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PUBLIC MEETING

Between U.S. Nuclear Regulatory Commission 0350 Panel  
and FirstEnergy Nuclear Operating Company

Meeting held on Tuesday, June 3, 2003, at  
7:00 p.m. at Camp Perry, Clubhouse #600, 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
- Christine Lipa, Branch Chief, Region III
- William Ruland, Vice Chairman, MC 0350 Panel
- Jack Rutkowski, Resident Inspector -  
Davis-Besse
- Jon Hopkins, NRR Project Manager - Davis-Besse
- Scott Thomas, Senior Resident Inspector-  
Davis-Besse

1 MS. LIPA: Okay, we're just about  
2 ready to get started. If everybody could find your  
3 seats. Okay, we're just about ready to begin.

4 Okay, welcome. Welcome to members of the  
5 public for coming to our meeting this evening. I'm  
6 Christine Lipa, and I'm the Branch Chief for the NRC,  
7 and I'm responsible for the NRC inspection program at  
8 Davis-Besse, and we had a business meeting during the  
9 day at 2:00 today between our panel, the Davis-Besse  
10 Oversight Panel from the NRC, and the FirstEnergy  
11 management representative, and the purpose of  
12 tonight's meeting is to inform you of what we  
13 discussed during the day, and then also give you a  
14 chance to ask questions of us or make comments.

15 And before we get started, I want to mention  
16 that there are copies of the June edition of our  
17 monthly newsletter in the foyer today and that has  
18 some really good information on the recent activities  
19 that the NRC has been doing, and it has some profiles  
20 on the resident inspectors, a little bit of their  
21 background, and it also has contact information where  
22 you can reach our Public Affairs folks in Region III.  
23 It has their E-mail address and their phone numbers,  
24 so that should be a good reference document for you,  
25 and also we have a public meeting feedback form if

1 you want to provide feedback on how this meeting is  
2 going tonight, and if anybody has trouble hearing --  
3 I know somebody gave me a motion earlier, just let me  
4 know, raise your hand or stop us because we do want  
5 you to be able to hear what's going on.

6 We also had a couple of leftover handouts  
7 from the earlier business meeting from FirstEnergy  
8 and from ours that might be useful reference.

9 We're having this meeting transcribed tonight  
10 by Marlene, and that will maintain a record of this  
11 meeting, and it will also be available on our  
12 website. It usually takes about four weeks to post  
13 that.

14 And I'd like to start off with some  
15 introductions of the NRC folks that are here. On my  
16 far left is Jon Hopkins --

17 MR. HOPKINS: (Indicating).

18 MS. LIPA: -- and he's the NRR  
19 Project Manager for the Davis-Besse facility, and  
20 he's located at our headquarters office near  
21 Washington, D.C.

22 Next to Jon is Jack Rutkowski. Jack is the  
23 Resident Inspector at Davis-Besse.

24 MR. RUTKOWSKI: (Indicating).

25 MS. LIPA: He just started that

1 position this week.

2 On my left is Bill Ruland. Bill is a Senior  
3 Manager in headquarters, and he's also the Vice  
4 Chairman of the Oversight Panel.

5 And then to my right is Scott Thomas. He's  
6 the Senior Resident Inspector for the NRC at  
7 Davis-Besse.

8 Also in the audience we have Karen Gladden.  
9 She's a Secretary on the project. She was greeting  
10 folks in the foyer.

11 We also have Nancy Keller. She's our  
12 Resident Office Assistant. I'm thinking she might  
13 not be here right now, but she should be back.

14 We have Viktoria Mitlyng. She's our Public  
15 Affairs Officer in the Region, and we have Roland  
16 Lickus. He's our State Liaison Officer in the  
17 Region.

18 So, next we'll have -- Scott will present a  
19 summary of what we discussed during the business  
20 portion of the meeting, and then after Scott's  
21 summary, we'll open up for comments and questions.

22 MR. THOMAS: Yeah, I'm going to briefly  
23 go -- try to condense a three hour meeting into about  
24 five minutes, and I'll hit the high points that were  
25 discussed during that meeting.

1           The licensee discussed completion of the 50  
2           pound and 250 pound reactor coolant system leak  
3           checks and efforts toward closing out the containment  
4           building.

5           They discussed manage -- excuse me,  
6           Management & Human Performance Plan Updates with  
7           licensee's efforts are focusing on demonstrating  
8           strong actions taken to address management and human  
9           performance issues and demonstrated plans for site  
10          alignment and leadership going forward.

11          They also discussed several engineering  
12          issues, including the ongoing evaluations regarding  
13          Emergency Diesel Generator at loading. ETAP, which  
14          is Electrical Transient Analysis Program evaluation,  
15          which provides an indication overall, AC, Electrical  
16          Distribution System Health, Safety Features Actuation  
17          System Cabinet Relay Replacements, High Pressure  
18          Injection Pump Modification design and testing  
19          update.

