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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

MARLENE S. ROGERS-LEWIS & ASSOC. REPORTERS
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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~~ paril 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.

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9 THEREUPON, the meeting was adjourned.

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