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

Meeting held on Wednesday, October 16, 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
- John Grobe, Chairman, MC 0350 Panel
- William Dean, Vice Chairman, MC 0350 Panel
- Jon Hopkins, License & Project Manager
- Anthony Mendiola, Section Chief PDIII-2, NRR
- Christopher (Scott) Thomas,
Senior Resident Inspector - Davis-Besse

1 MR. GROBE: Good evening. Why
2 don't I begin by asking if we have anybody here this
3 evening that this is the first meeting that they've
4 been to?

5 THEREUPON, a response was given by a show of
6 hands.

7 MR. GROBE: All right, great. My
8 name is Jack Grobe. I'm with the Nuclear Regulatory
9 Commission in the Region 3 office, which is in
10 Chicago, Illinois. Region 3 has the responsibility
11 for overseeing the safety of nuclear plants in the
12 Midwest, including Davis-Besse.

13 I'm the Chairman of the Davis-Besse Oversight
14 Panel. That panel has been established to provide a
15 broad spectrum of NRC resources bringing that broad
16 spectrum to focus on the problems that have been
17 occurring at Davis-Besse.

18 Let me introduce the folks that are up here
19 this evening, and then I'll talk a little bit about
20 what's happened so far today, then we'll open it for
21 questions.

22 On my immediate right is Bill Dean. Bill's
23 the Deputy Director of the Division of Engineering in
24 our offices and headquarters in Rockville, Maryland.

25 And on his right is Jon Hopkins. Jon's the

1 License & Project Manager in headquarters for the
2 Davis-Besse facility.

3 On my immediate left is Tony Mendiola. Tony
4 is the Supervisor for the project's organization
5 headquarters for a variety of activities including
6 Davis-Besse.

7 And on my far left is a very important
8 person, Scott Thomas. Scott is the Senior Resident
9 Inspector. He works for the Region 3 office of the
10 NRC, but he lives in the community here and works at
11 the Davis-Besse plant every day. We have two
12 Resident Inspectors; Scott's the Senior, and then
13 another fellow, Doug Simpkins, who lives right here
14 in Oak Harbor is the resident inspector.

15 The -- over the past several months, we've
16 been conducting monthly meetings with the Utility,
17 FirstEnergy. These have been public meetings. We
18 conduct them during business hours, during the
19 afternoon, here at the high school, and whenever we
20 do that, we also have a meeting in the evening for
21 those members of the public who are not able to
22 attend an afternoon meeting because we all have to
23 work, right, so we open this up in the evening to
24 share with you what's going on at the plant, and then
25 give an opportunity for you to ask questions or

1 provide whatever comments you might have.

2 Today was a little bit more unusual because

3 we had -- this is our third public meeting today.

4 We started this morning with what we call an exit

5 meeting, and that's the meeting that occurs at the

6 end of an inspection. This was actually two special

7 inspections. It's a special kind of inspection that

8 we do. It's not part of our routine inspection

9 program. It's a response to an event type of

10 inspection. It's the lowest level of event response

11 inspection. We call it a special inspection team.

12 An individual named Tom Kozak who lead that

13 inspection team presented the results of his

14 inspection. He was focused in two areas. The first

15 area was the off site release of radioactive

16 materials that occurred earlier this year. There

17 were a number of workers at Davis-Besse who became

18 contaminated with radioactive materials during the

19 course of their work and weren't completely

20 decontaminated before they left the site, and that

21 was discovered when those workers attempted to get

22 into other nuclear plants at other locations around

23 the country. Very slight contamination, but,

24 nonetheless, that was something that concerned us.

25 In addition, those workers were exposed to

1 unusual types of radioactive materials at the nuclear
2 plant, Davis-Besse. When I say, unusual, they're
3 types of radioactive materials that emit different
4 kinds of radiation than what you would normally see
5 in a nuclear plant. This radioactive materials
6 actually comes from the fuel itself and it's what's
7 referred to as transuranic isotopes. They're heavy
8 radioact -- heavy isotopes, and they emit the type of
9 radiation that's called an alpha particle. Alpha
10 particles are not dangerous as long as the material
11 is outside the body, because the heavy alpha
12 particles can't penetrate clothing, they can't
13 penetrate your skin, so there is no health risk as
14 long as the materials is outside your body. If you
15 inhale them into your lungs, they are very, very
16 light particles that can become airborne and you
17 inhale them, they can do damage because then the
18 alpha particles would be exposing tissues -- live
19 tissues, so they can be hazardous. These workers
20 who were exposed to alpha particles and -- I'm sorry,
21 radioactive materials that emit alpha particles, and
22 they inhaled some of that material, so there was a
23 number of issues that we wanted to follow up on.

24 There were three violations that Tom
25 presented this morning. One of them concerned how

1 the Licensee prepared for and conducted that work
2 specifically focusing on the radiological controls,
3 how they controlled -- prepared for and controlled
4 the work.

5 The second violation concerned deficiencies
6 in the way the Licensee evaluated the exposures that
7 those individuals received, and the third concern --
8 or violation concerned the failure of the Licensee to
9 control radioactive materials, and the fact that they
10 let it get off site. Those three violations were
11 the result of Tom's inspection and would be evaluated
12 in the regional office and in headquarters for the
13 significance of the violations, and I expect that
14 report will be issued in 45 days.

15 The second meeting we had this afternoon was
16 one of our routine meetings with FirstEnergy
17 Corporation discussing the progress that they're
18 making at Davis-Besse. The Licensee went through a
19 number of issues. They're ongoing at the plant. I
20 guess the -- I'll just highlight a couple of those
21 that have been of higher significance.

22 Back in June, the Licensee identified that
23 there was some boric acid that had been discovered on
24 the bottom of the reactor head -- the bottom head of
25 the reactor. The reactor itself is shaped like a

1 cylinder and has a semicircular top and a
2 semicircular bottom, and they discovered some
3 material on the bottom of the head. In looking at
4 the sides of the reactor, it appeared that it had
5 washed down the reactor, and that's how it got to the
6 bottom head of the reactor.

7 The Licensee went further and did some
8 analysis, took some scrapings of material and did
9 some analysis of material and identified some
10 discrepancies between the material that was on the
11 side of reactors -- the reactor and the material that
12 was on the bottom of the head. This caused concern
13 on their part as to where -- whether that material
14 actually did wash down the reactor or if it had come
15 from somewhere else, so that was recorded recently in
16 the newspapers and had gotten some attention. The
17 Licensee is continuing to evaluate that issue and try
18 to identify whether there is a concern with another
19 source of leakage or whether this is just an anomaly
20 in the chemical constituents that are in the boric
21 acid.

22 Licensee also went through a presentation of
23 a number of their areas. It appears that they're
24 making good progress in some areas. They discussed
25 issues that they're taking in the area of management

1 performance and also activities that they're -- that
2 they have underway to improve the -- what we call the
3 safety culture of the plant, and there were a number
4 of questions that were asked about that.

5 (To the Panel) Any other highlights from this
6 afternoon that I should mention?

7 MR. DEAN: No.

8 MR. GROBE: Okay. With that
9 said, let me tell you a little bit about information
10 that's available to you. We're now publishing a
11 monthly newsletter that we should have had copies
12 for, but we ran out this afternoon, copies for you
13 tonight. If you desire one, let me introduce Vika
14 Mitlyng -- Viktoria Mitlyng. Stand up, Viktoria.

15 MS. MITLYNG: (Indicating).

16 MR. GROBE: She's one of our
17 Public Affairs officers in Region 3, and she'd be
18 glad to get you one if you're interested or if you
19 have access to a computer, you can get to our web
20 site. It's www.nrc.gov -- G-O-V, and the monthly
21 newsletter is posted there as well as a wealth of
22 other information on Davis-Besse and what's been
23 going on at the site.

24 The one other item that I'd like to bring to
25 your attention is a single page feedback form. You

1 don't even have to pay 34 cents to send it back to
2 us.

3 MR. DEAN: 37 cents.

4 MR. MENDIOLA: 37 cents.

5 MR. GROBE: 37 cents -- sorry

6 about that.

7 MR. DEAN: Postage went up.

8 MR. GROBE: That's right. It's

9 postage paid, but please take a few minutes, pick up
10 one of these, fill it out, fold it up, and send it
11 back to us with your thoughts on the conduct of this
12 meeting and how we can improve. We're always
13 looking for ways to improve in our performance as far
14 as making our activities publicly accessible.

15 What I'd like to do now is provide an
16 opportunity for folks to ask questions or provide
17 comments to us, and I'd like to do this in somewhat
18 of an orderly fashion. If you could limit your
19 questions or comments to three to five minutes, we'd
20 appreciate that, but I'd like to start with anybody
21 who is from the immediate vicinity of the plant,
22 local residents, give them an opportunity to come
23 forward first.

24 Is there anybody in the audience who has a
25 question? Please come up to the microphone, and

1 state your name so that our Court Reporter can get it
2 recorded.

3 MR. DOUGLAS: My name is James
4 Douglas. I believe you -- you have met me before.
5 I'm an engineer, chemical engineer, and I live on
6 Duff-Washa Road.

7 MR. GROBE: Great.

8 MR. DOUGLAS: Okay? I'm very
9 concerned about what I have heard about the
10 engineering at Davis-Besse. I'm sorry the
11 Davis-Besse people are not here 'cause I'll save my
12 tongue-lashing for them when they're here.

13 MR. GROBE: Thank you.

14 MR. DOUGLAS: You guys don't deserve
15 it. Okay, enough said on that.

16 What I'm concerned about here is, have you
17 considered even a decent preventive maintenance
18 program so that this cannot happen again?

19 How about -- how about photographic
20 preventive maintenance program?

21 MR. GROBE: Yeah.

22 MR. DOUGLAS: Have you considered
23 this?

24 MR. GROBE: The -- actually the
25 adequate maintenance of all of the important systems

1 is a requirement. It's more than a consideration.
2 We have a requirement in the Code of Federal
3 Regulations that requires Licensees to have adequate
4 maintenance programs, and part of that would be
5 dealing with these kinds of issues, and, obviously,
6 FirstEnergy did not appropriately deal with the --

7 MR. DOUGLAS: Okay, you're kind of
8 beating around the bush a little bit and --

9 MR. GROBE: I thought you were --

10 MR. DOUGLAS: I really don't want
11 that.

12 MR. GROBE: I thought you were
13 going to save your tongue-lashing for FirstEnergy?
14 (Laughter).

15 MR. DOUGLAS: You guys are pretty --
16 pretty experienced at it. What I'm looking for is
17 the pictures that they stuck in the paper of the
18 head --

19 MR. GROBE: Uh huh.

20 MR. DOUGLAS: -- show very obviously
21 the great degree of degradation of that head, and a
22 decent preventive maintenance program of pictures
23 available to your inspectors after their annual
24 shutdown will tell them exactly what they have to do
25 to have a good sound head to start the -- start the

1 process back up again.