20          They also provided an update on the status of  
21          their Corrective Action Program. Specific attributes  
22          discussed were Condition Report Category Accuracy,  
23          Corrective Action Review Board acceptance rate of  
24          Apparent Cause Reports and Root Cause Reports and  
25          Corrective Action Timeliness issues.

1           The licensee provided a Quality Assessment  
2           Update which discussed an independent review of the  
3           corrective action quality. They noted that 87  
4           percent of the corrective actions reviewed were found  
5           to be acceptable. They did note some weaknesses in  
6           the areas of documenting resolutions and evaluations  
7           did not address full scope of identified issues.

8           The remaining issues that the licensee is  
9           focusing on included High Pressure Injection Pump  
10          Modifications, Electrical Transient -- or the ETAP  
11          evaluations, the Safety Features Actuation System  
12          Relays Replacement, the Air-Operated Valve  
13          modifications, the Seismic and Tornado Loading of  
14          Block Walls at the plant, Thermal Overload Bypass of  
15          Safety Related Motors and Boron Precipitation  
16          Modification.

17          The licensee discussed several restart  
18          schedule milestones, which included To Complete the  
19          Electric Plant Evaluation, Refill Main Condenser and  
20          Feedwater Systems, Perform Testing on High Pressure  
21          Injection Pumps 1 and 2, Refill Circulating Water  
22          System and Draw Condenser Vacuum, Conduct Mode 4  
23          Restart Readiness Review, Enter Mode 3 and Perform  
24          the Pressure Test -- NOP, Normal Operating Pressure  
25          Test, cool down and perform safety system train work,

1 conduct another Startup Readiness Review, and then  
2 start up the unit.

3 That was a brief summary of the items that  
4 were discussed at the 2:00 meeting.

5 MS. LIPA: Okay, thanks, Scott.

6 Okay, so next we'll hear comments and take  
7 questions. We'd like to hold everybody to five  
8 minutes each. That's one of the feedback items we've  
9 received from earlier meetings, that some people were  
10 going over five minutes, and we'd like to start with  
11 local members of the public first, and what we'd like  
12 you to do is we have a sheet there where you can sign  
13 in and then state your name clearly for the  
14 transcriber and then go ahead and ask us any  
15 questions or give us your comments.

16 MS. WHARRY: Good evening, lady,  
17 gentlemen of the NRC. My name is Elizabeth Wharry.  
18 I live here in Oak Harbor. I am pro-nuclear. I'm  
19 also the spouse of a FirstEnergy employee. I'm also  
20 here to say that if there are any pro anti-nuclear  
21 people, we can discuss this later in a courteous  
22 adult manner. My comments are directed to the NRC.

23 Originally you started out as the AEC, Atomic  
24 Energy Commission, and your original intent was to  
25 promote nuclear power, and somehow the original

1 intention has been set aside, and through  
2 over-regulation and redundancies, I have seen the  
3 decline of an eco-friendly, clean and efficient  
4 energy source lost because it has become too  
5 expensive to build nuclear plants. You're losing a  
6 phenomenal source of energy. When there -- when  
7 they're running they're magnificent, and I live six  
8 road miles from Davis-Besse, and I lived five air  
9 miles from the Perry Nuclear Plant, and never once  
10 did I give my safety a second thought. I have  
11 confidence in the staff at Perry. I have confidence  
12 in the people at Davis-Besse, and I believe in them.  
13 If I did not believe in them, I would not have moved  
14 this close to the plant.

15 My other concern is the Potassium Iodine  
16 pills. I'm retired medical field, and I happen to  
17 know that if you are in that much contact with  
18 radiation, the last thing on your mind is your  
19 thyroid. Realistically, your skin bubbles up.  
20 Your intestines, your whole innards liquefy.

21 Do you really think that Potassium Iodine is  
22 going to protect that?

23 Any source of radiation that powerful is  
24 going to wipe out people.

25 Which genius came up with this so-called



1 magic bullet of Potassium Iodine pills?  
2 When I saw that in the newspaper, it was in  
3 disbelief, and then I thought somebody was playing a  
4 joke, but I've seen people rush to them, and I keep  
5 wanting to say, it's not going to do you any good  
6 because Davis is not going to have a meltdown. It's  
7 not going to go into a crisis, and, as I stated, if  
8 you're going to be exposed to that much radiation,  
9 death will occur within 30 minutes. Thank you.

10 MS. LIPA: Okay, thank you.

11 MR. RULAND: First, Elizabeth --  
12 Ms. Wharry, I guess it is?

13 MS. WHARRY: Yes.

14 MR. RULAND: In 1975, January 1975,  
15 President Ford signed the legislation to establish  
16 the Nuclear Regulatory Commission, and at that time,  
17 they separated the old Atomic Energy Commission into  
18 at that time was ERDA, the Energy Research and  
19 Development Agency, they separated that from what  
20 became the Nuclear Regulatory Commission, and so by  
21 specific act of Congress signed by the President,  
22 they separated the promotion component of nuclear  
23 power roles from us, assigned it to ERDA, which  
24 eventually became DOE, and basically put the  
25 regulatory functions with us. That was the will of

1 Congress and the will of the President, and we  
2 continued to implement that.

3 There was some discussion along those lines  
4 about separating those roles, and that's the rules of  
5 Congress, and, you know, that's where we get our  
6 direction.

