
24 to one in 10 million is the probability in a given
25 year that that plant would have a core damage

1 accident.

2 Now, a core damage accident doesn't use any
3 radioactive materials because you have the reactor
4 containment building. You have it -- the way in
5 which plants are designed is that you have multiple
6 barriers and each of those barriers has redundant
7 counter parts, so you have multiple levels of safety
8 and redundancy, and usually diversity, you have
9 different kinds of systems, so there's -- excuse me,
10 so the -- the risk of -- we talk of safety in terms
11 of risk, the risk is extraordinarily low if you
12 compare that to day-to-day risks, and there's a lot
13 of interesting books out that compare these types of
14 risks; driving a car or walking in the street, living
15 in your home, breathing in L.A., and various
16 different kinds of risks.

17 We categorize violations by looking at the
18 incremental increase in risk caused by that
19 violation, and we give them colors -- green, white,
20 yellow, red; and a green violation would be something
21 between 10 to minus six, 10 to minus seven. White
22 would be 10 to minus six, 10 to minus five and
23 onwards by an order of magnitude, so a red violation
24 would be something that caused an incremental
25 increase in risk on the order of 1 in 10,000, still

1 an extraordinarily small probability of anything
2 untoward happening. So, that's how we deal with it,
3 and how we define safety or how we evaluate it. The
4 definition of safety is contained in our regulations.
5 If you operate within the regulations, then by
6 definition a plant is safe. I don't know if that
7 helped.

8 MS. KRAMER: Again, thank you.

9 MR. GROBE: Okay, thank you.

10 Yes, sir?

11 MR. VASSELLO: My name is Vincent
12 Vassello, and I've worked at Davis-Besse for about 12
13 years now. After working about six years, I decided
14 I wanted to improve my odds of living, and I moved
15 closer to the plant. I feel that I have a much safer
16 time working at the plant than I do driving back and
17 forth to work on Route 2.

18 I'm very confident in the design of the
19 plant, and that I have my family living here, and
20 that's about what I wanted to say.

21 MR. GROBE: Thank you, Vincent.

22 THEREUPON, the audience began to applaud.

23 MR. GROBE: It's important --
24 we've talked about speculating, quite frankly, and a
25 wide variety of issues this evening. It's important

1 to remember that by and large the vast majority of
2 the people that work at Davis-Besse are well meaning,
3 caring people that live in this community.

4 Some decisions have been made at Davis-Besse
5 that were not appropriate, and we're trying to find
6 out why that happened, and the Company is trying to
7 find out why that --

8 UNIDENTIFIED: How about if they
9 didn't know?

10 MR. GROBE: And if that's the
11 answer, that's fine.

12 UNIDENTIFIED: How about if the
13 people that are getting rid of everybody, but how
14 about the people that didn't know? They're innocent.

15 MR. GROBE: There was --

16 UNIDENTIFIED: That's one of the
17 safest plants in the world. By none of them. Look
18 at the radiation over there. It's the best. That
19 plant is clean. These people ain't never been in
20 one. They sit and scream and holler. Davis-Besse is
21 a good clean plant out of any of them. If that's
22 the safest --

23 MR. GROBE: Let's not get into
24 a -- ma'am, do you have a question?

25 MS. MUSER: Real quick. You were

1 talking about the risk factors, one in -- what did
2 you say, 10,000, 100,000, something like that?

3 MR. GROBE: If you look at the --
4 what is referred to as the base line risk of an
5 operating reactor, each one is different because
6 they're all designed differently.

7 MS. MUSER: So they are pretty
8 small numbers --

9 MR. GROBE: It ranges 10 to minus
10 five to 10 minus seven, which is --

11 MS. MUSER: It kind of brings to
12 mind like the lottery. Odds are not that great, but
13 every now and then, somebody does hit. I don't feel
14 real confident about that. I think that really
15 needs to be looked at a little more closely, and
16 things need to be changed there.

17 MR. GROBE: Appreciate your
18 comment. Thank you. Yes, sir?

19 MR. MATHERLY: My name is Greg
20 Matherly. I've worked out at Davis-Besse for four
21 and a half years, been in the nuclear industry for
22 18. I have been sitting back there deciding whether
23 I was going to get up and speak or not, and I decided
24 I had to.

25 First of all, I've got several comments I

1 want to make. They were talking about contractors
2 coming in and working. For eight years of my life I
3 was a contractor. I went to 34 plants in the United
4 States, 17 plants around the world. I can tell you
5 that what these people do up here -- well, first of
6 all, nuclear industry whether we like it or not, it's
7 here. Look at the President's most recent energy
8 plan. It calls for more nuclear power plants.
9 Whether we're for it or not, I think we have to
10 accept it as a reality. Everybody wants energy,
11 energy is a need that we all desire. We've got to
12 come up with a way of producing it.