2 MR. GROBE: Absolutely.

3 MR. DOUGLAS: This is what I'm
4 after, a decent preventive maintenance program, and
5 so far I've heard nothing, and I think that you guys
6 should realize you have a strong moral obligation to
7 the public for our safety to get a program like this
8 established.

9 MR. GROBE: You're -- you're
10 absolutely correct that the issues that occurred at
11 Davis-Besse should not have occurred, and they should
12 have been discovered through our inspection programs.

13 MR. DOUGLAS: It's an absolute
14 disgrace that it did occur engineeringly, an absolute
15 disgrace.

16 MR. DEAN: Mr. Douglas?

17 MR. DOUGLAS: Yes, I have one more
18 question -- go ahead.

19 MR. DEAN: Let me help answer
20 your question, at least vessel head specific
21 inspection activities.

22 MR. DOUGLAS: Yeah.

23 MR. DEAN: What has transpired
24 over the last couple of years as issues related to
25 this phenomena of cracking of the nozzles has been

1 more prevalent and more known to the NRC, and as we
2 learn each time a plant shuts down and they do an
3 inspection we learn more. There were some bulletins
4 that we issued over the last year. Bulletins are a
5 device or a communication tool that the NRC uses to
6 transmit information to the industry to tell them
7 these are things because of the urgent nature of the
8 issue that we want you to respond to us on, okay, and
9 there's been several bulletins that have been issued
10 by the NRC over the last two years dealing directly
11 with the degradation mechanisms and cracking
12 phenomena that have occurred.

13 MR. DOUGLAS: I fully understand the
14 mechanics of what you're talking about, okay?

15 MR. DEAN: Okay. But what I
16 wanted to share with you is that as a result of those
17 bulletins, we have required Licensees to not only do
18 visual inspections, bare metal visual inspections of
19 the reactor vessel heads, but we're also requiring
20 them now to do non-destructive examinations, which
21 include techniques like using ultrasonic mechanisms
22 or any current testing or liquid dye penetrant test
23 of those penetrations of those nozzles to get even a
24 better understanding of what is actually existing as
25 opposed to just even doing a bare visual -- so it

1 goes beyond taking photographs, so we have reacted to
2 that issue to require much more stringent inspections
3 by Licensees.

4 MR. DOUGLAS: Okay, the pictures
5 that were in the paper show a definite iron oxide
6 degradation and contamination of the boric oxide,
7 very obvious. This to me is the simplest, least
8 expensive, and surest way of finding, do you have a
9 stress crack in the well.

10 MR. GROBE: And as you --

11 MR. DOUGLAS: I do not know why you
12 can't insist on an absolute binding photographic
13 preventive maintenance procedure. It's simple.
14 It's inexpensive, and it will do the job.

15 MR. GROBE: As Bill just
16 mentioned, we've gone beyond that. What you
17 observed in that photograph that was in the newspaper
18 was after a crack had gone through the wall and was
19 leaking.

20 MR. DOUGLAS: That's right, and I
21 believe you have holes in the walls now to take
22 pictures and that's what they're for.

23 MR. GROBE: What we have done is
24 gone beyond that, and we're now expecting Licensees
25 to use non-destructive examination to see cracks

1 before they go through the wall, before there is any
2 leakage. The techniques that Bill was referring to
3 are techniques that are used to look inside the metal
4 to see when a crack is beginning, not once it goes
5 through, so we have gone beyond -- you're absolutely
6 correct. The problems at Davis-Besse are easily
7 seen, and they were known to the Company and should
8 have been addressed.

9 MR. DOUGLAS: Okay, every time
10 they -- and the last question that I have is every
11 time they get into more inspection of the head and
12 more information is released, it gets to be worse and
13 worse, and the last one said something about a
14 paper-thin piece of stainless steel retaining 2000
15 pounds.

16 MR. GROBE: Uh huh.

17 MR. DOUGLAS: And the nozzle wiggles
18 with very little weld left in it.

19 Now, when are we going to hear the full
20 details of the inspection and the conclusions that
21 you guys have come to, and how -- definitely,
22 concretely how are we going to prevent this? I
23 don't want a reactor in my living room. Okay?

24 MR. GROBE: The -- your reading
25 about the thin clad material that was left after the

1 carbon steel had corroded away has been known, and
2 has been publicly available since last March.

3 MR. DOUGLAS: Okay, you have said
4 that you have gone to much more than even
5 photographic procedures, fine. That's great.

6 All right, what I am getting at is you have
7 gone to -- you haven't got it down to a concrete hard
8 regulatory rule if you got color dis -- degradation,
9 you don't start up, fellows, until you repair the
10 vessel. That's it.

11 MR. GROBE: I think actually those
12 requirements already exist, and they existed at
13 Davis-Besse, and they failed -- they failed to
14 implement those requirements as you've --

15 MR. DOUGLAS: And who makes all
16 these additional tests, you guys or them?

17 MR. GROBE: Well, we do
18 inspections, but they're required to do these
19 examinations, and they are required to fix these
20 problems before they restart.

21 MR. DOUGLAS: And where they
22 deliberately ignored all the evidence in the past,
23 you expect them to come up and say, well, we're in
24 bad shape, we got to go down and spend 50 million
25 dollars on a weld job?

1 MR. GROBE: I'm not going to speak
2 for the Company, but I would imagine if you ask them
3 that question, they would have much rather fixed it
4 at the time, which would have not cost them much
5 money than doing what they're doing now. The fact
6 of the matter is they didn't follow the requirements,
7 and they didn't do the right things, and that's what
8 caused them to have --

9 MR. DOUGLAS: Will we hear the full
10 extent of the degradation of the head?

11 MR. GROBE: Sure. I'd be glad to
12 talk to you after the meeting and tell you it's
13 available on the web site. It's been publicly
14 available.

15 MR. DOUGLAS: You've already done
16 this?

17 MR. GROBE: Yes.

18 MR. DOUGLAS: Okay. But I do -- I
19 certainly do request of you that you consider the
20 photographic procedure and be sure that it gets stuck
21 in the paper publicly, so that we can have some kind
22 of confidence that this place isn't going to go to --
23 you know where again.

24 MR. GROBE: Right. We can do
25 that.

1 MR. DOUGLAS: Okay?

2 MR. GROBE: Okay. Thank you, sir.

3 (Applause).

4 MR. WHITCOMB: Good evening,
5 gentlemen. My name is Howard Whitcomb, and I don't
6 think I could have asked for a better set-up, man.

7 Thank you, Mr. Douglas.

8 The recent findings of the NRC's Lessons
9 Learned Task Force clearly demonstrate that the
10 Nuclear Regulatory Commission can either -- either
11 can no longer function and safely execute its
12 responsibilities as an enforcement agency on behalf
13 of the public or it refuses to do so. The findings
14 of the Task Force attempt to provide a rationale that
15 the NRC's actions over the last decade rise to the
16 level of excusable neglect. Nothing could be
17 further from the truth. A more apparent conclusion
18 is that the task force has deliberately ignored the
19 realities of the relationship which has existed
20 between the Nuclear Regulatory Commission and
21 FirstEnergy Management over the last 15 years.
22 There have been numerous warning signs that the
23 Davis-Besse nuclear plant was in trouble. The NRC
24 deliberately ignored them. The relevant facts and
25 impressions follow. I invite you to challenge or

1 take issue with them if they do not represent the
2 truth.

3 FACT: On June 12th, Mr. Howell, the
4 team leader of the NRC's Lessons Learned Task Force
5 stated that as part of their review, the team would
6 review the allegation history pertaining to the
7 Davis-Besse facility and determine if the NRC had
8 appropriately dispositioned said allegations.

9 On October 10th, The Blade reported that
10 quote, Managers of the NRC's Midwest regional office
11 allowed themselves to become too distracted by
12 activities at other plants to diagnose Davis-Besse's
13 far-reaching problems.

14 IMPRESSION: There are only three possible
15 outcomes regarding the Lessons Learned Task Force
16 review of the allegation history at Davis-Besse.

17 Either,

18 1. The Lessons Learned Task Force did not
19 conduct a review.

20 2. The Lessons Learned Task Force members
21 were not qualified or competent enough to determine
22 whether the disposition of the past allegations had
23 been performed in accordance with Federal law, or

24 3. The Lessons Learned Task Force after its
25 review deliberately ignored the allegation history

1 and the NCR's prior dispositions at the Davis-Besse
2 Nuclear Plant.

3 Unfortunately, there are too many facts that
4 exist which point to the probability that this third
5 action is what the NRC has chosen to take.

6 FACT: On September 30th, The New York
7 Times published an article about the issuance of a
8 certain 1987 Preventive Maintenance Program
9 Assessment Report on June 20th, 1988. The
10 significance of this 1987 Preventive Maintenance
11 Program Report is that it contained very specific
12 information regarding the existence of a serious
13 cultural attitude which fostered an adverse
14 environment unsupportive of nuclear safety values.

15 In 1987, the PM Program Assessment Report was
16 issued by myself to the Vice President-Nuclear and to
17 the Plant Manager.

18 Subsequent to the issues -- issuance of the
19 1987 Preventive Maintenance Program Report, Toledo
20 Edison Management told the NRC during a maintenance
21 team inspection in September 1988 that the report was
22 currently in draft form. This was not the truth.
23 Toledo Edison Management did not accurately convey
24 the truth regarding the issuance of the report and
25 the events leading up to the authors' final days at

1 the facility. The NRC relied upon these statements
2 as evidenced by its comments as contained in its own
3 Inspection Report issued on December 16th, 1988. The
4 NRC was subsequently notified of the material false
5 statement in a number of allegations when the
6 material false statement was discovered on or about
7 December 1992.

