

DAVIS-BESSE NUCLEAR POWER STATION

SAFETY CULTURE AND SAFETY CONSCIOUS

WORK ENVIRONMENT

Questions from the Public from the

Open Meeting

January 30, 2003

10:00 o'clock A.M.



County Court Reporters, Inc.

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1 PRESENT FROM NRC REGION III:

2 MR. JACK GROBE
3 MR. JIM DYER
4 MR. DAVID HILLS
5 MR. DAVID PASSEHL
6 MS. CHRISTINE LIPA
7 MR. GEOFF WRIGHT

8 PRESENT FROM NRC HEADQUARTERS (via videoconference):

9 MR. BILL DEAN
10 MR. TONY MENDIOLA
11 MR. JON HOPKINS

12 PRESENT FROM FIRST ENERGY:

13 MR. ROBERT SAUNDERS
14 MR. LEW MYERS
15 MR. BILL PEARCE
16 MR. RANDY FAST
17 MS. CONNIE LINCOLN
18 MR. FRED GIESE
19 DR. SONJA HABER
20 MR. DAN BRINDLEY
21 MR. RANDY PATRICK
22 MS. KATHY FEHR
 MR. DAVE ESHELMAN
 MR. TIM RIDLON
 MR. STEVE FRANTZ
 MR. PAT NORDEN

1 MR. GROBE: Thank you. At this time we'd like
2 to move into the second part of the meeting, where
3 members of the public can ask questions of the NRC
4 staff or make comments, if they so choose. This is
5 kind of a complicated situation because we have at
6 least three venues. We have folks that are here in
7 the Region III office in the Chicago, Illinois area;
8 it's possible we have some folks in headquarters, I'm
9 not sure, in the Washington, D.C. area; and we also
10 have, I think, somewhere on the order of 70 people on
11 the phone.

12 What I'd like to do is first open it
13 up to the folks here in the Region III office, then
14 move to headquarters, and then to the MCI operator
15 and allow her to moderate questions from the folks
16 that are on the phone, and then repeat that just in
17 case somebody came up with an additional question as
18 others were speaking.

19 So why don't we start here in Region
20 III with any members of the public that are here.
21 Please approach the microphone that's on my left-hand
22 side of the room, and state your name and ask your

1 question or provide your comment.

2 MR. WITT: I'm Jerre Witt, county administrator
3 for Iowa County, and also a member of the restart
4 overview panel. I just have a brief comment. It's
5 been a long meeting. It's been, I think as Jim Dyer
6 said, it's been a productive meeting in terms of
7 learning what's going on here.

8 The only comment I would like to add,
9 because we covered a lot of ground here today, is
10 that I've seen, through many observations, and I
11 think I counted up the other day just to see how many
12 times I've been to meetings on this issue with
13 Davis-Besse in the last year here, and it's somewhere
14 over 60 meetings, and some of them all day long.

15 The most important meetings I was
16 involved with was with the employees of Davis-Besse,
17 and I think the first meetings were back in August or
18 September and a successive meeting in December, and
19 then in discussions I've been involved with over time
20 with the employees. And I guess what I'd like to
21 comment on is the fact of what I have observed with
22 the employees and with the attitude change and the

1 safety culture that I believe is there with the
2 employees at this time. And I've seen many, many
3 displays of changes in that culture, and I've also
4 observed issues brought forward by the employees.
5 And I think that's important here because when it
6 really comes down to where the rubber hits the road,
7 it's really there with the employees. I think the
8 management team has certainly ingrained that culture,
9 and I think it's happening.

10 And the other one comment I would like
11 to make is I know you've talked today about how
12 certain individuals were picked for this trip as
13 employees. And having observed the comments of some
14 of these individuals in the meetings, I can assure
15 you that they weren't picked because they were coming
16 here to say the right things, because they challenged
17 us in the meetings and I know they've challenged Lew
18 and the management staff; and that's a good and
19 healthy thing, and I'm glad that these individuals
20 are here today to observe what goes on and to make
21 their truthful from-the-heart comments. Thank you.

22 MR. GROBE: Thank you, Jerre. Other individuals

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1 here in the Region III office who are interested in
2 asking questions or making a comment?

3 MR. WHITCOMB: Good afternoon. My name is
4 Howard Whitcomb, and I'm a resident of Ottawa County,
5 northwest Ohio.

6 I had a number of prepared comments,
7 but I would like to focus on a couple of impressions
8 or perceptions -- that word was used this
9 afternoon -- that I've seen this afternoon. First of
10 all, I think FirstEnergy is about ready to embark or
11 is embarking upon, perhaps, one of the most critical
12 tests in its history, and that is the survey of its
13 employees in determining whether or not there's a
14 safety culture. What is disturbing is there is no
15 test acceptance criteria. Right now we're going off,
16 marching off and doing these surveys, but yet, we're
17 not sure what constitutes an acceptable level of
18 safety culture by which we can measure the results of
19 the survey. That is -- presents a particular
20 challenge, but yet that is the big picture that we
21 cannot let pass by.