13 I have been to plants in other countries
14 where the Government's running the plants, and it
15 scares me. I've worked in utilities here in the
16 United States, and I feel safe because of the people
17 that were sitting up there on that platform. They
18 keep an oversight of the utility that is trying to
19 make money and making sure that the public is safe.

20 As an operator out at Davis-Besse, I take my
21 job very seriously. Just like Vince said, whenever
22 I first started working here, I lived in Toledo. In
23 the two years that I lived in Toledo prior to moving
24 closer to the plant, I was involved in three head-on
25 accidents, none of which were my fault, yet I've

1 never walked away from the plant with any kind of
2 injury in the four years that I've worked there. I
3 moved my family there, and first and foremost, I'm a
4 family man. I take my children very seriously, and I
5 would never put them in a situation where I felt like
6 they were in danger. I take each and every person
7 out here health and safety very personal. Right
8 now, I'm working on getting my reactor operator's
9 license, and I take that as a very important and very
10 distinguished thing because I am safe, I'm keeping
11 you guys safe. That's what my job would be and I
12 take that very seriously.

13 I know I have different opinions that some of
14 the other people that were here tonight, but I just
15 want you to know -- and I'm not an eloquent speaker,
16 but I just want everybody to know that, yes, mistakes
17 were made. That's for people to decide what the
18 problems were and get to the bottom of it, and the
19 attitude at the plant is like I have not seen it in
20 the last four years that I have worked there. Not to
21 say the attitude was bad before, because I'm not
22 saying that at all, but we understand and each person
23 is internalizing what happened, and until we have
24 their trust, they're not going to let us start up, so
25 I guess what I'm saying is I take my job very

1 seriously. Everybody that I work with takes their
2 job very seriously. I have talked to my neighbors.
3 They understand that we take our jobs seriously, and
4 I know we have the job now of convincing you guys
5 that we take our job seriously. Your safety is
6 depended on us, and that's a very big responsibility
7 that I feel that I carry, and I want you to know that
8 as for me, I'm going to take you as the public as
9 first and foremost. Thank you.

10 THEREUPON, the audience began to applaud.

11 MR. GROBE: Thank you.

12 Anybody else that has a question or a
13 comment?

14 (NO RESPONSE).

15 Well, that looks like it. I appreciate --
16 oh, yes, ma'am?

17 MS. BECK: Just thanks for having
18 these hearings and for giving everybody an
19 opportunity to speak.

20 MR. GROBE: Well, thank you for
21 that.

22 MS. BECK: We appreciate it.

23 MR. GROBE: I appreciate you all
24 coming out and being interested enough in what's
25 going on to -- to actually find out what's going on,

1 and I encourage you, like I said before, our website,
2 most of you I'm sure have access to computers, but
3 WWW.NRC.GOV. It's easy to find, and in the upper
4 right-hand corner of the first page that comes up
5 talks about Davis-Besse, and you click on that, and
6 there's a number of links, and there's just a
7 tremendous amount of information. It's updated
8 almost daily with additional information, so please
9 gain access to that. Feel free to call Vika. Wish
10 you had to get -- Vika's our Public Affairs officer,
11 one of them, in Region 3, and she always has access
12 to us if she can't answer your question, and please
13 keep coming. We value your input. That's why we do
14 these meetings and appreciate you coming out tonight.
15 Thank you very much.

16 (BRIEF PAUSE).

17 One final comment, we do -- we're always
18 interested in improving. There are forms in the
19 back they're called feedback forms. They're postage
20 paid. If you could take an opportunity to fill one
21 out with your thoughts on the conduct of this meeting
22 or whether we can improve the type of meeting or
23 whatever. Please take an opportunity to fill out one
24 of those forms and mail it back to us.

25 And, finally, I'd like to thank Mr. Stucker,

MARLENE S. ROGERS-LEWIS & ASSOC. REPORTERS
(419) 929-0505
(888) 799-3900

1 just sitting up there operating the mics and Oak
2 Harbor High School for making this facility -- even
3 though it does have a moat -- for making this
4 facility available to us. Thank you.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THEREUPON, the hearing was adjourned.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

STATE OF OHIO)
) ss.
COUNTY OF HURON)

I, Marlene S. Rogers-Lewis, Stenotype Reporter and Notary Public, within and for the State aforesaid, duly commissioned and qualified, do hereby certify that the foregoing, consisting of 106 pages, was taken by me in stenotype and was reduced to writing by me by means of Computer-Aided Transcription; that the foregoing is a true and complete transcript of the proceedings held in that room on the 20th day of August, 2002 before the U.S. Nuclear Regulatory Commission.

I also further certify that I was present in the room during all of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at Wakeman, Ohio this day of , 2002.

Marlene S. Rogers-Lewis
Notary Public
3922 Court Road
Wakeman, OH 44889

My commission expires 4/29/04