7 The second question you had had to do with  
8 Ki (potassium iodide). I'm not a health physicist, but I can tell you  
9 that Ki is, as you say, it is not a magic bullet, but  
10 it is also the policy of the Commission or the  
11 Presidential appointees that run our -- that run the  
12 NRC, established the policy after a long and -- a  
13 very long debate and at very high levels, and when I  
14 say a long debate, over years about the desirability  
15 to institute and distribute Ki. Because of the very  
16 nature that they focused on its efficacy and  
17 eventually the commission decided on the policy it  
18 has now. You're right, it's not a magic bullet, but  
19 in limited set of circumstances it can provide some  
20 protection for somebody's thyroid, and we leave it up  
21 to the States to decide to implement it or not, so --  
22 and that's our Ki policy. Yes, next.

23 MR. VETTER: Good evening. My  
24 name is Jim Vetter, I'm a lifelong resident of  
25 northwest Ohio, I worked at Davis-Besse the last 17

1 years. I have a couple comments I would like to  
2 make.

3 The reality of the reactor vessel head  
4 degradation events and the criticism we've received  
5 from that regarding our failure to prevent this from  
6 happening was difficult to accept for us, but we have  
7 no one to blame but ourselves. We never should have  
8 allowed this to go undetected for as long as it did.  
9 I believe the hard working employees at Davis-Besse  
10 have recognized this and continued to work very hard  
11 to ensure something like this never happens again.

12 A lot has changed at Davis-Besse in the past  
13 15 months. A few of the more significant items  
14 include the following. Extensive reviews of plant  
15 systems and programs have identified many improvement  
16 opportunities. We've improved and continued to  
17 improve our plant systems and programs. The  
18 material condition of the plant has been greatly  
19 improved. It's noteworthy that many of these  
20 projects will not result in any additional revenue  
21 for FirstEnergy, nor were many of them driven by  
22 regulatory requirement. The majority of these  
23 projects have come at significant cost to the  
24 company, my company, and have impacted duration of  
25 our outage. Many of these improvements were done

1 for one reason, and that's to improve the safety  
2 margin of the plant.

3 The third, and, in my opinion, perhaps the  
4 most important improvement item is the dedication of  
5 the Davis-Besse team to improve focus on safety  
6 culture. There continues to be a focus on  
7 establishing overriding priority towards nuclear  
8 safety. We all understand their focus on safety  
9 culture must remain constant. We can't change the  
10 past. We'll focus on production costs less than  
11 adequate attention to nuclear safety. I'm proud to  
12 be a part of the team that has learned from the past,  
13 has and continues to improve the material condition  
14 of the plant and has rededicated our focus on nuclear  
15 safety. It's interesting everyone in this room has  
16 something in common whether you're a concerned  
17 citizen, a public official, an anti-nuclear activist,  
18 a member of the Nuclear Regulatory Commission or you  
19 work for FENOC, and that thing I believe we all have  
20 in common is we all want to protect the health and  
21 safety of the public.

22 We're looking forward to safely returning  
23 Davis-Besse to service. Thank you.

24 THEREUPON, the audience applauded.

25 MS. LIPA: Thank you, Jim.

1 Anybody else have any comments or questions  
2 for us?

3 MR. KOZEL: Good evening. My  
4 name is Mark Kozel. I work in the Quality  
5 Assessment Group at Davis-Besse. I've worked there  
6 approximately 14 years. I audit in the Operations  
7 area. I perform internal assessments in the  
8 Operations area, and I would like to speak tonight on  
9 significant improvements I have seen in the  
10 Operations area. Specifically, I would like to state  
11 that I've seen Operations accept a leadership role at  
12 Davis-Besse in regards to safety culture and safety  
13 conscious work environment. I assure you I do not  
14 take that statement lightly. I remember a year ago  
15 when these meetings were held at Oak Harbor High  
16 School when this concept was first brought out and  
17 realized that that was going to be a daunting task  
18 not only for Operations, but also for oversight to  
19 determine when success was achieved, and I can tell  
20 you it's not from any one single event, but it's the  
21 overall performance that I see almost on a daily  
22 basis when I'm out auditing Operations.

23 The last meeting there was some anecdotal  
24 evidence that was provided by Quality Assurance.  
25 Some of that evidence I provided, and what's

1 difficult is when you have cumulative evidence like  
2 this, if you have one or two events, they can kind of  
3 be stated as well that's -- that sounds more like  
4 management to me or that sounds more like someone  
5 doing their job. When, in fact, there's a lot more  
6 evidence that goes into the conclusion that quality  
7 assessment reads that Operations has assumed a  
8 leadership position.