22 Second of all, I had been approached

1 by several folks, FirstEnergy employees, and they
2 would like me to relay the following. Consider that
3 the current working environment at Davis-Besse
4 Nuclear plant remains hostile. Within the last two
5 weeks at least two employees who raised concerns to
6 their immediate supervisors or who stopped work for
7 safety reasons received letters of reprimand, verbal
8 threats of harm by coworkers, and/or experienced
9 damage to their personal property while onsite. That
10 is slashed tires. While both the NRC and FirstEnergy
11 managements are aware of these incidents, neither
12 organization has raised or discussed them this
13 morning. Rather, FirstEnergy leadership emphasizes
14 the development of unproven programmatic changes that
15 they are trying to put in place. Any measurable
16 indication of improvement with respect to the
17 creation of the safety conscious working environment
18 has yet to begun. Thank you.

19 MR. GROBE: Howard, a couple of observations.
20 We went through what is very clearly a complex
21 analysis that Dr. Haber is going to be leading. I
22 believe she articulated that there are some measures

1 by which she will be judging safety culture and
2 making judgments on whether individual aspects of
3 safety culture, using her tools, are present or need
4 improvement. I expect that in future public meetings
5 we'll be getting into more detail on that assessment
6 approach and the measurement technique that she's
7 using.

8 In addition, Lew and Bill presented
9 their ongoing assessment approach. We have not yet
10 seen that in writing, other than these slides, and
11 we'll be looking at that in more detail also. I
12 appreciate your comments in that regard.

13 On the second issue that you raised,
14 I'm very interested in additional details on the
15 specific examples, of course privately, that you
16 raised. We are unaware of the examples that you
17 raised. You stated that both NRC and FirstEnergy is
18 aware of that. That's not true. We are not aware of
19 that, but we would appreciate any specific
20 information that you would have on specific concerns
21 of a lack of a safety conscious work environment at
22 Davis-Besse.

1 MR. WHITCOMB: I believe two folks from Region
2 III have already spoken to one of the individuals. I
3 don't know what the results of that investigation are
4 at this point.

5 MR. GROBE: Well, we should do this privately.
6 Actually, Brent, could you raise your hand? Brent
7 Clayton is the person I'd like you to talk with, if
8 you don't mind. Thank you.

9 Okay. Any other members of the public
10 here in Region III that desire to make a comment or
11 ask a question?

12 MR. DYER: I'd just like to comment on one of
13 Howard's questions, and let me ask FirstEnergy too.
14 The issue of acceptance criteria, again, I view this
15 as -- we heard the framework and that. What is the
16 -- I mean, you have benchmarking and comparisons and
17 that. Is it your intent to have your evaluation
18 criteria as you go in, or is this going to be a
19 consulting report made by --

20 MR. MYERS: I don't know if I know the answer to
21 that. Right now our process will have us assess the
22 areas that I told you about. We will not -- if we

1 assess those areas as red, we would not do something
2 before we change modes or restart it ourselves. Then
3 we would look to our oversight panel, the restart
4 oversight panel, to provide us input. And if we had
5 multiple areas that were all yellow, we would be very
6 concerned about that too. So our intention is to
7 assess ourselves. Some things are objective -- are
8 subjective prior to each basic change in plant
9 conditions, and we won't move forward until we're
10 comfortable that we should move forward.

11 MR. DYER: What I was referring to is some of
12 them are subjective, but some of them are objective.
13 You had ratios and you talk about numbers and things
14 like that; and I guess, in my mind, when Howard asked
15 that question, the question I had is do you develop
16 your acceptance criteria before or after you see the
17 results?

18 MR. MYERS: No, no. Before. We've got goals on
19 all those things.

20 MR. DYER: Okay. Because I didn't ask that --

21 MR. MYERS: You know, for corrective maintenance
22 backlog, we have a goal right now, I think -- we came

1 down, we were going around 250 corrective maintenance
2 backlog area. That's rough, you know, but we intend
3 to be in that same range when we restart, you know,
4 from a corrective standpoint. So you know, not only
5 have we done all the things that we're doing, we've
6 maintained material condition at the plant. We have
7 goals in those areas; rework goals, stuff like that.
8 We have all that.

9 MR. DYER: Okay. So then you understand you're
10 going to establish acceptance criteria before you get
11 the results and you come up with your color scheme on
12 your thresholds?

13 MR. MYERS: Right.

14 MR. DYER: Okay.

15 MR. GROBE: Okay. Thanks, Jim.

16 Any other questions or comments from
17 members of the public that are here in Region III?

18 Bill Dean in headquarters, do you have
19 any folks there that have questions or comments?

20 MR. DEAN: There are no members of the public in
21 our meeting.

22 MR. GROBE: Okay, great. I'd like now to turn

1 it over to the MCI operator and let her moderate any
2 questions from folks that are on the phone.

