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PUBLIC MEETING

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

Meeting held on Wednesday, July 9, 2003, at
7:00 p.m. at Oak Harbor High School, Oak Harbor,
Ohio, taken by me, Marlene S. Lewis, Stenotype
Reporter and Notary Public in and for the State of
Ohio.

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- PANEL MEMBERS PRESENT:
- U.S. NUCLEAR REGULATORY COMMISSION
 - John (Jack Grobe), Chairman for 0350 Panel
Davis-Besse facility
 - Christine Lipa, Branch Chief, NRC
 - William Ruland, Vice Chairman, MC 0350 Panel
 - Scott Thomas, Senior Resident Inspector

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1 MS. LIPA: We're just about ready
2 to get started. Okay, great! We'll go ahead and
3 get started then.

4 I'd like to welcome everybody to this meeting
5 and welcome the members of the public for coming to
6 this meeting.

7 I'm Christine Lipa, and I'm the Branch Chief
8 for the Nuclear Regulatory Commission, and I'm
9 responsible for the inspection program at
10 Davis-Besse, and we had a business meeting during the
11 day. It started at two, and the purpose of tonight's
12 meeting is to inform those of you that weren't at
13 that meeting of what we discussed during that
14 meeting, and then also give folks an opportunity to
15 ask questions or make comments to the NRC.

16 Before we get started, I wanted to mention
17 that there are copies of the July edition of our
18 monthly newsletter. It's called the Davis-Besse NRC
19 Update, and that has a lot of good information in it.
20 It also has on Page 4 and 5 the Restart Checklist,
21 and we went over that document in detail during
22 today's meeting.

23 Also there are copies of the slides from the
24 NRC presentation today and copies of the slide from
25 the FirstEnergy presentation today.

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1 We also have a public meeting feedback form
2 that you can use to provide comments to us, and we're
3 interested in your perspectives on how this facility
4 works out, how well you can hear and participate
5 compared to Camp Perry. Both of the facilities have
6 been working out well for us, but we're interested in
7 your feedback.

8 We're having this meeting transcribed today
9 by Marlene to maintain a record of the meeting, and
10 then we post those transcripts to our web page about
11 three to four weeks after the public meetings, and
12 the public meeting transcripts from June are already
13 posted.

14 What I'd like to do then is start off with
15 some introduction for some of the NRC folks that are
16 here. We have Jon Hopkins, who's the NRR Project
17 Manager for Davis-Besse.

18 MR. HOPKINS: (Indicating).

19 MS. LIPA: He's located in our
20 headquarters office in Rockville, Maryland.

21 We have Bill Ruland.

22 MR. RULAND: (Indicating).

23 MS. LIPA: And Bill is the Senior
24 Manager in NRR and also is the Vice Chairman of the
25 Oversight Panel, and Bill's position is the Director

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1 for Project Director III in the Division of Licensing

2 Project Management.

3 We have Jack Grobe.

4 MR. GROBE: (Indicating).

5 MS. LIPA: And Jack is the Senior

6 Manager in the Region III office, and he's also the

7 Chairman of the Davis-Besse Oversight Panel.

8 We have Jack Rutkowski.

9 MR. RUTKOWSKI: (Indicating).

10 MS. LIPA: And Jack is the

11 Resident Inspector at the Davis-Besse plant.

12 And Scott Thomas is the Senior Resident

13 Inspector at the Davis-Besse plant.

14 MR. THOMAS: (Indicating).

15 MS. LIPA: In the foyer was Nancy

16 Keller, and she's our office assistant at the

17 Davis-Besse office, too, and then we also have

18 Viktoria Mitlyng.

19 MS. MITLYNG: (Indicating).

20 MS. LIPA: And she's our Public

21 Affairs person, and that's it for NRC folks, so what

22 I'd like to do next is turn it over to Scott. He'll

23 prevent a summary of what we discussed during this

24 afternoon's meeting, and then we'll go ahead and turn

25 it over for public comments and questions.

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1 MR. THOMAS: The licensee discussed
2 their progress in completing major projects within
3 the containment building, the installation of
4 equipment hatch, and the turnover of containment
5 control to the Ops Department.