9 I was a graduate in the United States Naval  
10 Academy, and I can tell you that we spent countless  
11 hours -- probably too many hours trying to  
12 distinguish what makes a leader from a manager, and I  
13 can tell you that Operations is leading and not just  
14 getting the work done or managing tasks and  
15 resources.

16 To try to explain this in just a couple  
17 minutes that I have I would like to divide it into  
18 four areas. One area -- the four areas to go over  
19 then would be ownership that I've seen improvements  
20 in, high standards that they've established, safety  
21 focus and finally character and professionalism for  
22 leadership.

23 For ownership one of the first things you  
24 learn as a Junior officer in the military is if  
25 you're in charge, take charge, and Operations has

1 taken charge in many areas not just in Operations,  
2 but, in fact, in many other areas of the plant,  
3 equipment reliability, material condition of the  
4 plant. They've taken charge in cleanliness,  
5 housekeeping, radiation protection practices.  
6 There's been -- if you just look over the condition  
7 reports, they have generated about 300 condition  
8 reports since April 1st, and if you just look over  
9 those condition reports you see them challenging  
10 people on radiation protection standards, safety  
11 standards and also the high expectations for  
12 performing work at Davis-Besse. Senior Reactor  
13 Operators, I have seen at numerous meetings where  
14 they have challenged decision making by managers,  
15 directors, it did not matter if they considered it to  
16 be a concern or an issue, they were not afraid to  
17 challenge upper management on decisions that were  
18 being made, and I firmly believe that's taking a  
19 leadership role. Also, a questioning attitude. I  
20 noticed our NRC Resident Inspector at the meeting  
21 this morning, just as an example, almost on a daily  
22 basis I see this, there were two concerns that were  
23 brought up by equipment operators of activities that  
24 were going to be performed today and both of those  
25 were good concerns, and when you have proactive

1 operators like that that are not afraid to bring up  
2 concerns, that's a major plus to your organization  
3 and safety culture.

4 High standards, they have brought in outside  
5 people that benchmarked other organizations and also  
6 reviewed industry standards and practices to  
7 establish high standards. Every day at turnover,  
8 they talk about operation standards. They have a  
9 booklet that the operators carry with them, they read  
10 out of that a standard and on a daily basis at the  
11 turnover meetings and the event-free tool usage as  
12 we've seen from our peer evaluators that have come  
13 and other plants that I have gone to, I think  
14 Davis-Besse does that as well as any site I have  
15 seen.

16 Safety focus, probably one of the most  
17 important areas is, again, establishing a culture  
18 where your personnel are not afraid to bring up  
19 problems and to ensure that problems are corrected.  
20 A lot of times, again, in these condition reports the  
21 300 that they've generated since April 1st, you can  
22 see improvements in processes and procedures that  
23 they have suggested and recommended in these  
24 condition reports and also the fact on a daily basis  
25 they're rewarding personnel for bringing up these



1 issues and you foster that safety culture where  
2 personnel are consistently bringing up those issues.

3 Finally, character and professionalism, lead  
4 by example, lead by your actions, that's seen, and if  
5 you interview the Operations personnel as I have,  
6 there's a good trust and loyalty between the  
7 different levels from the equipment operators all the  
8 way up through the levels of management in  
9 operations.

10 Now, this is specific to say that Operations  
11 is demonstrating a leadership role. Certainly,  
12 there's no panacea. Operations still has areas to  
13 improve, and there is areas where there's problems,  
14 but with regards to the leadership role, I firmly  
15 believe that they have succeeded in achieving a  
16 leadership role at Davis-Besse Nuclear Power Station  
17 and once the other organizations come up to their  
18 standards, I feel we'll have no trouble demonstrating  
19 to the NRC or any other outside organization that we  
20 are ready to restart the plant by demonstrating the  
21 proper safety culture and the proper human  
22 performance activities at Davis-Besse. Thank you.

23 THEREUPON, the audience applauded.

24 MS. LIPA: Thank you for your  
25 comments.

1           MR. PATRICK:       Good evening. My  
2           name is Randy Patrick. I'm a Senior Reactor Operator  
3           in Operations. I have worked at Davis-Besse since  
4           1980.

5           I'm going to take a little different slant  
6           tonight. We spent a lot of time talking about the  
7           success we've had. I feel really good where we're  
8           at. Of course, I wish we were on-line right now,  
9           and we'll be there soon, but enjoying the success  
10          we've had. I feel good about the progress I think  
11          we've overlooked. There's some people and there's  
12          some organizations we have to thank for where we're  
13          at.