3 MCI OPERATOR: Thank you, sir. For any
4 participants on the audio portion, if you would like
5 to ask a question, you may press Star 1, and you will
6 be announced prior to asking your question. If you
7 withdraw your question, you may press Star 2. Once
8 again, to ask a question, please press Star 1.

9 We do have a question from Paul
10 Ridzon.

11 MR. RIDZON: Good afternoon. This is Paul
12 Ridzon at McDonald Investments. I think this topic
13 was touched on by some questions from headquarters,
14 but it did not come through the phone lines very
15 clearly. It appears as though FENOC has established
16 some pretty comprehensive metrics. I'm wondering if
17 that was basically the desired outcome of the meeting
18 today or whether you wanted to see some
19 quantification of those metrics or any actual
20 discussion of trends in those metrics and whether
21 that, getting those items, the quantifications or
22 trends, is going to be paramount to actually have

1 that information before you allow a restart?

2 MR. GROBE: Paul, could you spell your last
3 name?

4 MR. RIDZON: R-I-D-Z-O-N.

5 MR. GROBE: R-I-D-Z-O-N. Thank you. First, the
6 purpose of this meeting was not to specifically
7 discuss performance indicators as much as it was to
8 gain a comprehensive insight as to the activities,
9 corrective actions that FirstEnergy has undertaken,
10 as well as understand how they're going to be
11 measuring safety culture and safety conscious work
12 environment going forward. We did not receive today,
13 I don't believe, any specific quantified performance
14 indicators, so I don't have a response to that part
15 of your question.

16 The second part of your question
17 concerned restart. And maybe it would be helpful
18 just to explain a little bit of the restart process.
19 There's an oversight panel that is comprised of the
20 people here in the region, NRC employees here in the
21 regional office, in our headquarters offices and at
22 the Davis-Besse facility, who are monitoring and

1 assessing licensee performance.

2 At some point in time I anticipate
3 FirstEnergy will believe that they're prepared to
4 restart the plant, at which time they will meet with
5 the NRC in conformance and describe their basis or
6 their belief that they're ready to restart the
7 plant. The oversight panel will have been and
8 continues to monitor FirstEnergy performance, and
9 would provide its insights to Jim Dyer. The plant
10 would not be -- the NRC would not approve restart of
11 the plant until the oversight panel made a
12 recommendation to Jim and he were to accept that
13 recommendation; and he would do so in consultation
14 with the offices of nuclear reactor regulation and
15 headquarters and the executive director of operations
16 in headquarters. So it's a process that moves
17 forward.

18 One of the elements of the process --
19 it's guided, the process is guided by what we call a
20 restart checklist, and one of the elements on the
21 checklist is management and human performance.
22 Within that aspect of the checklist is the topic that

1 we were talking about today, and that is the safety
2 conscious work environment at the facility and the
3 safety culture. And Geoff Wright here with us today
4 led the first phase of inspection into that area, and
5 we have additional inspections planned. We've also
6 been regularly attending a variety of the corrective
7 actions the FirstEnergy employees described in the
8 first part of today's meeting. So we have a number
9 of inspection insights to date that the panel has at
10 its disposal for considering performance at
11 FirstEnergy, and we will have a number of additional
12 inspections before the panel would make a judgment on
13 that specific aspect of the restart checklist, and
14 that is the management and human performance aspect.

15 So I think I've answered your
16 question. Do you have any other issues or questions
17 with the information I've provided?

18 MR. RIDZON: No. Just a follow-up, though.
19 You've got to close each meeting with a "we continue
20 to see slow and continual progress." I mean, is that
21 how you close this meeting?

22 MR. GROBE: Well, this was a different kind of

1 meeting. I think what you're talking about is my
2 normal meetings out in Oak Harbor area where we meet
3 with the company monthly to receive performance
4 assessment. We didn't really receive a broad
5 dissertation on progress that the licensee has made
6 today, so I don't think, based on what we've heard
7 today, I would make such a statement. But
8 specifically in this one area, I think the
9 information that they've shared with us today has
10 been -- has met my expectations for what we wanted to
11 accomplish today, and that is that we have a
12 comprehensive description of the corrective actions
13 that they're taking, as well as our first thorough
14 discussion on how the company plans on measuring
15 safety culture going forward. So we've seen progress
16 in these areas, as far as articulating comprehensive
17 and corrective actions and articulating in a cogent
18 manner how they're going to be measuring safety
19 culture. So that is progress, but I don't want you
20 to infer that that's an assessment of overall plant
21 performance.