8 FACT: There were at least nine
9 separate allegations alleging specific improprieties
10 by Davis-Besse personnel during the period of time
11 from January 1993 to present.

12 In a letter issued by you, Mr. Grobe, on
13 November 3rd, 1997, you attempted to close a certain
14 allegation which you claim had been previously
15 investigated on several occasions and adequately
16 dispositioned by your staff dating all the way back
17 to January of 1993. This was attempted despite the
18 objection of the originator of the allegation.

19 You made a similar report in a subsequent
20 letter on February 16th, 1999.

21 IMPRESSION: The conclusions of the NRC staff
22 were obviously incorrect, particularly in light of
23 the recent discovery of the unprecedented degradation
24 of the reactor vessel head at Davis-Besse and the
25 resulting root cause findings. Furthermore, it is

1 inconceivable that a thorough review of the
2 allegation history at Davis-Besse could possibly
3 overlook the significant dispositional error on the
4 part of the NRC. The failure of the Lessons Learned
5 Task Force to identify and address this very obvious
6 error supports the premise that it was deliberately
7 ignored.

8 On July 16th in a handout distributed by
9 FirstEnergy at a scheduled meeting, the graphic
10 depicting an organizational chart of the Restart
11 Overview Panel indicates Lou Storz as a member of
12 that panel.

13 On September 18th, Mr. Eshelman further
14 touted Mr. Storz's significant participation and
15 stated that that's a panel made up of essentially
16 very highly experienced individuals as well as
17 community leaders. . . Lou Storz is on it.

18 FACT: The NRC had knowledge of the
19 history of Lou Storz at the Davis-Besse facility and
20 the reprimand it issued for his distracting and
21 disruptive behavior in the control room on New Years
22 Eve 1986.

23 IMPRESSION: The failure of the NRC to
24 forthrightly challenge the participation of Lou Storz
25 on the current Restart Overview Panel is very

1 alarming and supports the premise that the NRC has
2 deliberately chosen to ignore Mr. Storz's problematic
3 history contrary to the preservation of the
4 fundamental principles of reactor safety
5 responsibilities. Lou Storz's behavior in the
6 control room on New Year's Eve illustrates that he is
7 clearly capable of placing reactor safety issues in a
8 subservient role when production demands dictate.

9 In conclusion, the NRC is fully aware of the
10 problematic history at Davis-Besse over the last 15
11 years. It cannot now feign ignorance of the
12 problems or blame events at other facilities as the
13 basis for why aggressive action was not focused at
14 Davis-Besse. The warning signs were either apparent
15 or were presented to the staff through the
16 established process. What the NRC's Lessons Learned
17 Task Force failed to identify is that the established
18 process failed to intervene and prevent the current
19 management and material problems at Davis-Besse.
20 What has again been demonstrated is that when the
21 process fails, reactor safety is compromised.

22 Over the last several months, FirstEnergy has
23 continued to conduct its affairs as it always has and
24 the NRC has passively watched it occur. Davis-Besse
25 management continues to violate quality assurance

1 requirements and generally accepted maintenance
2 practices. The O350 Panel has passively watched as
3 FirstEnergy conducts its business as normal. The
4 superficial findings of the NRC's Lessons Learned
5 Task Force clearly indicates that it is time for
6 change, the actions or lack thereof, of the 0350
7 Panel repeatedly demonstrate that FirstEnergy
8 Management will continue to receive disparate and
9 preferential treatment in comparison to the rest of
10 the industry. FirstEnergy's deleterious actions
11 over the last 15 years clearly deserve more, not
12 less, critical treatment, particularly since
13 FirstEnergy has conceded that at times they have
14 placed production demands over reactor safety.

15 Unfortunately, it's very obvious that the NRC
16 has accepted, even embraced, FirstEnergy's method of
17 doing business without reservation. The
18 effectiveness of the 0350 Panel is highly suspect.
19 Mr. Grobe, as Chairman, you have very obvious
20 conflict of interest. It is time for change. I
21 demand that you remove yourself from the 0350 Panel.
22 It is time to disband the 0350 Panel and insert an
23 independent review team as envisioned and demanded by
24 the 2-206 petition. As a resident of this
25 community, I hold the public health, safety and

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1 welfare above all else. It is time for change. It
2 is time that the legislative branch of the Federal
3 Government investigate the continued and sustained
4 ability of the NRC to fulfill and execute its
5 responsibilities in an independent and unbiased
6 manner, and without alternative motive other than
7 ensuring the public health, safety and welfare. It
8 is clearly time for change. It is impossible to
9 succeed without it. Thank you.

10 (Applause).

11 MR. GROBE: Let me respond in
12 several ways. First, if you have questions or
13 comments regarding the Lessons Learned Task Force
14 report, the Lessons Learned Task Force will be here
15 on November 6th and conduct a public meeting to
16 discuss the results of their report, and it would be
17 very appropriate for you to raise your questions to
18 them.

19 Secondly, if you have questions or concerns
20 regarding any member of the NRC, including myself, we
21 have an Office of the Inspector General, who does
22 investigations of the NRC staff, and you're more than
23 welcome to contact them and provide whatever
24 allegations you have to them, and they will be
25 investigated.

1 Are there any other comments or questions?

2 (Indicating).

3 MR. GROBE: Yes, sir.

4 MR. DUSSEL: Yes, my name is Tim

5 Dussel, and I'm just a resident of the area, and I'm

6 not a public speaker. I'm very nervous about even

7 standing up here.

8 In the last few months I've read different

9 articles in The Blade, Plain Dealer and some of the

10 instances that have gone on here, and I cannot

11 believe what I have read and seen. You people sit

12 up there very educated, very proper, and look down at

13 us. Yeah, go ahead and smirk, that's okay.

14 MR. GROBE: No, I was just -- I

15 don't --

16 MR. DUSSEL: I would like to have

17 you read -- you know, I've looked at the Internet and

18 I'm not real Internet literate, but I've seen your

19 web site. I've read your meetings, and you can read

20 by the hour. It's the same thing as coming to the

21 meetings. You stand up there, and you talk, and you

22 talk, and you talk and say nothing. There's

23 questions that should be answered, and there is no

24 answers being given. What happened to all of the

25 upper management that was either supposedly fired or

1 moved from Davis-Besse?

2 MR. GROBE: What happened to the
3 individuals?

4 MR. DUSSEL: Yes.

5 MR. GROBE: I don't know.

6 MR. DUSSEL: Are they moved to
7 other nuclear power plants so they can try to blow
8 them up so you people are not watching what they are
9 doing? You guys are so busy supposedly is the reason
10 you didn't inspect this place. Why weren't these
11 people -- these people should be jailed.

12 (Applause).

13 MR. GROBE: I don't have an answer
14 for you, but let me tell you what's going on, okay?

15 The -- and, first off, I wasn't smirking. I
16 don't like this arrangement. I don't want to sit up
17 here on the stage because I -- I feel uncomfortable
18 because I am up higher than you are. If you were
19 here this afternoon, you would have seen that we
20 stood down right where you were. I was here last
21 month as you guys sat here and I heard how --
22 FirstEnergy sat here and talked about how they
23 changed light fixtures.

24 MR. GROBE: Can I answer your
25 question?

1 MR. DUSSEL: Yes, go ahead, please.

2 MR. GROBE: This is a wonderful
3 facility, and it's the only one we have available.
4 I don't want you to feel like we're looking down on
5 you or anything like that because that's not the
6 case.

7 Secondly, you asked about the employees; we
8 don't track employees. I'm not aware of any of the
9 individuals that left FirstEnergy being employed at
10 another nuclear plant, but they could be.

11 The last comment I'd like to provide in
12 response to your first question is that we do have an
13 ongoing investigation. Deliberate violations of
14 regulations are criminal actions, and we have an
15 ongoing investigation into that to determine whether
16 or not these violations were simply oversights, or,
17 if, in fact, they were deliberate violations for some
18 ulterior motive, and if they were, those will be
19 turned over to the Department of Justice and whatever
20 action Department of Justice finds is appropriate,
21 they will take, so you say we're doing nothing, and I
22 appreciate that some of these things take time, and
23 it doesn't appear that anything is happening, but
24 there are several investigators. In fact, they're
25 working today on site that are looking into this,

1 that aspect of your question. Is there another
2 question I can answer?

3 MR. DUSSEL: Well, yes, you know,
4 like this has went on for years -- years and years
5 and the same way, you say there is all these
6 investigations going on, but they are going forward
7 right now putting this thing -- excuse me, putting
8 this thing back together and who -- God only knows
9 what they're doing. I read an article somewhere to
10 the fact that the lid that they've got doesn't even
11 have the same seal on it as the lid that they've
12 taken off.

13 MR. GROBE: Well, I'm not sure --
14 that's not correct information.

15 MR. DUSSEL: Okay.

16 MR. GROBE: The head that they
17 purchased from the Midland -- the consumer's power
18 company in Michigan is identical to the head that was
19 removed from Davis-Besse and has the same type of
20 seal.

21 MR. DUSSEL: The other question I
22 have is we're sitting here talking about the reactor
23 and of the -- all the nightmares we hear on the
24 reactor. I mean, if you would take and look on the
25 Toledo Blade web site and go backwards and read --

1 which I will give you. I'd like to have you read
2 these backwards 'cause you tell me -- would you mind
3 handing that to them, sir? I would like to have you
4 read them backwards to the people for me, and you
5 tell me what kind of decision the public should make
6 of what is going on here. You tell me that it
7 wouldn't scare you to death. You say you are
8 nervous sitting up there in front of us. You can't
9 believe how nervous I am of Davis-Besse sitting down
10 away from me.

11 (Applause).