14          First of all, I would like to thank the NRC.  
15          It may seem kind of funny saying that, but I was at  
16          the first public meeting at Oak Harbor High School.  
17          I stood in line probably half an hour, 45 minutes.  
18          There were two lines there, and I was one of the  
19          first people that I had something positive to say,  
20          and I think the reason why we had so many people  
21          there that had disagreeing opinions about our plant  
22          was because people weren't educated. They didn't  
23          understand what nuclear power is about. They didn't  
24          understand the issues at Davis-Besse. You've  
25          provided the forum for the public to have their

1 questions answered. The public has had to provide  
2 input and feel like they're part of the process, as  
3 evidenced in the last few meetings and also tonight,  
4 I don't have to stand in line for half an hour, 45  
5 minutes to have a chance to talk.

6 Secondly, I'd like to thank our elected  
7 public officials. A lot of my elected public  
8 officials have taken a stance to support the plant.  
9 They have done so some ~~parallel~~ parallel to reputations in the  
10 newspaper and so forth. I have some elected public  
11 officials that have taken the low road and just hide  
12 away from it. They tell you in the back room, yeah,  
13 we support you, but they aren't willing to come out  
14 in the public and say that, so I'm really  
15 appreciative of the public officials that have taken  
16 the stance and have come out in public and have  
17 supported Davis-Besse.

18 Third, I'd like to thank the FirstEnergy  
19 organization and the FENOC organization. They have  
20 provided the financial wherewithal that we can get  
21 back on-line with the technical expertise.

22 And last, but most important, I would like to  
23 thank my fellow teammates here at Davis-Besse and  
24 within FENOC. We have put in a lot of long hours for  
25 a long time, we're making progress, we have

1 sacrificed a lot of hopes. I want to thank the  
2 families also because they have had to put up with a  
3 lot, the hours we've been working, but we're on the  
4 right path. We're getting things done that we need  
5 to. We're looking forward to restart, and I just  
6 want to thank all my Davis-Besse teammates. Thank  
7 you.

8 THEREUPON, the audience applauded.

9 MS. LIPA: Thank you, Randy.  
10 Anybody else?

11 MS. FARIS: Good evening. Sorry.  
12 My name is Rachel Faris, and I'm a lifelong resident  
13 of Port Clinton, and like this lady back here,  
14 (indicating), I've -- I'm in support of Davis-Besse,  
15 but I've never even thought twice about it. Many  
16 people, if they visit the Lake Erie Islands, they  
17 say, oh, don't you worry about that, and you hear a  
18 lot of people joke, but it's actually never been a  
19 concern of mine, never even crossed my mind, and I do  
20 have two questions for you.

21 Did I hear somebody say that your advisory  
22 body or your administrative body is appointed by the  
23 President?

24 And my second question comes from my  
25 background in long-term care, because it is one of

1 the most regulated industries along with nuclear  
2 power, and I worked in a nursing home, and I would  
3 fear State surveyors when they came in, and I always  
4 wondered when they would come in and they would find  
5 something, it was the nursing home that would be  
6 penalized for that, but I wonder if there's any  
7 accountability on the survey team for not finding it  
8 sooner or overlooking it?

9 And I'm just curious because I worked in a  
10 nursing home and the surveyors scared me to death, so  
11 I can ask you because I don't work for that group --  
12 (laughter), so --

13 Also as a lifelong resident of Port Clinton,  
14 I graduated from here and many of my friends have  
15 gone away to college and have engineering degrees and  
16 other professional degrees and have had to go far,  
17 far away to New Jersey and as close as Cleveland and  
18 many different places to find jobs, and so I commend  
19 FirstEnergy and Davis-Besse, and I'm proud that that  
20 business is still in this area to provide  
21 opportunities for people with professional careers to  
22 stay in this area and not have to seek those out in  
23 other places.

24 I'm a social worker, and I run the Senior  
25 Center in Port Clinton and seniors are always wanting

1 to know more and they're always very curious, and, of  
2 course, we're reading a lot about Davis-Besse in the  
3 paper, and I said, well, let's see if we can get  
4 somebody to come here and tell us about it, and so  
5 Richard Wilkins, who's here somewhere, came to my  
6 little Senior Center and talked to about 15 or 20  
7 people who had a lot of questions, and, of course, a  
8 lot of concerns and were very worried, and he did a  
9 phenomenal job of explaining it to a layperson and  
10 just answered any questions, and they weren't easy  
11 questions. Seniors aren't easy, and he did a  
12 really, really good job of answering questions, and I  
13 think somebody mentioned just a few moments ago that  
14 people who are anti-nuclear power or make jokes or  
15 have concerns, I think a lot of times it's just  
16 because they're uneducated and uninformed, and, so,  
17 again, I thank you, too, for having this opportunity  
18 for people to ask questions and become informed  
19 because I think that's important, and I think that's  
20 it. Thank you.