22 MR. RIDZON: Thank you very much, Jack.

1 MCI OPERATOR: The next question comes from
2 Billie Garde.

3 MS. GARDE: Hello?

4 MR. GROBE: Yes. Can you state your name and
5 spell it, please.

6 MS. GARDE: This is Billie Garde, G-A-R-D-E.

7 MR. GROBE: Go ahead, Billie.

8 MS. GARDE: I have a couple of questions. First
9 of all, I've reviewed the procedure on -- or the
10 policy for maintaining safety conscious work
11 environment issued by Mr. Saunders on November 21st,
12 2002, and the kind of companion statement by Lew
13 Myers.

14 First of all, what we've heard today
15 is certainly far beyond what was set forth in the
16 November policy, and I assume there will be a
17 revision of this policy issued that captures the
18 commitments that were laid out today. I'm not sure
19 of that, but I'm assuming that.

20 But one of the things that was not
21 addressed today and I'm concerned that the NRC look
22 into this, is the expression in both the policy

1 statement and Mr. Myers' statement that workers can
2 raise concerns or they prefer to raise them up the
3 chain of command, and if not the chain of command, to
4 the NRC. That is maintained kind of throughout all
5 of the documents, including a kind of disturbing
6 statement in the policies, that 3.5.4, that says
7 failure of a FENOC employee to comply with this
8 policy may result in disciplinary action up to and
9 including termination. As you know, the law provides
10 the right of employees to contact anyone, if
11 necessary, to resolve concerns, and I'm sure if the
12 only choice a worker had last year regarding the
13 corrosion would have been to go to the newspaper,
14 that that would have been preferable to not at all.
15 And so I'm concerned that that aspect of their policy
16 be addressed directly by the agency.

17 MR. GROBE: Billie, I appreciate your comments.
18 I think I heard two specific things that we need to
19 move forward on, or at least I can comment on.

20 The first one had to do with whether
21 or not the policy that FirstEnergy has issued needs
22 revision following today's presentation, and I ask

1 Lew to respond to that.

2 MR. MYERS: What I think she's reading is the
3 policy on safety conscious work environment. There's
4 also another policy on safety culture that -- so
5 there's two policies. And under safety conscious
6 work environment, the intent there was, you know, our
7 corrective action program is our main frame of
8 finding and fixing problems, and that's the way we do
9 probably 90 percent of our problems. If an employee
10 is not happy with that, then there's other avenues up
11 through the management train, to me or to our
12 employee concerns program or quality programs; and if
13 they're not happy with that, they're perfectly
14 acceptable to go to the NRC, you know. And they can
15 use any of those at any time. You know, assuming
16 you're using one of those, you know, we certainly
17 would not think that anyone would be disciplined, you
18 know, in any way, but you know, in our mind, we think
19 if you've got a safety concern, then use one of those
20 -- using one of those avenues is definitely one of
21 our requirements. So that's the way we think our
22 policy is written.

1 Now, I'll go back and review it based
2 on your comments, but you know, I read -- I've never
3 read it quite the way you're reading it. It's
4 interesting. So we'll go back and take a look at
5 it. Thank you for your comment, though.

6 MR. GROBE: And Billie, I hope that any employee
7 at any of our nuclear plants would first raise a
8 concern to the company, and if they don't have
9 confidence in the company or the employee concerns
10 program, that they would come to us. I would be
11 disappointed if their first choice was to go to the
12 media, simply because the media has no capability or
13 responsibility or authority to ensure the safety of
14 the nuclear plant. So I would hope that an employee
15 would come forward to those folks that can fix the
16 problem and have that responsibility first. But I
17 understand your question, that it would not seem to
18 be appropriate to eliminate all that use of bringing
19 issues forward as a performance matter. So I
20 appreciate your comment. Did you have any follow-up
21 questions?

22 MS. GARDE: I do. I don't want to get into

1 debate, but I really do recommend that you review the
2 law that's available to protect employees for raising
3 concerns and recognizes that the employee has the
4 right to go wherever they believe they need to go to
5 have a concern addressed, because they can't possibly
6 second-guess the circumstances that they find
7 themselves in to raise that issue.

8 The second -- actually it's an
9 observation on the presentation today, is there was a
10 number of references to the employee concerns
11 program, and I, just as a member of the interested
12 public here, haven't seen anything that is available
13 for public review about the current ECP program. I
14 know that it has been under development, there's been
15 a lot of things to it. There was reference today of
16 using some independent people. But the last thing I
17 ever saw, other than what I heard today, was that the
18 ombudsman program at the site was -- had very little
19 procedures, had very little structure to it, no
20 formal policy on confidentiality, and wasn't tracked
21 and trended in a way that most ECP programs are. The
22 representations today are there have been those

1 changes made, and I would hope that the NRC would
2 review that or ask for a presentation specifically on
3 the strength of their employee concerns program and
4 how it operates in a way that the public, certainly
5 informed public could review to make some kind of
6 determination on the strength of that program.