12 MR. DUSSEL: That's not nervous,
13 that's down right fear.

14 MR. GROBE: I'm not sure what your
15 question was. I understand --

16 MR. DUSSEL: Would you mind reading
17 them articles backwards to the people? That's just
18 out of The Blade. That's not the Cleveland Plain
19 Dealer. These articles here are articles that the
20 common person can read, and this is the information
21 that we are getting. I've been to your web site and
22 all there is -- there's no answers. There's no
23 nothing. It's just a bunch of talk. These are the
24 articles that the people are reading and that's the
25 reason people are scared. You can go backwards on

1 your -- on those articles, and you'll make one
2 statement that this was safe, we don't believe this
3 was going to happen. You go two articles farther
4 up -- oh, we just discovered this. That reactor has
5 been a complete nightmare. There is so many other
6 things that hasn't been answered on this. The
7 containment room, the filters that was filled with
8 all the rust and so hap, how is the electronics and
9 stuff on all this stuff in the containment room?
10 None of that kind of stuff is talked about. I sat
11 here at the last meeting, and I heard them talk about
12 how they're cutting a hole in the containment
13 building and how they're going to put this cement
14 back together and it's going to be just as good as
15 new. I'm not an engineer here, but I have worked
16 around concrete, and I have done construction work.
17 There is no way that you're going to cut a hole in
18 that, glue a patch back on it and tell me that that's
19 just as strong as it was when it was originally
20 built.

21 MR. GROBE: In fact, it is, and
22 we've had inspectors that witness the welding. We've
23 had inspectors --

24 MR. DUSSEL: We've had inspectors
25 witness all this stuff? We've had inspectors

1 wondering if there was a crack in the reactor when
2 there was a hole ate through it. You know the
3 inspectors -- your word is not too good.

4 MR. GROBE: I'm not sure I'm going
5 to be able to answer any of your questions, because
6 I'm not sure that you're giving me a chance to answer
7 any.

8 MR. DUSSEL: Okay.

9 MR. GROBE: But which of the
10 questions that I haven't been able to answer because
11 you have interrupted me would you like me to start
12 with?

13 MR. DUSSEL: I would like you to
14 answer the question on the containment building
15 itself, the electronics and stuff inside.

16 MR. GROBE: Okay. The -- the
17 activities that FirstEnergy have undertaken go far
18 beyond just the rad monitor that you're referring to.
19 That radiation monitor has been examined, but all the
20 equipment inside containment has also been examined.
21 I've had inspectors that have observing what the
22 Licensee is doing. We've also conducted independent
23 inspections. The reports of those inspections are
24 available on that web site, and you can read them.
25 I would suggest that you take some time and read some

1 of the reports, and I would call your attention to
2 several that would be helpful. One is from May.
3 It's the Augmented Inspect Routine report. That was
4 our original findings of the inspection that occurred
5 in March and April. The Augmented Inspection Team
6 follow-up report, which was issued maybe about three
7 weeks ago, the Containment Health Inspection report.
8 These reports will provide you a comprehensive
9 understanding of what's been going on at the plant
10 and what the NRC has been doing to inspect those
11 activities and what our findings are, and they'll
12 give you information far beyond what you could read
13 in the newspaper. If you're looking for
14 information, the web site is an excellent place to
15 go. If there's -- if you're not comfortable with
16 the web site, we'll be glad to send you copies of all
17 of these reports, so that you can have a more
18 comprehensive understanding of what's going on than
19 what you might read in The Toledo Blade.

20 MR. DUSSEL: Well, I would like to
21 thank The Toledo Blade and the Cleveland Plain Dealer
22 because that has basically been about the only place
23 that you can really get any information where they
24 actually say anything, and as far as the inspectors,
25 you can sit and tell me how you're having this

1 inspected and that inspected, your past practices
2 pretty well show what's going on. Thank you.

3 (Applause).

4 MR. GROBE: Yes, sir.

5 MR. FOWLER: John Fowler is my
6 name. I'm an Oak Harbor resident.

7 A couple of things have surfaced this evening
8 that leave me kind of wondering about the program and
9 its totality. The inability to track people that may
10 have purposely ignored safety requirements, is there
11 some sort of a personnel reliability program like we
12 have in the Defense Department --

13 MR. GROBE: No, you misunderstood
14 what I said. We don't track where people work. If
15 one of those individuals that was involved was -- is
16 found to have deliberately violated our requirements
17 we have an enforcement policy that deals with that on
18 two levels. The first is the actions that we would
19 take, which we refer to as civil enforcement. Those
20 would be orders, and it's not uncommon that we issue
21 orders prohibiting people from involvement in nuclear
22 activities, and those people are tracked. More
23 significantly, if they are found to have deliberately
24 violated our requirements, the Department of Justice
25 has the authority to prosecute them, and there is

1 criminal sanctions which include jail time and fines,
2 so I don't want you to get any impression that
3 deliberate violators of requirements are running
4 willy-nilly around the industry, and we can't find
5 them. That's not what I mean. What I was saying is
6 we don't track where everybody works with the
7 exception of licensed operators. We know where
8 they're working because we license them, but all of
9 the other workers of nuclear plants are free to go
10 work wherever they want. If they are deliberate
11 violators of requirements, then there are sanctions
12 that are levied against them.

13 MR. FOWLER: If these violations
14 were not deliberate and these individuals have moved
15 on, it would appear they could be working in the
16 nuclear power industry presently while your
17 investigation is yet ongoing. They have not been
18 temporarily decertified until the investigation is
19 complete as would be done in the Defense Department.

20 MR. GROBE: That's correct.

21 MR. FOWLER: So they're on the
22 loose out there?

23 MR. GROBE: Yes. We generally
24 have a principal in the United States that you're
25 innocent until proven guilty, so, yes, they are out

1 there. There is an investigation ongoing. I don't
2 want to leave the impression that there is any
3 conclusions that people deliberately violated
4 requirements, but if they did, it will be a result of
5 the investigation, and we'll provide the evidence for
6 that.

7 MR. FOWLER: Or even if it was
8 inadvertent through sheer incompetence as opposed to
9 deliberate intent?

10 MR. GROBE: If the violations were
11 associated with incompetence, I would expect that any
12 future employer would find that out.

13 MR. FOWLER: Has Davis-Besse been
14 assessed any civil penalties to date regarding this
15 reactor head incident?

16 MR. GROBE: No.

17 MR. FOWLER: And several years ago,
18 there was an issue where above ground casts were
19 approved by the NRC for storage at Davis-Besse.

20 Initially, I guess there were some local
21 protests. I was relatively new to the area at the
22 time, and there were some concerns, and they said,
23 well, if the stainless steel liners for the casts
24 are -- and correct me if I'm wrong, five-eighths of an
25 inch thick, no problem, they're good to go, they're

1 blessed by the NRC, but the as delivered cast, if I
2 recall correctly, only had liner thicknesses of about
3 a half an inch, and then miraculously, oh, they're
4 good to go, too, go ahead and put them into
5 operation.

6 What are you doing presently to ensure to us
7 that the casts are safe at this point?

8 MR. GROBE: You're not going to be
9 real happy with this answer. I have no knowledge of
10 the specific activities with respect to dry casts at
11 Davis-Besse. Those are not the activities we're
12 looking into. I can get you in touch with the
13 people that can answer that question.

14 MR. FOWLER: Well, I think from a
15 community standpoint we've already found there is
16 some problems with the NRC's activities with the
17 reactor. Tell us about the casts. Are we safe in
18 your opinion or --

19 MR. HOPKINS: Yes, in my opinion,
20 the casts are safe. I have some knowledge of dry
21 casts. I don't recall the Besse specifically, but
22 if it's a manufacturer, I believe, that, yes, indeed,
23 the manufacturer had approval to make these casts and
24 the thickness was five-eighths inches, as I recall,
25 and they were delivered with like one-half an inch,

1 as you stated, and re-doing engineering calculations
2 to go back over that, the one-half inch was found to
3 be acceptable, and we find them acceptable today.
4 There is no danger from the casts at all, but it is
5 true that some casts were manufactured, it didn't
6 exactly meet what they were supposed to originally,
7 but they are safe and that they are manufactured,
8 they have a sufficient safety margin to perform their
9 job.

10 MR. FOWLER: It's just from a local
11 community standpoint and being in the downward hazard
12 zone as we are, it wasn't explained early on when
13 they said, okay, thicknesses of half an inch to an
14 inch or inch great. It was five-eighths is okay.
15 Half an inch shows up -- and, oh, half an inch is
16 okay, and in the rule making process of the Federal
17 Government there is always a strong bit of influence
18 by the industry as well as legislatures.

19 Do you generally being seasoned inspectors
20 and employees of the Nuclear Regulatory Commission,
21 do you feel additional legislation is needed?

22 Do you need additional inspectors to be more
23 efficient on site?

24 Is the program adequately funded and
25 regulated?

1 MR. GROBE: You're asking huge
2 questions. Let me --

3 MR. FOWLER: Something you may not
4 be able to answer, I understand, because it's a
5 public forum and being recorded.

6 MR. GROBE: Well, certainly we
7 could do more inspections if we had more inspectors.
8 We have two inspectors that are on site all the time.
9 That's their full-time job. Scott's the Senior
10 Resident Inspector at Davis-Besse. You might, in
11 any given year, have about 15 inspections that are
12 performed that range from one week in duration to
13 three or four weeks in duration, and inspectors that
14 come out of the regional office that travel to all
15 the plants in the Midwest, but if we had more
16 inspectors, we could certainly do more inspections.
17 The -- I don't believe there is any further
18 legislation that's necessary. There is no question
19 that this issue should have been detected by the
20 Company and certainly could have been detected by us.
21 There was sufficient information there had we looked
22 at it; we would have come to the conclusion that
23 something inappropriate was going on. The fact of
24 the matter is, we didn't come to that conclusion and
25 that's why we have the Lessons Learned Task Force to

1 find out why that happened and whether or not we need
2 to change our inspection program, what actions might
3 be appropriate, and that report -- the executive
4 summary of that report was made public through a
5 press release and the entire report is available on
6 the web site, and, like I said earlier, those folks
7 will be out here November 6th to discuss with you the
8 results of their evaluation of our performance, so
9 nobody has taken this lightly. I understand your
10 concern. We're looking at ourselves as hard as
11 Davis-Besse is looking at themselves. We will learn
12 and improve as a result of the Lessons Learned Task
13 Force's activities and the actions we're going to
14 take following that, and Davis-Besse is certainly
15 learned a lot of things, and they are improving.
16 I'm not sure what else I can say to you on that
17 subject.

18 MR. FOWLER: Lastly, what about
19 liability insurance on the part of FirstEnergy, what
20 sort of -- and how is that even calculated?

21 Are there any requirements for an operating
22 company such as FirstEnergy to maintain a certain
23 amount of insurance?

24 MR. GROBE: Are you familiar with
25 the Price-Anderson Act?

1 MR. FOWLER: No, no, I'm not.

2 MR. GROBE: Do we have anybody
3 here that's an expert on Price-Anderson?

4 (No response).