21 THEREUPON, the audience applauded.

22 MR. RULAND: You had two questions.  
23 The first had to do with the appointment by the  
24 President, yes, the five commissioners are appointed  
25 by the President as they basically -- each term, it

1 consists of five commissioners. A term expires June  
2 30th of every year, and so every year there's a new  
3 Commissioner needs to be appointed. The President  
4 is -- selects one of the commissioners to be the  
5 chairman. The five commissioners who are appointed,  
6 their terms run to the end of their term regardless  
7 of which administration has -- is in the White House,  
8 so we have right now some of the commissioners have  
9 been appointed by the previous President, and, in  
10 addition, the legislation also ensures that no more  
11 than three commissioners can be of a single -- a  
12 single party to keep our -- basically to minimize the  
13 political influence on the workings of the  
14 commission.

15 The second question you asked had to do with  
16 accountability, and I'm taking that question as a  
17 question of accountability for us. First of all,  
18 there is one other person that works for the NRC that  
19 is a Presidential appointee, and that's the Inspector  
20 General. There was an Inspector General law passed  
21 several years ago. The Inspector General is  
22 appointed by the President and independent of the  
23 commissioners and conduct their activities -- and  
24 conducts the Inspector General activities independent  
25 of what the commission desires. Public reports, if

1 you go to our website, you can see some of the  
2 reports that the Inspector General publishes. The  
3 Inspector General conducts investigations of NRC  
4 employees as do Congressional Committees and  
5 subcommittees hold us accountable to the work we do,  
6 so if your answer is who's watching the watchers,  
7 there's no lack of people watching us, too.

8 One final comment, we answer the mail. We  
9 get letters from citizens as yourself, members of  
10 Congress, newspapers, and, by the way, the forth  
11 state, the newspapers, frankly, for you hold us  
12 accountable and asks us questions, but we answer the  
13 mail, so if anybody here wants to send us a letter  
14 and ask us what our policy is on -- on frankly any  
15 manner we regulate, we'll get back to you, and we try  
16 to -- we have several other processees that are  
17 rather public that we afford all members of the  
18 public to participate, so I think in that regard we  
19 do hold ourselves publicly accountable for our  
20 actions, and, frankly, that's part of the reason we  
21 hold these meetings, so we have to provide you the  
22 answers, and if you don't like them, you can write  
23 Congress.

24 MS. LIPA: Yeah, and I would like  
25 to add one other thing that was started shortly after



1 we started the 0350 and after the vessel head  
2 degradation was identified was the Executive Director  
3 for Operations in the NRC chartered a Lessons Learned  
4 Task Force that did -- it was all of the people that  
5 had not been involved in Region III or with  
6 Davis-Besse, and they did independent looks at a lot  
7 of the works that the inspectors had done over the  
8 years and developed a series of lessons learned so  
9 that we can learn from this to improve our processes,  
10 so that was another effort.

11 Does anybody else have any questions for us  
12 or comments to make?

13 MS. LUEKE: (Indicating).

14 MS. LIPA: One thing I wanted to  
15 mention before you get started, it's just the way to  
16 contact us. There's many ways, but we did on the  
17 newsletter put how you can reach our Public Affairs  
18 and -- that's a good place to start and also on our  
19 website has a lot of good contact information. You  
20 can send us a letter, an E-mail, give us a call,  
21 there's many ways to reach us. Okay, go ahead.  
22 Hi.

23 MS. LUEKE: My name is Donna  
24 Lueke, and I'm a local citizen. My questions are  
25 mainly about things that I -- questions that had been

1 asked or investigations that are ongoing, and we  
2 haven't heard the results of them, so -- is there any  
3 one person that keeps track of all that? I mean, is  
4 the chairman of your committees in charge of keeping  
5 track of all the investigations of various sorts?

6 MS. LIPA: Well, by  
7 investigations, do you mean the Office of  
8 Investigation or do you mean inspection --

9 MS. LUEKE: Yeah, I'll just list  
10 the ones that I have questions about where they stand  
11 right now.

12 MS. LIPA: Okay, and I'll tell  
13 you what I can. Go ahead.

14 MS. LUEKE: You know, one is the  
15 Kucinich Petition. Another one is the Whistle Blower  
16 suit that's in the Courts right now, I think. The  
17 most recent one that I read about was from the House  
18 Energy and Commerce Committee with the Greenwood  
19 Chairs. The -- the follow-up one, the Haber Report  
20 as to where that is, and the Inspector General's  
21 report like you were talking about the Inspector  
22 General. I know that the previous Chairman of the  
23 NRC had sort of disregarded that report.

24 Now that you have a new Chairman has that  
25 been revisited or what happened with that?

1           So those are just ones that I can think of  
2 right now, and I just wondered who keeps track of all  
3 those or is it possible?

4           MR. RULAND:       The simple answer is  
5 we all keep track of them.

6           MS. LUEKE:        Okay.

7           MR. HOPKINS:       (Nod indicating yes).

8           MR. RULAND:        We both as a panel and  
9 other members of the staff are involved in a number  
10 of these items that you mentioned. Why don't we go  
11 down the list.