6 They discussed their desired outcomes for the
7 upcoming normal operating pressure tests. These
8 outcomes included to assess performance and attitude
9 of the personnel, assess plant performance, assess
10 their various processes, such as emergent work
11 control, online work management, and online risk
12 assessment.

13 They discussed progress of testing to support
14 their proposed modification to the high pressure
15 injection pumps. They have come across some
16 unexpected results during their modification
17 validation testing, but they believe that the high
18 pressure injection pump modification is their best
19 success path and continue testing to support that
20 modification.

21 The licensee discussed performance in the
22 areas of operation, engineering and maintenance.

23 The performance indicators -- there were performance
24 indicators for each areas -- each of these areas, and
25 they included -- these performance indicators assess

1 attributes in the areas of safety, personnel,
2 reliability and cost.

3 They discussed what they termed as "safety
4 margin improvements." These improvements focused on
5 people, plant and design improvements. Some of these
6 improvements included in the area of people, continue
7 to communicate and seek alignment, implement an Ops
8 leadership plan and strengthen individual ownership
9 and commitment across the board. In the area of the
10 plant, focused on several substantial equipment
11 upgrades and improvements, and in the area of design
12 improvements discussed several in-depth design
13 reviews that have been completed and the
14 implementation and/or strengthening of several key
15 design programs, and they reviewed their progress
16 toward the completion of restart milestones and
17 actions, so briefly that's what the earlier meeting
18 discussed.

19 MS. LIPA: Okay, thanks, Scott. One
20 of the things that I discussed at the beginning of
21 the meeting today was the Restart Checklist which is
22 on Page 4 and 5 in the monthly update, and we went
23 through the items that we closed and where those are
24 documented and we went through the status of the
25 items that are open, so if you look at this document,

1 on Page 4 you'll see the ones that have check marks,
2 those are the ones that are closed. We've closed 13
3 of the 31 items so far, and then we have plans for
4 reviewing the rest of the items, so, other than that,
5 that was -- those are the highlights of what we
6 discussed this afternoon, so let's go ahead and if
7 anybody has any questions or comments we'd like to
8 start with local members of the public first and --
9 come up to the podium and sign in and state your name
10 for the transcriber, and go ahead and provide us your
11 question or comment.

12 MR. WHITCOMB: Good evening. My
13 name is Howard Whitcomb. First of all, I'd like to
14 commend you for the NRC update. It's grown over the
15 months, it's gotten bigger, thicker, but also it's
16 got a lot of good information in it, and I think if
17 you do put the bullets as far as what inspection
18 reports cover each of the enclosed items it would be
19 helpful to go in and look for the members of the
20 audience.

21 I have a prepared statement I would like to
22 read.

23 It has been nearly 17 months since the public
24 first received reports of a large hole in the
25 Davis-Besse reactor vessel head. Initially, the NRC

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1 stressed to the public the importance of and its
2 commitment towards an understanding of the root cause
3 as to why the degraded reactor vessel head had
4 occurred. During the first several months, the NRC
5 conducted an investigation and reported that the root
6 cause of the degraded reactor vessel head included an
7 apparent lack of appropriate safety consciousness
8 regarding the safe operation of the Davis-Besse
9 facility. It was evident to the inspectors that
10 there existed a "production over public safety"
11 philosophy as directed by the highest levels of
12 management within FirstEnergy. Additionally, the
13 NRC performed a limited review of its own programs in
14 mid-2002 and identified a purported number of
15 programmatic weaknesses within its inspection
16 processes. Further, the findings of the Lessons
17 Learned Task Force failed to identify and report the
18 lack of appropriate safety culture within the ranks
19 of the NRC in any of its 51 recommendations to the
20 NRC commissioners.

21 It was not until December of 2002 when the
22 Inspector General issued its independent assessment
23 that the public first became aware that an alarming
24 percentage of the NRC's own employees had reported a
25 reluctance to raise safety concerns within their own

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1 management. The NRC has attempted to verbalize an
2 understanding of concepts such as root cause, safety
3 culture and safety conscious work environment. The
4 NRC's actions of late indicate otherwise.