5 MR. GROBE: There's a liability
6 fund that was established under the Price-Anderson
7 Act, and I have a very simplistic understanding of
8 it, but if you have more questions, we can certainly
9 get somebody in touch with you, but the way it works
10 is that every Utility contributes to that fund, and
11 that fund is available if there is a nuclear accident
12 to deal with liability concerns, and that's about the
13 extent of my knowledge. I don't get into the
14 financial side of the business.

15 MR. FOWLER: Would you have some
16 way to find out how much money is in that fund? I'm
17 just kind of wondering.

18 MR. GROBE: I don't know.

19 MR. FOWLER: After the events of
20 9/11, the airline industry basically said, hey, we're
21 out of money, and the Federal Government said, gee
22 whiz, the taxpayers will take care of it, and you're
23 good to go, and I'd hate to see FirstEnergy get off
24 the hook if something does happen.

25 MR. HOPKINS: As Jack said, there is

1 a law that requires insurance for all nuclear power
2 plant operators called the Price-Anderson Act, and
3 Davis-Besse pays a certain amount each year to belong
4 to that, to be covered by the law, and we checked
5 that they said -- checks in to be members of the law
6 and everything else, and the coverage under
7 Price-Anderson, I'm not sure of the exact amount, but
8 I believe it's around one hundred million dollars
9 that's available to pay in the case of a nuclear
10 accident, I think it is.

11 MR. FOWLER: Total?

12 MR. HOPKINS: Total.

13 MR. FOWLER: But we already know
14 from 9/11 that we place the dollar value of human
15 life at 1.8 million dollars --

16 MR. HOPKINS: Well --

17 MR. FOWLER: -- plus the clean up
18 cost for all this valuable farmland in Ottawa County,
19 one hundred million dollars would be a drop in the
20 bucket, gentlemen.

21 MR. HOPKINS: There has been much
22 discussion over is that an appropriate amount or not.
23 That is above me as far as what the Act covers, but
24 that is what the Act covers, and, again, I believe
25 that's an approximate amount. I'm not positive on

1 the total amount, but that rings true to me as to how
2 much that is.

3 MR. FOWLER: So as a rhetorical
4 question my earlier question may then be correct,
5 perhaps some additional legislation should be
6 considered by our elected representatives to better
7 protect us in the event of this hundred million
8 dollar check which seems like it has fallen short to
9 me. Thank you.

10 (Applause).

11 MR. ARNOLD: Paul Gunther of the
12 Nuclear Information and Resource Service was
13 dismayed --

14 MR. DEAN: Would you please state
15 your name first for our Reporter. Thank you.

16 MR. ARNOLD: Sam Arnold. Paul
17 Gunther of the Nuclear Information and Resource
18 Service was dismayed the Task Force didn't focus
19 attention on Samuel Collins because he overlooked his
20 own staff recommendation to shutdown Davis-Besse by
21 December 31st.

22 My question is why Mr. Collins' actions were
23 not investigated and what were his reasons for
24 overruling his own staff?

25 MR. GROBE: The -- first I want to

1 thank you for coming forward. The Lessons Learned
2 Task Force conducted a review of NRC activities and
3 one of the activities they reviewed was the decision
4 that was made last fall. Sam Collins was part of
5 that decision-making process. We have a group of
6 people that investigate us if we do something wrong,
7 and they are called the Office of the Inspector
8 General. They report to Congress, and the Office of
9 the Inspector General is conducting an investigation
10 of the NRC staff activities that led up to the
11 decision that allowed Davis-Besse to operate for an
12 additional month and a half last year, so it is under
13 investigation. The Lessons Learned Task Force
14 report was provided to them and that's something that
15 they are considering as part of their investigation,
16 so the answer to your question is, it is under
17 investigation.

18 MR. ARNOLD: Okay. My last
19 question is --

20 MR. DEAN: Yeah, the other thing,
21 Sam, I wanted to mention was that, I think it's a
22 misrepresentation to say that Mr. Collins overruled
23 the staff. The decision that was made by the Agency
24 was an agency decision that was made with full
25 consideration of all of the individuals that had

1 knowledge of what was going on, the technical issue,
2 a very complex technical issue, and there was a large
3 number of staff and managers involved in the decision
4 that made a recommendation to Mr. Collins. He did
5 not overrule his staff.

6 MR. ARNOLD: Okay. The reason one
7 of the inspections was not made was lack of equipment
8 and personnel.

9 Why was there a lack of this -- of these
10 things?

11 MR. GROBE: The reason that we
12 didn't find this problem that occurred over the last
13 four years, I don't want to give you a misimpression,
14 it wasn't the lack of personnel. It was the fact
15 that we didn't choose that activity to look at. The
16 Utility has upwards of a thousand people working at
17 the plant every day. We certainly don't have enough
18 people, and I don't think you would want to pay
19 enough to have so we would have enough people to be
20 able to watch everything that's going on, so we have
21 to choose what activities we're going to look at.
22 We choose the activities based on what we think are
23 the most important things that are going on.

24 Prior to Davis-Besse, no corrosion like what
25 occurred at Davis-Besse had ever occurred before in

1 the nuclear industry, so we didn't understand that
2 that type of thing could occur. Had we understood
3 that, we may have spent more time looking at
4 activities regarding the reactor head. We didn't do
5 that. It's -- as I said earlier in response to
6 another gentleman's comment, if we had more
7 inspectors, we could do more inspections. We may or
8 may not have chosen that specific activity to look at
9 and part of the Lessons Learned Task Force is to --
10 part of their charter was to look at how we do our
11 inspections, how we choose which activities we look
12 at and provide us their thoughts on how we can
13 improve in that area. Okay? Thank you.

14 (Applause).

15 MR. GROBE: Other questions or
16 comments?

17 MR. LOCHBAUM: Dave Lochbaum with the
18 Union of Concerned Scientists.

19 Jack, I don't want to take issue or debate
20 the point, but I guess I would disagree with your
21 conclusion that the Agency is not taking this issue
22 lightly. The first time I met Mr. Dean was when he
23 was on the EDO Staff back when the Commission was
24 holding hearings on the problems at Millstone. The
25 first time I met you was prior to a series of

1 Commission meetings on how D.C. Cook was going to be
2 restarted. There hasn't been any Commission
3 interest or hearings into Davis-Besse.

4 Kind of curious as to what's distracting
5 those five that are keeping them from looking into
6 what's going on at Davis-Besse?

7 MR. GROBE: There certainly has
8 been a lot of interest among the commissioners.
9 There hasn't been a Commission meeting, and you would
10 have to ask the question of the Chairman why the
11 Commission has chosen to not have a meeting on
12 Davis-Besse yet. I don't have that answer. I have
13 been responding to questions from the Commission and
14 staff on a fairly regular basis. There is no lack
15 of interest on the part of the Commissioners.

16 MR. LOCHBAUM: I guess from an
17 observation point they held a lot of meetings on
18 Millstone, held a lot of meetings on D.C. Cook, held
19 zero meetings on Davis-Besse. I think that's
20 consistent with what we saw in the Lessons Learned
21 Task Force where the Agency just didn't give
22 Davis-Besse a lot of attention and still does not
23 give Davis-Besse a lot of attention.

24 MR. GROBE: Well, again, I don't
25 want to speculate on what might be the reason that

1 they haven't had a meeting, a formal Commission
2 meeting. As you recall, we had two meetings, two
3 Commission meetings, on D.C. Cook. I don't know why
4 they haven't chosen to schedule a meeting on
5 Davis-Besse. Again, I'm not the right person to ask
6 that question to.

7 MR. LOCHBAUM: Yeah, I was just
8 pointing it out --

9 MR. GROBE: I don't think it's a
10 lack of interest because I have been responding to a
11 lot of questions.

12 MR. LOCHBAUM: Well, I think you
13 probably responded to a lot of questions on D.C. Cook
14 as well and still had Commission meetings where the
15 public could understand what the Commission was
16 doing.

17 MR. GROBE: David, you're asking
18 the wrong guy.

19 MR. LOCHBAUM: The other guys aren't
20 here.

21 MR. GROBE: Well, I'm sorry, I
22 can't speak for --

23 MR. LOCHBAUM: I can't find these
24 people, so you're the only people that show up, so
25 I'm sorry that you have to take the question, but if

1 I can find any of the other ones, I would ask them,
2 too.

3 As far as another point, it's the Lessons
4 Learned Task Force, I know it's not directly related
5 to the 0350 Panel, but in some ways it is. I looked
6 at this Lessons Learned Task Force report, which is
7 very thorough and very come complete and it's much
8 better than the Lessons Learned Task Force report
9 from 2000 on Indian Point, which in itself was better
10 than the Lessons Learned Task Force in 1997 at
11 Millstone, which was better than the Lessons Learned
12 Task Force report on South Texas, so this Agency is
13 getting very, very good at the Lessons Learned Task
14 Force production, not so good at fixing the things
15 that these Lessons Learned Task Force reports
16 document. I think the goal should be not to become
17 the best Agency in the world at producing a Lessons
18 Learned Task Force report, but reducing the frequency
19 from two years to let's start with four years at
20 least at the front end. How that relates to you
21 guys is that you're looking at 0350, you're looking
22 at how the Company fixes things. Part of what the
23 task that you have is they're not going to be able to
24 fix everything. They're going to defer some thing
25 until after restart, and you're going to audit that

1 to ensure that they make the right calls and what
2 they do now and what they defer. The question from
3 the Lessons Learned Task Force point of view is who's
4 looking at those 50 odd recommendations to ensure
5 that the ones that need to be done that affect the
6 work that you're doing are done before Davis-Besse
7 restarts?

8 MR. GROBE: I can -- I don't know
9 exactly who's on the Senior Management Team that's
10 looking at it, but it's being chaired by Carl
11 Paperiello. Carl is one of the Deputy Executive
12 Directors, and there's a number of other Senior
13 Managers that are on the group that has 30 days from
14 the date the Lessons Learned Task Force report to
15 develop the action plan to address the
16 recommendations, so I would expect mid November or so
17 would be the -- will be when they publish their
18 action plan for the Agency.

