

NRC LESSONS LEARNED TASK FORCE MEETING
NOVEMBER 20, 2002
OAK HARBOR HIGH SCHOOL
COMMENTS - 7:00 PM

The contents of the NRC's "Lessons Learned Task Force Report" clearly indicates that the NRC has given greater weight to the technical issues surrounding the degraded reactor vessel head than it has to the problematic NRC oversight issues regarding the Davis-Besse Nuclear Plant. The findings of the task force even attempt to provide a rationale that the NRC's actions over the last decade rise to the level of "excusable neglect". It appears that the Lessons Learned Task Force has chosen to ignore the realities of the relationship which has existed between the NRC and FirstEnergy managements over the last seventeen (17) years. The problems at the Davis-Besse Nuclear Plant resulted from a lack of technical and management integrity. While the findings in the report attempt to address the technical issues with some vigor, it fails to forthrightly address the apparent loss of management integrity regarding both the FirstEnergy and NRC staffs.

On June 12, 2002, Mr. Art Howell, the team leader of the NRC's Lessons Learned Task Force stated that as part of its review, the team would review the allegation history pertaining to the Davis-Besse facility and determine if the NRC had appropriately dispositioned said allegations. (See Attachment 1 - page 7 of the June 12, 2002 Lessons-Learned Task Force Public Meeting Handout). No where in the final report is there any discussion about a review of the allegation history at the Davis-Besse Nuclear Plant. Had an appropriate review of the allegation history been performed, the team would have found at least nine (9) separate allegations regarding the occurrence of specific reported improprieties at the Davis-Besse Nuclear Plant during the period of time from January 1993 to present (See Attachment 2). The team would also have discovered that the regional NRC office improperly dispositioned a certain alleged material false statement made by Toledo Edison management personnel to the NRC in September 1988. It is inconceivable that a thorough review of the allegation history at Davis-Besse could possibly overlook this significant dispositional error on the part of NRC management.

The Lessons Learned Task Force Report did not include the allegation history at DBNPS in its final report because either:

1. The Lessons Learned Task Force did not conduct a review of the allegation history at Davis-Besse as was promised on June 12, 2002, or

2. The Lessons Learned Task Force members were not qualified or adequately competent to determine whether the disposition of the past allegations at the Davis-Besse facility had been performed in accordance with federal law, or

3. The Lessons Learned Task Force deliberately ignored the allegation history and the NRC's prior dispositions at the Davis-Besse Nuclear Plant.

Any one of the three choices is problematic. First, the failure to perform a review at all is contrary to the expectations of the public, particularly since the public's expectation is based on specific assertions made by Mr. Howell on June 12, 2002. Secondly, the use of unqualified or incompetent inspectors is unlikely in light of the number of personnel employed by the NRC. Finally, the most likely possibility is that the NRC has reviewed the allegation history at Davis-Besse and has chosen to sidestep making a critical assessment of the NRC's mis-handling of past allegations at the Davis-Besse Nuclear Plant. Such a decision violates the public's trust and confidence in the NRC's ability to fulfill its responsibilities regarding the protection of the health, safety and welfare of the public.

The executive summary of the report further claims that the managers and staff members of the NRC's regional office responsible for the Davis-Besse Nuclear Plant oversight were more focused on other plants that were the subject of increased regulatory oversight. The report further claims that the distracted management attention contributed to staffing and resource challenges impacting the regulatory oversight of the Davis-Besse Nuclear Plant. The NRC is fully aware of the problematic history at Davis-Besse over the last seventeen (17) years. It cannot now feign ignorance of the problems or blame events at other facilities as the basis for why aggressive action was not focused at the Davis-Besse Nuclear Plant. The warning signs of waning problems were either apparent or were presented to the NRC staff through the established program for processing and investigating allegations submitted to the NRC. What the NRC's Lessons-Learned Task Force failed to identify in its report is that the established program for processing allegations was inadequate to intervene and prevent the current inability of the typical Davis-Besse worker to raise genuine concerns and safety issues without fear of reprisal. What has again been demonstrated is that when the process fails, reactor safety is compromised.

The lack of management integrity at both the DBNPS and the NRC is the root cause of the current problems at DBNPS. The reactor vessel head degradation is only a symptom of that problem. Over the last several months, FirstEnergy's management has continued to violate quality assurance requirements and generally accepted maintenance practices. FirstEnergy's management continues to mislead and deceive the public about matters of significant general

interest regarding the Davis-Besse Nuclear Plant. The lack of any recommendations in the final report's Section 3.3.6 titled "Davis-Besse Nuclear Power Station Communications" clearly shows that the NRC either does not consider the lack of management integrity as being a foundational building block in assuring reactor safety or it refuses to consider it at all. Either way, reactor safety is compromised.

It is time for the NRC to discontinue the practice of affording FirstEnergy management disparate and preferential treatment in comparison to the rest of the industry. FirstEnergy's deleterious actions over the last seventeen (17) years clearly deserve more, not less, critical treatment, particularly since FirstEnergy's management has conceded that at times they have placed production demands over reactor safety. It is time for an independent review of the NRC and Davis-Besse management issues as requested by the 2-206 petition submitted earlier this year. This review should focus on an independent and critical assessment of the integrity of both the NRC and FirstEnergy managements. Additionally, it is time that the legislative branch of the federal government investigate the continued and sustained ability of the NRC to fulfill and execute its responsibilities in an independent and unbiased manner, and without alternative motive other than ensuring the health, safety and welfare of the public.

JUNE 12, 2002

LESSONS-LEARNED TASK FORCE REVIEW AREAS

- INDEPENDENT FACT-FINDING AT THE DAVIS-BESSE SITE
- INSPECTION PROGRAM
- PLANT SAFETY PERFORMANCE ASSESSMENT PROCESS
- REGULATORY REQUIREMENTS
- LICENSING REVIEW PROCESSES
- INDUSTRY OPERATING EXPERIENCE REVIEW PROCESS
- ALLEGATION HISTORY

ATTACHMENT 1

ATTACHMENT 2

Davis-Besse Nuclear Plant
RELEVANT ALLEGATIONS HISTORY

State of South Carolina
(December 1991 to January 1994)

U.S. Congress – House Armed Services Subcommittee
(April 1992 – Savannah River Site K-Reactor)

AMS No. RIII-93-A-0008
(January 1993)

U.S. Department of Defense
(May 1995 to June 1996)

RII-1996-A-0246
(U.S. DoJ - November 1996)

RIII-1997-A-0103
(April 1997)

U.S. NRC to DoE-OIG (July 31, 1997)

RII-1997-A-0268
(December 1997)

RIII-97-A-0257
(December 1997)

RIII-98-A-0013
(January 1998)

NRR-1998-A-0022
(January 1998)

U.S. Department of Energy
Employee Concern No. SR-9902-002 (February 1999)

U.S. Department of Justice
(Homeland Security Issues - November 15, 2002)

U.S. Nuclear Regulatory Commission – Chairman
(May 2002)