7 If the plan, as I assume it is, is to
8 restart the plant before -- or at least to hope the
9 NRC will approve restart of the plant before cultural
10 changes have really been able to take hold and a lot
11 of these changes are identified and worked out, the
12 quality and the rigor of an employee concerns program
13 as an alternative is critical. So I don't think it's
14 kind of just one of the building blocks that we can
15 get summary information on. I think it's critical
16 for public confidence to have a lot better
17 understanding of how that program works.

18 My final comment really is a
19 combination of response to the doctor's
20 identification of how she's going to deal with
21 anecdotal issues that come up within the context of
22 the interviews, and I guess from my perspective as a

1 member of the Millstone review team, which did very
2 similar work to what she is describing, although
3 it's -- certainly we had a lot more than four people
4 over two weeks in terms of identifying issues.
5 Setting that aside and assuming she can do a job
6 consistent with her methodology that she's set out, I
7 would be very concerned that anecdotal issues that
8 she captures in employee structured interviews or
9 surveys are captured in some manner to evaluate
10 because I will tell you that the depth and breadth of
11 what changed Millstone was responding to the specific
12 anecdotal examples that were inconsistent with many
13 of the kind of broad-based inclusions and objectives
14 that management had. It is at that level. That is
15 on the individual behavior level between managers and
16 supervisors that you really test whether you've got a
17 safety culture that's working in accordance with the
18 goals and desires and visions that you've set out,
19 and rejection of anecdotal evidence because they're
20 one-time events and not -- I'm not saying they have
21 to be included in a way different than other
22 methodology, but they certainly can't be lost.

1 Those are my comments. There's a lot
2 of material presented today. Unfortunately, I was
3 not available to follow with the written material as
4 well as you on the phone to be able to study that.
5 And other questions or comments I have I will put in
6 writing.

7 MR. GROBE: Thanks, Billie. Let me, Bill, do
8 you want to comment on the status of the
9 formalization of the procedure for safety conscious
10 work environment?

11 MR. PEARCE: Yes, I'll be glad to. We do have
12 the process all written up. It is, as she describes,
13 a formal process. It will formally protect
14 confidentiality as the process, and that's all in
15 there. I've already reviewed it. We're on the very
16 last stages of getting the formal written process in
17 place. I expect it's going to be out within the next
18 week or so. And in fact, at the next public meeting
19 we can report on the status of that, Jack.

20 MR. GROBE: Thank you. That would be great.
21 I'd -- Billie keyed a question in my mind. I guess
22 I'm a member of the public. I can ask questions.

1 MR. MYERS: Can I answer?

2 MR. GROBE: Sure.

3 MR. MYERS: I think I have the policy in front
4 of me here, and the way it reads is "FENOC is
5 committed to maintaining a workplace with zero
6 tolerance for harassment, intimidation, retaliation,
7 or discrimination against individuals who raise
8 safety concerns. It's our first mission to not cause
9 or participate in any form of harassment,
10 intimidation, retaliation or discrimination of any
11 individual working at FENOC site. Failure of a FENOC
12 employee to comply with this policy may result in
13 disciplinary action up to and including
14 termination." That's if you intimidate or harass
15 someone, you know.

16 MR. GROBE: I appreciate your observation, Lew.
17 I think the specific question that Billie raised had
18 to do with if an individual lacks confidence in you
19 folks, your employee concerns program, and somehow
20 lacks confidence in the NRC, it could be construed as
21 going to the media or the public or a lawyer as being
22 a violation of your policy, which would be actionable

1 and --

2 MR. MYERS: That's not what that's written for.

3 MR. GROBE: Right. I understand. But if it's
4 clear in your mind, that's fine. If it's ambiguous
5 in some respects and warrants revision, that's fine
6 too. I think the request was to take a look at it.

7 MR. PEARCE: We'll certainly go back and review
8 it in that regard.

9 MR. GROBE: Thank you. And the second half of
10 the question had to do with specific information that
11 is received during the course of interviews. If
12 there's a specific bit of information received in the
13 interviews that would indicate a violation of
14 requirements or a problem at the station, is the
15 review that Dr. Haber is doing going to be plugged in
16 somehow with your corrective action program?

17 MR. PEARCE: What we intend there -- what I
18 intend; I'm speaking for QA now, not the line
19 organization -- what I intend to do was to go review
20 some of that material after she was done to look for
21 that kind of thing. And because, I mean, there's a
22 certain set of expertise that's required in some

1 areas to understand some of the technical issue. But
2 that's what my intention was.

3 Now, she raises a good point. Are we
4 going to collect all the anecdotal information? I
5 don't know. We'll have to think about that and look
6 at it, and I'll have some conversation with Dr. Haber
7 afterwards and see if I can figure out how to do
8 that.