19 MR. LOCHBAUM: So there won't be any
20 changes before this action plan gets developed in mid
21 November then?

22 MR. GROBE: Well, that's -- I
23 think -- I think you know that's a little bit of an
24 exaggeration. There's been a lot of activity, and
25 Bill just described a little bit of it with respect

1 to two bulletins that have been issued since
2 Davis-Besse and there's been three or four --

3 MR. LOCHBAUM: No, that's on things
4 that you're asking the industry to do differently.
5 The Lessons Learned Task Force report was mainly
6 focused on how the Agency does things differently.

7 Earlier today in response to Amy Ryder's
8 question about what the NRC is doing, you said your
9 inspections -- your inspectors are going to go in,
10 look at the plant, and if it's not ready to restart,
11 the inspection reports are going to require that
12 those things get fixed, but your inspectors are going
13 to be using the same inspection procedures they used
14 last year.

15 MR. GROBE: No.

16 MR. LOCHBAUM: Yeah, you are.

17 MR. GROBE: The inspections that
18 are done under 0350 are very unique and specialized
19 inspections. Each one has a specifically tailored
20 inspection plan for the specific activities that
21 we're inspecting. It's -- it's not like a routine
22 inspection program at all. Our routine inspection
23 program might generate 2000 hours of inspection a
24 year, something on that order. We've probably
25 already expended in excess of that in the last few

1 months at Davis-Besse. This panel approves each
2 inspection plan for each inspection that goes on at
3 Davis-Besse today, so it's a very different and
4 unique program specifically tailored for problems at
5 Davis-Besse. It's not part of the routine
6 inspection program at all.

7 MR. LOCHBAUM: I guess the
8 question -- the follow-up question is why don't you
9 use it all the time then? If this is foolproof why
10 didn't you use it to avoid these situations rather
11 than those inspection procedures that don't seem to
12 work very well?

13 MR. GROBE: Well, as I'm sure you
14 can appreciate this is very resource intense and very
15 costly for us. As several people have asked about
16 resources, we don't have enough resources to do this
17 kind of inspection at every plant every day so we
18 have to try to create a routine inspection program as
19 best we can to cover all the bases and obviously we
20 missed this one.

21 MR. LOCHBAUM: Speaking of resources,
22 I had a meeting with Commissioner Merrifield
23 recently. He invited me into his office.

24 MR. GROBE: I thought you
25 couldn't find them. Come on, Dave.

1 MR. DEAN: Yeah, why didn't you
2 ask him that question?

3 MR. LOCHBAUM: I did ask him that
4 questions. He said it would be in the Lessons
5 Learned Task Force report, so I guess he lied to me.
6 I asked him the question about resources because we
7 said you thought you didn't have enough resources and
8 if you had more resources that would help you out.
9 His answer was you have -- NRR has too many
10 resources. You don't need more resources, so we're
11 trying to help you out and get you more people to do
12 those inspections you like and you got the people at
13 the top saying there's probably too many of you, so
14 who is right in that situation?

15 MR. GROBE: Well, my answer is
16 always the Commissioner is right.

17 MR. LOCHBAUM: It was a trick
18 question with a transcript, yes, and, lastly, if I
19 understood some of the comments this evening, one of
20 the NRC's goals, one of the NRC's only four goals is
21 to improve public confidence, and, I guess, for the
22 record, we'd like to add that the Union of Concerned
23 Scientists has lost confidence in this Agency. As I
24 heard some of the other people kind of express today,
25 the decision that was made by whoever last year, and

1 I think it was Sam Collins, but whoever, was the
2 worst decision I've ever seen you guys make -- ever.
3 I don't see any excuse for what you did, and I -- I
4 had a lot of confidence prior to that -- that
5 decision. In the last year, it's gone, and I don't
6 know what you can do to restore that, but something
7 needs to happen because these people deserve it.
8 Whether -- my group doesn't matter or not, but the
9 people living near the plant need to have confidence
10 in you as the regulator. Thanks.

11 (Applause).

12 MR. GROBE: Any other questions?

13 Oh, excellent.

14 MS. SHAW: Hi, I'm Lori Shaw, and
15 I'm the coach of the Circuit Breakers, the young
16 gentleman who came down here, and they have sort of
17 brought me in to all this. My question is, I heard
18 you say about the welding that that was safe when the
19 other gentleman -- and my question is, if the kids
20 come back to me and ask, well, why is that safe, how
21 did you decide that was safe? Has that been tested?
22 Has that repair ever been done in another nuclear
23 facility, and has there been any long-term follow-up
24 with repairing a hole of the same magnitude with a
25 plug?

1 MR. GROBE: Yes, yes, no, yes,
2 and no. You asked a lot of questions. Let me
3 answer the last one first.

4 It is not uncommon to have to cut holes in
5 containments, and it's been done at a number of
6 plants. The containment has two access ports; one's
7 a personal access port which is the size of a person,
8 and the other one is called the equipment hatch, and
9 it's about 20 feet in diameter roughly. There are
10 times during the course of a plant's life when they
11 may have to move a piece of equipment into
12 containment that's bigger than that. This has
13 occurred at a number of plants where they have to
14 replace steam generators, and they cut a hole inside
15 containment and move it in and then weld it up, and,
16 specifically, about your questions on welding,
17 welding is a very common process. Through the
18 process of welding, it's not like gluing something
19 together where -- it's a different kind of material
20 between two pieces of material to glue it together
21 with adhesive. Welding is actually creating the
22 same kind of metal, so, in essence, you have a single
23 piece of metal when you're done. Each welding
24 procedure is developed specific for that welding job
25 and these are tested and reviewed and approved. The

1 process that the welders go through is tested and
2 reviewed and approved, and then after the weld is
3 done, the weld is examined using what I refer to as
4 non-destructive examination techniques. Essentially
5 for this weld, it was like an x-ray. It's called a
6 radiograph, and they actually look at the weld, the
7 entire weld, using x-rays to make sure that the metal
8 is good metal that they've put in, so the answer to
9 your question is it's a carefully controlled process.
10 It's reviewed and approved ahead of time. It results
11 in a single piece of metal and it's radiographed to
12 make sure it was done correctly, and I have
13 inspectors that witnessed the radiography as well as
14 reviewed the results of the radiography. These are
15 people that are experts in doing that kind of thing.

16 MS. SHAW: Were the repairs done
17 from damage similar as --

18 MR. GROBE: I'm sorry?

19 MS. SHAW: Were the hole plugs
20 used in cases of damage similar to this that there
21 was leaks and a hole and welding was used in that
22 same case scenario?

23 MR. GROBE: Are you now talking
24 about the reactor head?

25 MS. SHAW: Yes.

1 MR. GROBE: That sort of damage
2 has never occurred before. The Company originally
3 was thinking about repairing the hole in the head
4 instead of replacing the head, and that's a fairly
5 complicated weld, and they decided not to do that.
6 They decided to purchase a new one.

7 MS. SHAW: Okay.

8 MR. GROBE: There is one more
9 thing, these guys are whispering in my ear while I
10 was talking. After the -- all of the work is done
11 at Davis-Besse just prior to restart, there's a
12 special test that's called Integrated Leak Rate Test
13 where they pressurize containment. They actually
14 pump it up in inside and look for leaks, so that's an
15 additional barrier margin of safety test that
16 provides additional confidence that the containment
17 is in good shape.

18 MS. SHAW: Thank you.

19 MR. GROBE: Yes, sir.

20 MR. YOUNG: Richard Young. Good
21 evening. We have the question of whether Mr.
22 Strasma's comment earlier on the civil portion of the
23 penalty phase will be awaiting all the violations to
24 all be added up before an assessment is granted?

25 MR. GROBE: The -- I'll talk a

1 little bit about our enforcement policy, and then
2 I'll turn it over to Bill and he can talk about our
3 normal routine oversight process. They're only very
4 unusual circumstances when we use civil penalties,
5 monetary fines. If a company is involved in
6 discrimination or willful violations, or if there's a
7 very significant event, like a significant
8 overexposure, something like that, those activities
9 are handled under our traditional enforcement or if
10 there is deliberate violations, under our traditional
11 enforcement policy which can result in fines. Other
12 types of violations, normal violations, aren't
13 handled under that enforcement policy, and Bill's an
14 expert in that. I'll let him answer that.

15 MR. DEAN: And if you have our
16 monthly newsletter, there's actually a pretty good --
17 is that what you're referring to, our monthly
18 newsletter?

19 MR. YOUNG: Well, because of the
20 recent developments of the radiation findings that --
21 I know it's a different characterization, a different
22 problem entirely, but I didn't know if you intended
23 to do the NCV notice at the end of the month.

24 MR. GROBE: Okay.

25 MR. DEAN: Yeah. If you get our

1 monthly newsletter and Vika will --

2 MR. YOUNG: I haven't got the
3 latest one.

4 MR. DEAN: Okay, it has a
5 description there, matter of fact, about of our
6 enforcement policy, which will probably do better
7 than what Jack and I are trying to do here tonight,
8 but with respect to -- you're talking about the
9 radiological issue?

10 MR. YOUNG: Yes.

11 MR. DEAN: First of all, when we
12 have an inspection finding, we look to characterize
13 the inspection finding in terms of its significance.
14 In the case of a radiological event, we will be
15 looking at exposure, did somebody receive exposure in
16 excess of limits? If that were the case that
17 results in the termination of a particular
18 significance which then derives the Agency's
19 response, additional inspection, perhaps confirmatory
20 action letters, orders, violations will be issued.
21 We reserve the right for civil penalties for, as Jack
22 said, significant -- if there was a significant
23 overexposure of an individual, so if that happens to
24 be the case, this would maybe be something that we
25 would consider not only for a violation, but may also

1 consider for civil penalty, if we do have a
2 significant overexposure. That would be an example
3 of where we would consider civil penalties.

4 MR. YOUNG: Okay. And my last
5 question I have is a violation being the
6 non-tolerance portion of the earlier violations, is
7 that an automatic category one or again category is
8 only for willful?