5 Over the last several months, FirstEnergy has
6 reported that they have uncovered operability issues
7 involving several safety related systems including
8 the Emergency Diesel Generators and the High Pressure
9 Coolant Injection System. Additionally, concerns
10 about the condition of the reactor coolant pump
11 shafts and ETAP raise new questions regarding the
12 overall system health and material condition of the
13 plant. Based upon the sampling of the systems
14 reviewed and the resultant findings, it remains
15 unclear whether additional system reviews should be
16 required. It is equally disturbing to note that no
17 one has ever reported a root cause as to why the
18 previous safety analysis supporting HPCI and
19 Emergency Diesel Generators' operability were
20 inadequate since the beginning of commercial
21 operations of the Davis-Besse facility. Without
22 such a root cause determination, it is unclear as to
23 what appropriate corrective actions are necessary to
24 prevent further calculational errors or whether there
25 are additional systems that require an operability

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1 review based on similarly unsupported analysis.

2 The NRC's failure to require a root cause
3 determination of these safety system issues and make
4 it a part of the Restart Checklist is very troubling.

5 Additionally, the recently reported promotions of Mr.
6 Sam Collins and Mr. James Dyer challenge the NRC's
7 previously stated commitments regarding the
8 improvement of its own safety culture. These moves
9 do not invoke or instill increased public confidence
10 in the NRC. Quite the opposite is true. These
11 moves create additional suspicion regarding the NRC's
12 credibility and create further doubt whether the NRC
13 even cares what the public thinks. It is further
14 apparent from these recent management changes that
15 the NRC believes itself to be blameless regarding the
16 events involving its failure to identify the
17 inadequate boric acid inspection program at
18 Davis-Besse or for the inappropriate decision made by
19 Mr. Collins to allow the continued operation of the
20 Davis-Besse facility in November 2001. These moves
21 re-emphasize the need for massive reform and
22 re-organization within the NRC.

23 These changes come about despite the fact
24 that the public in Northwest Ohio has been told that
25 the NRC is providing aggressive oversight at the

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1 Davis-Besse facility. During the last 17 months,
2 both FirstEnergy and the NRC have offered several
3 "progress reports" relative to committed changes in
4 the safety environment. The deception of the public
5 continues. The reported action of FirstEnergy and
6 the NRC over the last 17 months amounts to little
7 more than a charade. FirstEnergy continues to place
8 a higher priority upon the restart schedule than it
9 does on its efforts to establish an appropriate
10 safety culture at the Davis-Besse facility.

11 What the public does know is this:

12 1) A hole the size of a pineapple was found
13 in the reactor vessel head.

14 2) Less than one-quarter inch of stainless
15 steel maintained core pressure and inventory.

16 3) The safety analysis report did not
17 evaluate the consequences of an uncontrollable loss
18 of coolant from the top of the reactor vessel.

19 4) The ability of the High Pressure Coolant
20 Injection System to perform its intended function was
21 in question as was the size of the available
22 containment sump. And, finally, collectively, these
23 conditions place the health, welfare and safety of
24 the public at substantial risk.

25 It is apparent to this citizen that the

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1 unknown material condition of the Davis-Besse
2 facility coupled with the obvious lack of a
3 meaningful commitment towards safety culture issues
4 by both FirstEnergy and the NRC remains a dangerous
5 combination. Thank you.

6 MS. LIPA: Thank you for your
7 comments, Howard. I'd like to offer a few thoughts.

8 First of all, I can assure you that the
9 panel -- as a panel member, we have been working very
10 hard, so I don't agree with your opinion, but it's
11 your opinion about the charade. In any case, let me
12 just say a couple things.

13 We did add a new item to the Restart
14 Checklist item to the checklist that we talked about
15 today, which was the High Pressure Injection Pumps,
16 and in accordance with our 0350 procedure, there's a
17 criteria for adding new items to the Restart
18 Checklist, and that did meet our criteria, so we did
19 add it. We also did that months back with the
20 containment sump, so we do add items to the checklist
21 as warranted.