9 MR. GROBE: I think it's important to not lose
10 the information that's collected, and particularly
11 important that if some of the information provided in
12 response to a question indicates a problem at the
13 plant, that that get into the corrective action
14 program. So I don't know how those interfaces work,
15 but I think those are important connections to make.

16 MR. PEARCE: Right. But it's going to take
17 someone outside in our organization to understand
18 what to put in and what not to.

19 MR. GROBE: I didn't say it was simple. I just
20 said it was important.

21 MR. PEARCE: That's why I said we will review it
22 afterwards and see what there is there.

1 MR. GROBE: Okay. Billie, did we answer all
2 your questions?

3 MS. GARDE: You answered my questions. I'm
4 concerned about this anecdotal thing, capturing the
5 information that, you know, if she's asking
6 employees -- just two examples, are you aware of
7 issues that should have been raised that aren't --
8 and I don't know if that's one of her questions --
9 and the answer to that question is yes, I think that
10 has to be captured in a timely and effective manner
11 and run to ground through some process.

12 I, of course, would not want her to
13 have the credibility and integrity of independence
14 over process compromised, but that really is the meat
15 of her work or the possibility of her work outside of
16 drawing kind of broad organizational conclusions. I
17 mean, you could reject five specific examples and not
18 include them, and they would blow a hole in the whole
19 organizational conclusion if you don't capture them
20 correctly and run them to ground correctly. So I'm
21 going to be looking at, you know, when this whole
22 thing comes to fruition, not just the broad

1 organizational conclusions, what did people say about
2 what their day-to-day work was? Or even, I guess
3 since I don't know her questions, I don't even know
4 if the questions are going to provide an opportunity
5 beyond, you know, multiple choice or single-word
6 answers to give examples.

7 But her discussion of rejection of
8 anecdotal issues concerns me because it just raises
9 a whole host of other questions which I've highlightd
10 on, and I'm sure you can pull the strings further,
11 but you see what my concern is --

12 MR. GROBE: I appreciate your thoughts,
13 Billie. I think they're very well taken. And during
14 the course of our inspection of this activity, we'll
15 make sure that we touch on those issues. Thank you
16 very much.

17 MCI OPERATOR: Our next question comes from Paul
18 Blanche.

19 MR. BLANCHE: Hi. This is Paul Blanche. Can
20 you hear me?

21 MR. GROBE: Yes.

22 MR. BLANCHE: I know many of you people know

1 me. I've spent 25 years at Millstone through the
2 rise and fall and so on and so forth.

3 The first comment -- I have three or
4 four comments I'd like to make reinforcing what
5 Billie said about the procedure for reporting safety
6 concerns. In an ideal world we'd like to have all
7 employees feel comfortable bringing their concerns
8 through management. That's what we strived for and
9 eventually achieved at Millstone. And if they are
10 not comfortable going to management, we encourage
11 them to go to other avenues, such as the employee
12 concerns program, ombudsman program, Little Harbor --
13 which Billie worked for -- media, politicians,
14 courts, lawyers, public interest groups, so on and so
15 forth.

16 Let me just read from the root cause
17 analysis report which was produced by Valerie
18 Barnes -- and by the way, I think it was an excellent
19 report. And I'll just quote here. It states, "The
20 operations standards and expectations documents will
21 address (audio cut out) in operations by including
22 expectations for operational personnel to raise any

1 operational concerns. It also contains the
2 requirement for operations person (audio cut out)
3 leadership and resolving concerns by continuing to
4 escalate them through their management chain, up to
5 and including the president of FENOC until resolution
6 is obtained. Davis-Besse and FENOC senior management
7 expect operations personnel to inform the NRC of
8 their concerns if management does not address the
9 concerns to their satisfaction."

10 I agree with Billie 100 percent. That
11 sends the wrong message, and in fact may even create
12 its own chilling effect. I communicated that to Mr.
13 Randy Huey with my thoughts on that already. That's
14 a comment, and it just reinforces what Billie said.

15 Comment on the operations root cause
16 analysis done by Valerie Barnes, I thought was
17 excellent. It was candid and very well done. But
18 reading that and knowing Millstone, I think you have
19 symptoms of the safety conscious work environment
20 that indicate to me it could be worse than Millstone
21 was ever. For example, Davis-Besse has already in
22 the year 2002 received 14 concerns related to

1 discrimination, and over 40 concerns. These numbers
2 are higher than Millstone from 1997 on. That's the
3 only data I have from the NRC. Further, there are
4 still 23 open concerns with Davis-Besse.

5 Next comment is it appears as though
6 Dr. Haber is measuring the safety culture. While
7 that's an important measurement, I think what we're
8 really concerned about is measuring the quality of
9 the safety conscious work environment. I'm not sure
10 how that is going to be done within Dr. Haber's
11 work.