9 MR. DEAN: You mean severity
10 level one?

11 MR. YOUNG: Severity level, I'm
12 sorry, yes.

13 MR. DEAN: If you're talking
14 about our prior enforcement policy --

15 MR. YOUNG: Of penalties, yes.

16 MR. GROBE: You've got a good tag
17 team here because I'm pretty much an expert in our
18 routine enforcement policy. If you have a
19 deliberate violation, which I think was your
20 question, there's a number of different
21 considerations that go into the categorization of
22 that violation. If it's a very low level
23 individual, there may not be any fines, but there may
24 be just action against that individual. At the other
25 end of the spectrum, if it's a very high level

1 individual that was involved in that, there would not
2 only be action against the individual, but there
3 would likely be fines and possibly orders against the
4 company, so there's a number of factors. The
5 egregiousness of the violation, and I know it's
6 difficult to think of different levels of
7 egregiousness of willful violation, but one category
8 of a willful violation is what we call careless
9 disregard. If the individual was trained well to do
10 their job and all of the information was there before
11 them and they just didn't do it, we call that
12 careless disregard, and that's a willful violation.
13 That's the lowest level of types of willful
14 violations and it goes up through a deliberate
15 violation, which would be somebody did something for
16 personal gain or for corporate profit where they
17 deliberately, cognitively made a decision to violate
18 requirements, so there is different levels of
19 willfulness, and there is also different levels of
20 individual as far as their responsibility in the
21 organization and all of those factors go into
22 consideration of how you apply the enforcement
23 sanctions.

24 MR. YOUNG: And NCV notice is only
25 after everything's done in totality, right? There's

1 no piecemeal in NCV letter -- not NCV. What's your
2 regulatory violation letter called?

3 MR. GROBE: It won't be until
4 after the investigation is complete --

5 MR. YOUNG: Okay.

6 MR. GROBE: -- that a decision is
7 made on what sort of sanctions might be associated
8 with the violations of Davis-Besse.

9 MR. YOUNG: Thank you very much.

10 MR. GROBE: Okay? Other
11 questions?

12 MS. BARBOUR: Hi. My name is Emily
13 Barbour, and I got here late, so you may have
14 addressed this earlier, and I'm sorry if you have
15 did.

16 Since I have been here I have heard a lot of
17 talk about -- earlier a woman asked a question about
18 safety, and what safe meant, and it was responded to
19 with a lot of comments on how common processes were
20 or how controlled the process was, and that doesn't
21 necessarily mean safe to me, so I was wondering what
22 safe actually means in terms of a nuclear power
23 plant, and I was also wondering what guarantees you
24 can give to the people here that the nuclear power
25 plant will be safe, not just that the processes

1 involved will be done to the best that they can be,
2 but that actually there is no threat anymore nor ever
3 will be?

4 MR. GROBE: That's a pretty high
5 standard. I think the question had to do with
6 welding, is that the earlier --

7 MS. BARBOUR: Yeah, that was the
8 earlier question.

9 MR. GROBE: You don't want me to
10 go into that, do you?

11 MS. BARBOUR: Okay.

12 MR. GROBE: Yes?

13 MS. BARBOUR: I was just wondering
14 what safe means in -- I mean, nuclear power is a big
15 complex process, so --

16 MR. GROBE: I'm going to answer
17 this with a couple generalities and then some
18 specific technical information, and you can tell me
19 when to stop. Each of us define safe differently in
20 day to day life. You know, we all drive down the
21 street and there's a risk associated with that. We
22 all do things day in and day out which have risks
23 associated with them, and we make those judgments all
24 the time. Some of us talk on a cell phone when we
25 drive. Well, that's more risky than two hands on the

1 wheel, and we make that judgment that we feel that
2 that's safe, and somebody else may feel that that's
3 unsafe. Someone else may feel that you talking on
4 the cell phone makes me unsafe, so, I mean, each of
5 us define safe differently. Within the context of
6 nuclear power we talk about safety in terms of core
7 damage frequency, and let me tell you what that
8 means. It's the probability of an accident
9 occurring that could damage the reactor core, and
10 that doesn't mean release radioactive materials
11 because there is many barriers to releasing
12 radioactive materials. The first barrier is the
13 nuclear fuel itself, so we talk about safety in terms
14 of what is the probability that the first barrier to
15 the release of radioactive materials could be
16 damaged, and generally we're talking about
17 probabilities in the range of 1 in 100,000 to 1 in a
18 million per year, so that means if a reactor operates
19 for a whole year, the risk of having that first
20 barrier breached is on the order of 1 in a million.
21 That's how we talk about safety. A normal operating
22 reactor in the United States has a core damage
23 probability of somewhere between 10 to the minus five
24 which is one in 100,000 to 10 to the minus 6th which
25 is one in a million, and some violations increase

1 that risk and as the risk increases our response to
2 the violation increases, so we're right now trying to
3 determine what this risk significance is or was of
4 what happened at Davis-Besse, and that's a very
5 complicated problem because it's a very unusual
6 situation to have a roughly six inch diameter hole
7 99% of the way through the reactor head, so it's a
8 very difficult thing to do, but we're in the process
9 of trying to calculate what that risk significance
10 was.

11 Now, like I said, I first answered your
12 question -- was kind of general; second answer was
13 very technical. I'm not sure I'm answering your
14 question fully, but if -- do you have additional
15 questions? Have I hit it -- the mark?

16 MS. BARBOUR: All right. You're
17 doing an all right job.

18 MR. GROBE: Okay. Okay. Do you
19 have other questions?

20 MS. BARBOUR: Not at the moment.

21 MR. GROBE: Okay. Thanks.

22 MS. LUEKE: Hello, Donna Lueke.

23 I had a couple of questions about what
24 happens to the information from these public
25 meetings?

1 MR. GROBE: What happens to the
2 transcript?

3 MS. LUEKE: Yeah.

4 MR. GROBE: It takes us about
5 three or four weeks, but -- in about three or four
6 weeks it will show up on our web site, so it will be
7 available for anybody who's interested that wasn't
8 able to attend the meeting, they can review the
9 transcript.

10 MS. LUEKE: I guess last time we
11 checked was about a month ago, but at that time the
12 notes from August were still not on the web site.

13 MR. GROBE: Well, I'm certain they
14 are now.

15 MS. LUEKE: Okay.

16 MR. GROBE: Our last meetings --
17 this is October, our last meetings in September, the
18 afternoon meeting is up on the web site. The
19 evening meeting was supposed to go up today.

20 MS. LUEKE: Okay.

21 MR. GROBE: So it takes us about a
22 month and -- you know, most of it is the skin wearing
23 off the fingertips of the transcriber to put it on
24 paper.

25 MS. LUEKE: Who reviews those

1 minutes?

2 MR. GROBE: We review them to make
3 sure that they are reasonably accurate before we put
4 them up on the web site, and then whoever wants to
5 review them, reviews them.

6 MS. LUEKE: As far as the content
7 of those, do you come to some sort of report about
8 that or just read them over or --

9 MR. GROBE: We're making --

10 MS. LUEKE: What happens with the
11 information that we discuss here is what I want to
12 know.

13 MR. GROBE: We're making the
14 transcripts available as a service to the public --

15 MS. LUEKE: Uh huh.

16 MR. GROBE: -- for those people
17 that aren't able to come to the meetings. There was
18 a lot of concern, for example, whether we should
19 conduct all these meetings -- the afternoon meetings
20 in the evening and decided that that wasn't the best
21 way to proceed from a business prospective, but there
22 were people that wanted to see what was going on in
23 the afternoon, so we decided to transcribe all of the
24 meetings so that somebody who's interested in the
25 contents of the afternoon meetings but couldn't

1 attend could actually find out, so the slides from
2 those meetings are available on the web site. That's
3 generally before the meeting happens, and the
4 transcripts are available about three or four weeks
5 after the meeting happens.

6 MS. LUEKE: Okay. I just wondered
7 because it took so long to get those minutes up and
8 then also I filled out the comment card from last
9 time and asked for someone to contact me and that
10 never happened, and I went on the web site, and, you
11 know, that -- there wasn't a response there, either,
12 so my personal experience as just a local citizen has
13 been that --

14 MR. GROBE: It hasn't been that
15 good, it sounds.

16 MS. LUEKE: No.

17 MR. GROBE: Well, talk to
18 Viktoria.

19 MS. LUEKE: Okay.

20 MR. GROBE: And any one us will
21 call you with whatever questions you have. I don't
22 believe -- somehow we didn't get that comment card,
23 and they might be in somebody's office and just
24 didn't get to us yet, and I apologize for that.

25 MS. LUEKE: 'cause I think that

1 from what I've seen, you are fairly good at
2 communicating with what happens in the meetings with
3 FirstEnergy. We're getting that information, that's
4 being delivered, and your web site seems and your
5 newsletter -- so those kinds of -- the information
6 flow to the community seems to be reasonably good;
7 however, I'm not sure about the feedback from the
8 community to you, how that's happening, and if it's
9 being taken in in any way.

10 MR. GROBE: Oh, absolutely.
11 We're getting tremendous feedback, and we have gotten
12 tremendous feedback tonight from the community. I
13 have seen a lot of the feedback forms that people
14 send in, so I know that they are eventually getting
15 to my desk. I don't know why yours got misplaced.

16 MS. LUEKE: Well, I'm not too
17 concerned about that one thing, but I guess most of
18 your time is spent talking with the Licensees, right?

19 MR. GROBE: (Nod indicating).

20 MS. LUEKE: And amongst each other
21 with your own management teams and inspectors and
22 all.

23 MR. GROBE: Uh huh.

24 MS. LUEKE: Is -- outside of the
25 problem-solving area, is there any regular system

1 where people like citizens groups or the Union of
2 Concerned Scientists or Ohio Citizens Actions or news
3 media or those kind of forces are a part of your
4 decision-making is what concerns me --

5 MR. GROBE: Sure.

6 MS. LUEKE: -- because otherwise
7 the loop is too closed just between the -- and
8 naturally if you're spending all your time with the
9 people that are, you know, operating the power
10 plants, those are the people that you're going to
11 listen to.

12 MR. GROBE: Sure.

13 MS. LUEKE: So I just think that
14 there's a structural problem with the communications
15 as I've seen it.

16 MR. GROBE: Let me just tell you
17 what we do have, and it seems to work pretty good,
18 but we could always improve it. You talk about the
19 Union of Concerned Scientists, we're talking to Dave
20 Lochbaum all the time. I mean, he's very actively
21 engaged with us both electronically as well as
22 face-to-face, I receive E-mails from David all the
23 time, so there is a lot of interface between us and
24 the national level of public interest groups. All
25 of our routine inspection reports for every reactor

1 is available on the web site.