22 A couple other things we did, when we first
23 started out we had a checklist on system readiness
24 for restart or something about the system health, and
25 we did an inspection last fall. It's called an SSDI,

1 Safety System Design Inspection, and a system health
2 inspection. Those inspections had quite a few
3 findings, and that combined with the licensee's own
4 latent issue reviews, they decided to expand the work
5 that they were doing, and they started doing these
6 safety function validation reviews, so we have been
7 talking about those at all of our meetings so the
8 scope has expanded based on what was found, and I
9 think that's important to point out for you. And
10 then one of the other things that you talked about
11 was requiring a root cause, and actually 10 CFR 50
12 Appendix B, Criterion XVI requires for significant
13 conditions adverse to quality that they be corrected
14 and to prevent recurrence, and so the way that's
15 implemented is through a corrective action program
16 that the utility has so for the conditions that they
17 find that are considered significant conditions
18 adverse to quality, that really does trigger a root
19 cause, and I know the licensee is doing numerous root
20 causes. I can't tell you they're doing one for
21 every item you mentioned, but based on our sampling,
22 we believe that they're doing root causes where they
23 are necessary. That's about all that I got from
24 some of the things that I wanted to comment on, but
25 let me move it over here.

1 MR. GROBE: Thanks, Christine. A
2 couple other comments, Howard. Hardly would the NRC
3 say they were blameless in the situation. The
4 Lessons Learned Task Force performed a very thorough
5 evaluation of the NRC's programs, both our inspection
6 as well as our other regulatory programs, including
7 our ability to gain and utilize international
8 operating experience as well as national operating
9 experience, our inspection programs, and our
10 licensing programs, and as you correctly stated made
11 51 recommendations to the commission and those
12 recommendations, the majority of those, I believe,
13 two of the recommendations were not accepted by the
14 senior management team that reviewed the Lessons
15 Learned Task Force report, but the other 49 have
16 action plans, and those are being implemented, so the
17 NRC has clearly self-assessed and acknowledged areas
18 where improvement is necessary to ensure that a
19 situation like the situation that occurred here at
20 Davis-Besse does not recur.

21 You commented regarding the IG report, and
22 the chairman has clearly responded to the Inspector
23 General's findings, and I don't think I have anything
24 more to add to what the chairman stated, and his
25 response is posted on our public website. I'm

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1 trying to think of the other points you made, if we
2 missed any of them -- I think that pretty much
3 captures -- oh, one other thing I wanted to mention,
4 you commented about root cause and Christine
5 correctly indicated that our requirements in Appendix
6 B of 10 CFR 50 of our required cause analyses and
7 corrective actions, in addition for those issues that
8 you identified those significance assessments and
9 cause analyses and corrective actions are required to
10 be included in the licensee event reports and those
11 are publicly available. Some of the cause analyses,
12 for example, the high pressure injection pump is not
13 yet completed, but as soon as it's completed it will
14 be included in an update to the licensee. Thank you
15 very much.

16 MR. RULAND: One other thing I
17 would like to address, Howard, if I could. You
18 talked about the priority of the restart schedule
19 over safety, I think was one of your questions or one
20 of your points, there's always a dichotomy between
21 operating these complex machines relative to, you
22 know, schedule versus safety, and I guess I don't
23 accept that dichotomy. The best performing
24 licensees have shown, based on capacity factors, that
25 when weighing production and safety, in fact, it

1 was -- there are -- the licensees that have good
2 production capability, high capacity factors, by and
3 large also have good safety performance. Now,
4 there's not a clear link, but the skills it requires
5 to manage and make sure your plant is producing can
6 be translated, given the right management, into good
7 safety performance, so I don't accept that production
8 over safety. I think it's a difficult challenge
9 that licensees face, and it's something that they
10 have to weigh. Personally, I think from this 0350
11 panel, if you take the HPI pump issue, we're
12 frankly -- the NRC is not particularly focused on
13 schedule. The only reason we are focused on
14 schedule is to make sure we know what to do as far as
15 inspection, and at least for this panel member and
16 for the others, there's nothing, I think, that the
17 licensee is going to do in that -- for that
18 particular example to put schedule over safety.
19 They're going to have to resolve that issue, and the
20 NRC is going to have to make sure that they, in fact,
21 resolve it and the safety issues are resolved, so
22 I -- while I respect your opinion, I humbly disagree.