12 The other problem I have is -- was
13 mentioned before. There is no benchmarking of the
14 survey. I realize that Dr. Haber has done a lot of
15 work in foreign utilities, but foreign utilities
16 certainly have their own cultures. I don't know of
17 any benchmarking that can be done versus other
18 utilities such as Millstone and other utilities who
19 have had similar problems. My only question is --
20 well, I'll make a statement first. At Millstone we
21 have a vice president, Mike Brothers, that was
22 appointed the point person to lead the safety

1 conscious work environment. He did a great job.
2 Does Davis-Besse have a designated overall officer
3 for the safety conscious work environment? And from
4 now on I'll just listen to the responses, if there
5 are any. Thank you.

6 MR. GROBE: Wow. I think the question is pretty
7 easy to answer. The safety conscious work
8 environment function reports to the vice president of
9 oversight, Bill Pearce. So I think that's the answer
10 to your question.

11 I hope encouraging employees to bring
12 their concerns to plant management and to the NRC
13 doesn't send the wrong message, but I completely
14 recognize the observations that you and Billie have
15 made from the perspective of coming from Millstone
16 and other locations when there was a challenging
17 environment, that it's not appropriate to send the
18 message that if they go elsewhere, it would be a
19 failure to follow company expectations and would be
20 actionable as a personnel matter. So that's
21 something that I think FirstEnergy has already taken
22 on board and agreed to go back and look at.

1 I appreciate your comments, Paul, and
2 we'll continue to look at this. And I do receive
3 input from you on a fairly regular basis through
4 e-mail, so I appreciate that too. Thank you.

5 Other questions or comments?

6 MCI OPERATOR: We do have a question from Daniel
7 Horner.

8 MR. HORNER: Hi. I apologize if this question
9 was covered already. I was off the phone for some
10 brief periods during the course of the meeting. But
11 Lew Myers sort of sketched out what the criteria are
12 for when FENOC feels that it will be ready to go
13 ahead with restart, but I don't have a clear idea of
14 what NRC feels are the criteria in terms of safety
15 conscious work environment for going ahead with
16 restart. What sort of changes -- presumably
17 submission of reports themselves are not sufficient.
18 At least, that's what I gather. But how far along
19 does the process have to be, and how are you going to
20 measure that in order to reach a point where you can
21 say yes, we've gotten to that point now and it's all
22 right to go ahead to restart, at least in terms of

1 this one category?

2 MR. GROBE: Dan, thanks for the question.

3 That's Dan Horner, H-O-R-N-E-R. It's a good
4 question.

5 The commission's policy very clearly
6 articulates that each licensee is expected to have a
7 safety -- an organizational focus that allows issues
8 to be brought up and categorized and dealt with
9 according to their safety significance. So the first
10 answer to your question is when FirstEnergy
11 demonstrates that that exists, that will be a
12 benchmark. Beyond that, we will be performing
13 inspections of their implementation of the corrective
14 actions program, the safety conscious work
15 environment program, and this assessment in the
16 management human performance area, and we'll be
17 reporting on those inspection results publicly and
18 publishing them, and that will go into the assessment
19 that the panel will make to determine whether or not
20 the plant is ready to restart.

21 MR. HORNER: But do you have -- I mean, there
22 was a question as of FENOC, if they have test

1 acceptance criteria. Do you have criteria in mind
2 now that they have to get up to such and such a level
3 before you say go ahead?

4 MR. GROBE: I'm not aware of any specific
5 criteria in any of these areas. You speak of such
6 and such a level. I'm not aware of any criteria of
7 that nature. What we will do is, once FirstEnergy
8 documents their process for measuring safety culture
9 going forward, we'll evaluate that and follow their
10 monitoring of it and evaluate their assessment in
11 that area and make our own independent assessment and
12 then make a judgment. There isn't an objective
13 number, you know, when you get to four, it's okay.
14 It doesn't work that way. There is subjectivity
15 involved in this.

16 MR. HORNER: But the problem really -- isn't
17 there sort of an inherent Catch-22, that you can't
18 really know if they're adhering to this until you see
19 how they're doing with a plant under normal
20 operations? But in order to do that, you have to
21 allow them to restart. How do you get around that?

22 MR. GROBE: The panel has to make a judgment

1 that it believes that the activities have been
2 adequately completed to address the issues in the
3 restart checklist and that there's sufficient
4 confidence going forward that the plant can be safely
5 restarted and operated. Part of that assessment is
6 going to include a readiness for restart inspection
7 that will address both the operations and other
8 supporting organizations' readiness to operate the
9 plant safely, and that inspection will include
10 round-the-clock observation of operators in the
11 control room, activities in the plant at a time when
12 a significant amount of the equipment has been
13 returned to service and the operating environment is
14 challenging, probably more challenging than a normal
15 operating plant would be. So it will be a good
16 indicator of the operator's readiness to operate the
17 plant. And those inspections will occur within a few
18 weeks prior to the panel considering the question of
19 whether the plant is ready to restart.