2 In addition to that, for each reactor there's
3 a specific spot on the NRC web site that gives you
4 information regarding the current performance
5 indicators for that plant, the current inspection
6 findings and then you can delve into that, if you can
7 click onto various windows and it will get you back
8 into various documents as well as you can search --
9 we have an electronic database for all of our
10 documents. It's called ADAMS, Agency Document
11 Management System, ADAMS -- I think that's what it
12 is, and you can search and find all the inspection
13 reports for whatever plants you're interested in.

14 In addition to that, we conduct -- I'll say
15 routine public meetings on each plant. For a very
16 good performing plant that has no events, no problem,
17 that routine public meeting might only be once a
18 year, and we might get three or four people that come
19 to those types of meetings. Obviously, for a plant
20 like Davis-Besse we're conducting multiple public
21 meetings per month, and we're getting a lot of
22 interest and a lot of feedback, so depending on where
23 the plant is, we provide what we hope is good access
24 to the public to what we're doing, and if it's not
25 enough, you know, we're willing to do more, but

1 that's why we're here. We're trying to do that, to
2 provide the public access to us and to what we're
3 doing.

4 MS. LUEKE: I guess it still
5 concerns me because there aren't many Mr. Lochbaum's
6 out there. Not too many of us have that kind of an
7 understanding, and I have devoted a lot of effort to
8 try and understand what's happening to us around here
9 since -- but like with most of the residents around
10 here, it only came to my attention when there was a
11 problem.

12 I guess I'd submit that there -- just as
13 there was a root cause, you found one of the root
14 causes of FirstEnergy's Davis-Besse problems to be
15 their corporate culture, and the problems of
16 communication that were caused by that -- that's
17 correct, right? One of the root causes was --

18 MR. GROBE: Yes.

19 MS. LUEKE: I'd submit that maybe
20 that there is a similar root cause in the NRC
21 structure because you spend the majority of your time
22 amongst each other and with the Licensees of the
23 plant, and I guess -- and I am sure that at times it
24 seems like you're under assault from all those other
25 factors from the citizens groups and for those of us

1 that are upset so that your contact with the public
2 maybe is too limited to crisis situations. In order
3 for you to have a -- a meeting once a year, the three
4 or four people, I don't think is enough to balance
5 the natural prejudice that you're going to have by
6 spending all your time, and I'm just throwing that
7 out there. I don't have an answer for it.

8 MR. GROBE: Well, let me -- I
9 think your comment is very good, and let me respond
10 to it a little bit and see if anybody else has any
11 comments. We refer to that as a loss of
12 objectivity.

13 MS. LUEKE: Yeah.

14 MR. GROBE: And we specifically --

15 MS. LUEKE: That's what I've
16 heard.

17 MR. GROBE: It's something that's
18 of great concern to us. For example, once upon a
19 time many years ago I was a Resident Inspector, and
20 for the Resident Inspector Program, we're very
21 concerned about that because they're literally
22 working at the plant every day.

23 MS. LUEKE: Yeah.

24 MR. GROBE: So we have specific
25 procedures in place that we move Resident Inspectors

1 every -- not more than seven years and oftentimes
2 it's much more frequent than that, but we don't allow
3 an individual to stay at one plant longer than seven
4 years. Most of the Resident Inspectors move much
5 more often than that. That's because of that exact
6 concern.

7 In addition to that, in each of our
8 performance appraisals, our objectivity is evaluated
9 every year by our supervisor, and so this is not an
10 issue that's lost from us. I can understand your
11 perception that maybe there was a loss of objectivity
12 and the decision that was made, but, you know, that
13 that's something that was evaluated by Lessons
14 Learned Task Force and will be evaluated to much
15 greater detail by the Office of the Inspector
16 General. Vika, did you have something?

17 MS. MITLYNG: Yeah, I want to --

18 MR. GROBE: Come to the
19 microphone, please.

20 MS. MITLYNG: I'm the Public Affairs
21 Officer --

22 MR. GROBE: You got to get closer,
23 Vika.

24 MS. MITLYNG: I'm the Public Affairs
25 Officer with the Nuclear Regulatory Commission, and I

1 think that your comments are really important. The
2 Public Affairs Office is the interface, supposed to
3 be the interface, between you and these factors, the
4 staff, the management of the Commission, and I
5 personally sit in my office eight, nine, ten hours a
6 day. I talk to the media. I talk to citizens,
7 local citizens, who call me and say, hey, you know,
8 we're thinking of buying a condo near Davis-Besse,
9 should I? And I try to provide as much information
10 as I have, and I'm not a nuclear scientist. I'm not
11 an engineer. I'm a Reporter, and so I really try to
12 understand the issues that the Commission deal with
13 and bring them to people who have interests, and we
14 have put together the monthly newsletter where we try
15 as much as we can to describe what we are doing to
16 address the concerns of people who live in this area
17 which are very understandable to me. I have two
18 kids myself and I, you know, I really know where
19 you're coming from, so if you have any suggestions or
20 questions, any of you out here, please call the
21 Public Affairs office in Region 3. You can talk to
22 me any time. Take down my number, it's
23 630-829-9662. My colleague is Jan Strasma. His
24 number is 829-9663, and we will try to answer
25 whatever questions and provide you with information

1 that you need.

2 MS. LUEKE: Thank you. I think
3 that was very helpful to me because I know that for
4 myself and for many of the people that have come here
5 to make comments that it takes a certain leap to get
6 here because to become even informed about all this
7 is quite complicated and takes a commitment of time
8 and most of us have other -- other things that we do,
9 and also because our neighbors, our friends work at
10 Davis-Besse, and it's an important part of the area,
11 and so for us to ask these difficult questions, I
12 think for every person that asks a tough question, I
13 think you have to realize that there are an awful lot
14 of people that aren't asking questions. I'm sure
15 Communications 101, that's a known thing, but I think
16 in this case, it's even more so because people are
17 afraid, and they'd much rather believe that
18 everything is okay, and that's why it's been so hard
19 to lose faith in those that we thought were
20 protecting us, and I just have one more question, if
21 I may.

22 MR. GROBE: Sure.

23 MS. LUEKE: When I was here a
24 couple months ago, we were talking and -- about how
25 bad this was, and we still don't know how bad this

1 was. I'm assuming there are still things to be found
2 out, but at that time you said that this wasn't
3 really that bad as far as nuclear power plant
4 occurrences were concerned, that there were worse out
5 there, and with the facts that have come up since
6 that time in the last few months, have you changed
7 your perception of how bad it was here, and how
8 serious this case is?

9 MR. GROBE: I really can't recall
10 what you're talking about, but it could have been the
11 context of the fact that we described multiple
12 barriers to release and even this one barrier wasn't
13 breached, it was very seriously degraded. Was that
14 maybe the context of the prior conversation?

15 MS. LUEKE: That's why I wished I
16 had the --

17 MR. GROBE: Yeah.

18 MS. LUEKE: -- meetings' notes,
19 but I don't know for sure.

20 MR. GROBE: Let me just start off
21 with a different kind of comment on a different tack.

22 As David has indicated he's known me for
23 quite a few years. It's very difficult for me to be
24 associated with an organization that people don't
25 trust. I have been working in this business for a

1 long time. I think I do a good job of it, and I
2 think you should be able to trust us. I think the
3 work that we're doing at Davis-Besse deserves your
4 trust under this 0350 Panel, and I think if the plant
5 is returned to operation, it will only be returned to
6 operation if it's safe. The situation occurred at
7 Davis-Besse, the specific situation of the reactor
8 head was a symptom of a much broader problem at
9 Davis-Besse. The Company described it as a focus on
10 production over safety, and it had ramifications in
11 many areas of the plant. The Company's found a
12 number of problems with a variety of systems at the
13 plant that they were not aware of, so I'm not sure
14 if -- you asked a question; is this problem bigger
15 than with we originally thought? Yes. The head
16 itself was a significant issue because a very great
17 amount of margin -- whenever you design a piece of
18 equipment, when an engineer designs it, he says I
19 need this much, so I'm going to design it to have
20 this much -- excuse me, this much, and that way I
21 have all this design margin. Well, all of that
22 margin was eaten up literally in the corrosion and
23 that's very significant. An accident didn't occur,
24 so that's the good news. The bad news is the
25 situation existed, and the Company is getting their

1 arms around the full significance of this as far as
2 other problems and other areas of the plant. If you
3 have the opportunity to review the slides or
4 transcripts of the afternoon meetings, or if you can
5 come to one of them, I think they're upwards of
6 24,000 specific work activities that they have to
7 accomplish to fix the problems that they've
8 identified prior to restart, so that just gives you a
9 sense of the number of issues. Many of those
10 problems are very small problems, so there's a bunch
11 of them, so that I think just to give you a context
12 of the number of things that they're finding that
13 aren't what they expected to find.

14 MS. LUEKE: That's not very
15 comforting, I'm sure you know.

16 MR. GROBE: Well, it's not very
17 comforting looking back. I guess the -- somebody
18 earlier, the young lady in the back row asked what
19 safe was. Well, there wasn't an accident, that's
20 the good news. The risk of plant is much higher
21 than what it should have been. We haven't finished
22 calculating that. I'm not sure we're going to be
23 able to precisely calculate what the risk was by the
24 time we get done, but we're going to be able to get a
25 context of what the increased risk was, so the plant

1 was less safe than what it should have been. Was it
2 unsafe? Well, there wasn't an accident, so -- it's
3 difficult to, you know, put that all into context.
4 It certainly is not acceptable, performance of the
5 plant was not acceptable.

6 MS. LUEKE: Okay. Thank you.

7 MR. GROBE: Uh huh.

8 (Brief pause).

9 MR. GROBE: Well, it looks like we
10 have run out of energy.

11 I certainly appreciate all the comments that
12 we've received tonight, and I encourage you to come
13 again. If you can come in the afternoon, you can
14 hear FirstEnergy give their presentation. If you
15 can't come, that information is available on the web
16 site. Avail yourself of that, call Vika at any time
17 or her counterpart, Jan Strasma, and if she can't
18 answer your question, she'll certainly get to me and
19 between the two of us, we should be able to answer
20 any questions you might have. Thank you very much.
21 Oh, fill out the feedback forms, please. Thank you.

22 THEREUPON, the hearing was adjourned.

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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 80 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 16th day of October, 2002 before the 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