23 MR. GROBE: Thanks, Bill. Jon?

24 MR. HOPKINS: Yeah, I just wanted to
25 say one thing for the record. I believe the

1 commenter was referring to the IG survey on safety
2 culture within the NRC, and there were several
3 positive things in that survey, but the NRC is
4 reviewing the results to try and see more what they
5 mean, so I just wanted to say that.

6 MR. GROBE: Thanks, Jon. One
7 final comment that you made that I thought warranted
8 comment is you commented that the NRC doesn't care
9 about public input, public opinion. I think I have
10 been out here now for over 12 months every month
11 conducting public meetings with anywhere from as few
12 as maybe 75 to 100 people and upwards to 500 people
13 at each of these meetings and have spent countless
14 hours listening carefully to public comments and
15 questions and responding to them, and we had the
16 opportunity today from Ohio Citizens Action to
17 receive 400 or so letters, which we will all read and
18 carefully consider and respond to. I think we've
19 clearly demonstrated that we care about public input
20 and public opinion, and we will continue to be out
21 here listening and responding. Thank you.

22 MS. LIPA: Okay. Is there
23 anybody else from the local area that has a comment
24 or question for us?

25 MR. DUSSEL: Tim Dussel, just a

1 citizen. I read an article here a while back where
2 the head of the NRC made the statement that Ohio
3 citizens was never put in danger over this whole
4 situation, and you read the facts and all the things
5 that went on, and the head of the NRC feels that the
6 public was not put in danger scares me very much.
7 These kind of actions, the same with I have not seen
8 were any of the FirstEnergy or anyone has been held
9 accountable for any of these, NRC or FirstEnergy.
10 This has been going on for a year and a half, and
11 there's been one person supposedly that was fired who
12 was an engineer and they wanted to put most of the
13 blame on him, but I believe there's a whole lot of
14 people here that's made a whole lot of mistakes that
15 should be held accountable, and if you want the
16 public to trust you, until that's done, no one is
17 going to trust anyone. No one has had to pay for any
18 of this. It does not make sense to me. If I was
19 caught going down the road drunk driving, I would be
20 in jail. What did you people do? Thank you.

21 MR. GROBE: Thank you very much
22 for your comment. I think there were two things
23 there that I want to respond to. The first one has
24 to do with the chairman's comments, and I believe
25 those were made at the regulatory information

1 conference in his opening statements. In fact,
2 those comments were correct, that there was not an
3 imminent danger, and there was not an event at
4 Davis-Besse. I don't want to underplay the
5 significance of what happened. All of the design
6 margin for the reactor coolant system was eliminated,
7 and that occurred as a result of poor management and
8 poor safety culture at the facility, and that's not
9 acceptable, and we categorized the significance of
10 that at the highest level that we categorize
11 inspection findings. It was categorized as a red
12 finding and -- but a red finding is not necessarily
13 dangerous. It just means that the risk was increased
14 from what the normal operating plan would be, and
15 that's an unacceptable increase in risk at the red
16 level.

17 The second comment you made had to do with
18 personal accountability, and FirstEnergy has taken
19 fairly extensive actions with respect to the
20 accountability of the individuals that caused the
21 situation to occur. I believe that there were -- I
22 might not have this number exactly correct, but I
23 believe there were 19 personal actions that were
24 taken including terminations and other types of
25 personal actions. There's a whole new management

1 team at the Davis-Besse facility, so I think the
2 information that you may have read in the newspaper
3 regarding one engineer was an incorrect
4 characterization of what has happened at Davis-Besse.

5 MR. DUSSEL: That's the only
6 information I have, sir. It's what I read in the
7 paper, I think FirstEnergy if they done these things
8 should put it out to the public so the public
9 understands that.