12          MS. LUEKE:        Uh huh.

13          MR. RULAND:        The Kucinich Petition,  
14 for those who are unaware, one of our regulations  
15 allows people to petition the NRC, a member of the  
16 public to petition the NRC to take action. In this  
17 particular case, Representative Kucinich petitioned  
18 the NRC to take action, and that is in-house as we  
19 speak, and there is -- I think we have a 120 day  
20 clock from the time we get it, and I think that 120  
21 days is up on June 10th.

22          MS. LUEKE:        Okay.

23          MR. RULAND:        So you should see that  
24 out -- what the next document will be, will be  
25 something called a Proposed Director's Decision and

1 that document will be out basically for public  
2 comment.

3 MS. LUEKE: Uh huh.

4 MR. RULAND: And we'll then take  
5 those comments and factor them in and then we'll  
6 issue a final Director's Decision.

7 MS. LUEKE: That's very helpful  
8 what you just said. I wonder if it would be  
9 possible -- I know we can't do it for this meeting  
10 but for another meeting to sort of have a summary of  
11 where everything stands.

12 MS. LIPA: Well, that's a good  
13 suggestion.

14 MS. LUEKE: Is it possible to do  
15 that?

16 MS. LIPA: And we usually try to  
17 do a summary in our monthly newsletter. I was just  
18 looking for a copy of it here, some of these big  
19 ticket issues, you have a pretty good list there,  
20 Donna.

21 MS. LUEKE: Uh huh. And it's just  
22 as to where's -- when's the deadline, what's the next  
23 step, that's what I think is confusing.

24 MS. LIPA: And I think we  
25 probably have focused a little too much on

1 Davis-Besse specific, and things that the panel is  
2 controlling, but those are certainly things that  
3 we're involved in to some extent and the agency is  
4 involved in, too, so --

5 MS. LUEKE: You know, and I think  
6 those are the things we can do the most about.  
7 You're doing the best you can to monitor Davis-Besse,  
8 and as citizens, it's hard for us to know what you  
9 know, but it is important for us to have information  
10 on how you're doing your job, so I think that  
11 that's -- that would be very helpful, I think, to  
12 have those things, and just one that comes to mind is  
13 the issue that came out about the -- the rust  
14 picture, the infamous rust picture.

15 MS. LIPA: The red photo?

16 MS. LUEKE: Yeah, the red photo,  
17 and what happened with that. I think there was --  
18 something was being investigated to see if that was  
19 deliberately hidden or what happened with that, so  
20 that's another --

21 MS. LIPA: Well, we'll go through  
22 the rest of the list here quickly.

23 MR. RULAND: The Whistle Blowers  
24 suit, I'm not -- I can't give you any comment on the  
25 Whistle Blower suit. First of all, I'm not familiar

1 with the suit.

2 MS. LUEKE: Okay.

3 MR. RULAND: And typically we don't  
4 comment on things of this nature.

5 MS. LUEKE: Okay.

6 MR. HOPKINS: Let me state, we do  
7 follow it, I mean, we pay attention to what happens  
8 with the DOL suit. It's not that we don't pay  
9 attention to it, but we do pay attention to it, but  
10 we can't give you any status because that's DOL.

11 MS. LUEKE: Okay, thanks.

12 MR. RULAND: The Greenwood letter?

13 MS. LUEKE: That's pretty recent.

14 MR. RULAND: We have that in-house,  
15 and we're preparing a response, and that's really all  
16 I can tell you.

17 MS. LUEKE: Okay.

18 MR. HOPKINS: Well, there's  
19 possibility that he will request a hearing. He  
20 stated that he would like one, but there has been no  
21 date definitively set for any such hearing. If  
22 there is one set, you know, then we can tell you, but  
23 there is no set date for any hearing today.

24 MS. LUEKE: Okay.

25 MS. LIPA: But I think you

1 mentioned that there had been -- earlier House Energy  
2 and Commerce Committee had started like an  
3 investigation or had had an investigator out to the  
4 facility and to the NRC, and I don't know the status  
5 of that investigation because that's, you know,  
6 Congress, but it's my understanding that that's not  
7 really active right now.

8 MR. HOPKINS: Yeah, he had mentioned  
9 possibly June 12th, but that was tentative, and we've  
10 never had any closure on that that I've heard.

11 MS. LUEKE: Yeah, that's the thing  
12 that I'm concerned about is not having closure on  
13 some of these issues before we start, or at least  
14 have a status of what's happening with them, and I  
15 think we can see just from our discussion here, not  
16 all of us are sure where things stand with some of  
17 these issues, so -- it would just be really helpful  
18 if we could have an update on those.