20 MR. HORNER: Several weeks -- that probably
21 takes a few weeks, you said?

22 MR. GROBE: The inspection is likely to span a

1 couple of weeks, and it will occur at a time when the
2 plant has returned a significant amount of equipment
3 to service. So that would be sometime around the
4 second time the plant goes to Mode 4, operating Mode
5 4. That's not in the near future.

6 MR. HORNER: Thank you very much.

7 MCI OPERATOR: Our next question comes from Joe
8 Carson.

9 MR. CARSON: Yes, sir. I'm Joe Carson. I work
10 as a nuclear safety engineer for the Department of
11 Energy. Can you hear me?

12 MR. GROBE: Yes.

13 MR. CARSON: Okay. I'm a licensed professional
14 engineer, and I have been in -- I'm a whistle blower
15 also in the Department of Energy. And I haven't
16 heard today -- I've been listening, I think, to
17 almost everything -- I haven't heard anything about
18 the relevancy of engineering ethics and/or
19 professional engineering licensure to the Davis-Besse
20 situation. And I guess my question is if it's not
21 relevant, then I question why there should be PE
22 licensure; and if it is relevant, why it's not being

1 identified as such.

2 MR. GROBE: It's a -- I appreciate the
3 question. It's a very interesting question, and
4 we've had some interaction with the State of Ohio on
5 this question. I don't believe there is anything at
6 a nuclear plant that is dealing with nuclear safety
7 that requires a professional engineering
8 certification.

9 As you're well aware, professional
10 engineering certifications are required for various
11 engineering activities, but the NRC regulates the
12 engineering quality at a nuclear power plant for
13 those activities that affect nuclear safety. I don't
14 want you to infer that ethical conduct is any less
15 important because there is not a requirement for
16 licensure by the state as a professional engineer,
17 and we have very clear requirements on the
18 responsibilities each individual, as well as the
19 company, has to follow regulations. And those are
20 issues that we would follow up on if they became
21 apparent. So it's -- a professional engineer license
22 is not required to express engineering judgments to

1 approve engineering documents affecting --

2 MR. CARSON: I understand it's not required and
3 it's not required because the State of Ohio has
4 what's called an industrial exemption. It's really
5 not because of the NRC. It's because of the
6 industrial exemption. But FirstEnergy could, on its
7 own, say, "independent of the industrial exemption,
8 we want our engineers to be licensed." If they were
9 were licensed, they would be just as subject to the
10 jurisdiction of the Ohio state board as any other
11 engineer who needed to be licensed. So that's my --
12 if FirstEnergy seems to be saying, "we're doing
13 everything we can with respect to safety," this seems
14 to be something -- engineering licensure is all about
15 public health and safety and creating an independent
16 legal accountability for it and obligation for it.
17 Could this also be a -- not required, I agree, but
18 just an appropriate means to be evaluated? There's
19 nothing that stops it. Let me put it that way.

20 MR. GROBE: I appreciate your comments, and
21 FirstEnergy has heard them. We believe that the NRC
22 has appropriate regulations and oversight of the

1 behavior of people at nuclear power plants, but I
2 appreciate your comments. Thank you very much.

3 MCI OPERATOR: At this time we show no further
4 questions.

5 MR. GROBE: Okay. Are there any other questions
6 here in Region III?

7 MS. LIPA: I'd like to make one comment. This
8 was a person who comes to a lot of our public
9 meetings who was not able to be here, so she sent
10 some comments in, and her name is Donna Lueke. And
11 her comments were in the areas of making public
12 safety a part of every corporate document at
13 FirstEnergy and then also taking safety culture
14 lessons learned from Davis-Besse and applying those
15 to other nuclear power plants. And we will be making
16 her comments part of the minutes from this meeting.

17 MR. GROBE: Thank you, Christine. Could you also
18 provide a copy of that to FirstEnergy so if there's
19 something specific about Davis-Besse, they don't have
20 to wait for several weeks to get the transcripts?

21 MS. LIPA: Yes, I will.

22 MR. GROBE: Thank you.

1 Operator, are there any additional
2 questions or comments at this time?

3 MCI OPERATOR: We show no further questions.

4 MR. GROBE: Okay. Thank you very much.

5 With that, we'll adjourn the meeting.
6 Thank you very much.

7 (Which were all the proceedings
8 held in the above-entitled
9 cause on this date.)

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF DU PAGE)

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5
6 I, MARY N. LEAHY, C.S.R., Notary Public
7 duly qualified and commissioned for the State of Illinois,
8 County of DuPage, do hereby certify that I reported in
9 shorthand the proceedings had and testimony taken at the
10 hearing of the above-entitled cause, and that the
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12 excerpt report of the entire testimony so taken at
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