19 MR. RULAND: I think the next one  
20 you asked about was the Haber Report?

21 MS. LUEKE: Yeah.

22 MS. LIPA: What's your question  
23 on that one?

24 MS. LUEKE: She had a report, if  
25 there's a follow through report going to be

1 conducted, and like when --

2 MS. LIPA: We had an inspection  
3 that is evaluating the report that was prepared, that  
4 was the FirstEnergy contractor prepared that report  
5 for them and how FirstEnergy is using the information  
6 in her report and doing their own internal assessment  
7 so our inspection -- it's called our Management &  
8 Human Performance Phase III, that's the title of it,  
9 but they're looking at the methods that the utility  
10 is using and part of that is this Haber Report and  
11 how they're using that to assess their safety culture  
12 and improve the assessments they're trying to make.

13 MR. RULAND: I think the next one  
14 was the IG Report.

15 MS. LUEKE: Yes.

16 MR. RULAND: You had asked about  
17 the IG's Report about the way -- basically focused on  
18 NRC decision making relative to Davis-Besse and the  
19 chairman and signed by, I believe it was all the  
20 commissioners --

21 MS. LUEKE: Uh huh.

22 MR. RULAND: -- wrote back a letter  
23 responding to that, not agreeing with the conclusions  
24 that the Inspector General had, and, as far as I  
25 know, there's not -- we're not doing anything else



1 about that matter.

2 MS. LUEKE: So that's the end of  
3 it basically?

4 MR. RULAND: As far as today we're  
5 not doing anything about that. You also asked about  
6 the rust picture, I'll assume if you let me, that  
7 that's the rust on the bottom of the reactor vessel  
8 head, is that --

9 MS. LUEKE: No, there was a report  
10 that surfaced that there was a photo that existed  
11 somewhere in the NRC offices.

12 MR. RULAND: Okay, I'm -- I have no  
13 idea. I don't know what picture you're discussing.

14 MS. LIPA: We had the red photo,  
15 and we got that during the AIT Inspection last April,  
16 and there was a report that came out, I think in  
17 February, from a third party that that photo had been  
18 shown to an NRC person, but I don't know anything  
19 more about that, other than that was being looked  
20 into.

21 MS LUEKE: Okay.

22 MR. RULAND: We issued our final  
23 red determination, that was -- what's the date on  
24 that? I think it was earlier this May -- May 29th,  
25 and in that letter we state that the OI

1 investigations are ongoing, and the reason we didn't  
2 issue any violations in this matter was because the  
3 OI investigations were still ongoing, so --

4 MS. LUEKE: Okay. Okay. Thank  
5 you very much.

6 And just one more quick question, did you  
7 decide which method will be used for checking the  
8 bottom of the reactor? That was undecided the last  
9 I heard.

10 MS. LIPA: I don't know.

11 MR. RULAND: FENOC makes the  
12 decision on how they intend to inspect the bottom of  
13 the reactor vessel head. Once they decide that, we  
14 will -- we will do what we normally do. We inspect  
15 that. We ask hopefully challenging questions about  
16 why that's good enough and why that's adequate, and  
17 we're continuing to look at that. We've not made  
18 any final determination about whether their test is  
19 appropriate or not, and we'll continue to engage them  
20 in hopefully a healthy debate about the adequacy of  
21 that test. Ultimately, the test is designed, as I  
22 understand it, to ensure that there's no pressure  
23 boundary leakage on the bottom of the reactor vessel  
24 head, so -- that's, you know -- we have not only  
25 technical experts in the region and in headquarters

1 that are examining that.

2 MS. LIPA: (Nod indicating yes).

3 MS. LUEKE: Okay, thank you.

4 MR. RULAND: You're welcome.

5 MS. LIPA: Thank you.

6 MR. RULAND: Anybody else?

7 MS. LIPA: If there is no more

8 local members of the public, it's open up to anybody

9 who wants to come up and ask us questions or give us

10 comments.

11 (BRIEF PAUSE).

12 MS. LIPA: Okay, well, while

13 you're thinking -- maybe somebody else has a

14 question, I just wanted to mention that we do have a

15 public meeting planned for June 19th, and that will

16 be in headquarters, but we will have bridge lines

17 available, and the purpose of that meeting is for

18 FirstEnergy to come in and discuss their high

19 pressure injection pump modification that they're

20 planning on, and then our next month's public meeting

21 in July will be July 9th, and that will be at the Oak

22 Harbor High School, and I think that's about it for

23 upcoming events.

24 MR. RULAND: Right.

25 MR. HOPKINS: (Nod indicating yes).

1 MS. LIPA: Does anybody else have  
2 a question for us?

3 (NO AUDIBLE RESPONSE).

4 MS. LIPA: Okay, well, thank you  
5 all for coming.

6 MR. RULAND: Thank you for coming.

7

8

9 THEREUPON, the meeting 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 36 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 3rd day of June, 2003 before the U.S. Nuclear Regulatory Commission.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at Wakeman, Ohio this        day of        , 2003.

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

My commission expires 4/29/04