10 MR. GROBE: I believe that's been
11 discussed on a number of occasions at our public
12 meetings. Other comments?

13 MS. LUEKE: Hi. Donna Lueke,
14 local resident. Shorter than everybody else.
15 (Laughter).

16 The comments that I had were echoing similar
17 to what's been said already, and I think the way I
18 would state it is that we don't feel at this point
19 that there's -- or we do feel that there's one item
20 that needs to be added to that checklist and that is
21 of was there an intentional concealment of
22 information, and, as far as I know, that hasn't been
23 resolved yet, and, in my opinion, that should be
24 resolved before restart. I know there is an ongoing
25 investigation; am I correct in that?

1 MS. LIPA: That's correct.

2 MS. LUEKE: Okay. It seems to me
3 unless that's resolved before restart, that's a big
4 missing link about the safety culture, and it just
5 seems unlikely that five serious -- from what we know
6 and just from an amateur standpoint, the hole in the
7 reactor head, the undersize sump, the problems with
8 the high pressure injection pumps, the flawed safety
9 culture, if these all existed and they all existed at
10 the time the shutdown occurred, then why wasn't it
11 caught, and if it wasn't caught, if nobody knew about
12 that -- and I know Lessons Learned has addressed some
13 of those things, but I don't think that anybody has
14 addressed the idea or the assumption that maybe some
15 people did know about this and that that hasn't been
16 addressed yet.

17 MR. GROBE: Donna, thank you very
18 much for your question. I wouldn't consider you an
19 amateur, you have studied everything that has gone on
20 very carefully, and your comments are always
21 insightful.

22 I had intended to mention in response to the
23 previous gentleman's question, the issue of
24 accountability from the perspective of the NRC.
25 You're correct there is an ongoing investigation. It

1 has been ongoing for quite a while now. The
2 Oversight Panel has been staying abreast of the
3 results of that investigation as they have evolved,
4 the evidence that's collected, the assessment of the
5 evidence by the investigators, and I can assure you
6 that any necessary immediate actions relative to
7 Davis-Besse will be taken prior to restart.
8 There -- the NRC has what's referred to as civil
9 enforcement authority, and what that means is we can
10 issue orders, and we can issue civil fines, monetary
11 fines. A deliberate violation of NRC requirements
12 also carries criminal sanctions -- jail time, those
13 sorts of things. The NRC does not have the
14 authority to pursue those sorts of actions. We have
15 a close relationship with the Department of Justice
16 if we find ourselves in a situation where there may
17 have been deliberate violations, so the Department of
18 Justice may want to evaluate the results of the
19 investigation. If those activities are ongoing, the
20 results will not be disclosed publicly for reasons
21 I'm sure you can appreciate, but I can assure you
22 that any actions that are necessary coming from the
23 results of those investigative activities will be
24 taken before restart.

25 MS. LUEKE: Before restart?

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1 MR. GROBE: Right.

2 MS. LUEKE: So you're assuring us

3 at this point that that will be done?

4 MR. GROBE: That's right.

5 MS. LUEKE: Okay. Thank you.

6 MS. LIPA: Okay, do we have

7 anybody else who has comments or questions for us?

8 (NO AUDIBLE RESPONSE).

9 MR. GROBE: While people are

10 pondering their intestinal fortitude of nerve to come

11 up to the panel -- to the microphone, I'll provide a

12 little bit more context to my statements in response

13 to Donna's question.

14 The concept of the need for immediate action

15 has two characteristics to it, and they're described

16 in our enforcement manual. If the Agency believes

17 that an individual -- there is sufficient evidence,

18 preponderance of the evidence, that an individual

19 willfully violated our requirements and that that

20 individual is in a position of responsibility in any

21 activity regulated by the NRC and that the NRC does

22 not have reasonable assurance that future actions of

23 that individual will ensure the safety of the public,

24 meaning the NRC loses confidence in that individual

25 in fulfilling those responsibilities if they're in a

1 position of authority, then we would consider
 2 immediate action, so there's a number of things that
 3 we look at, so there's not necessarily immediate
 4 action for all investigative findings. Normally what
 5 occurs is that the -- if there are considerations by
 6 the Department of Justice, those will occur
 7 concurrent with any ongoing activities that the NRC
 8 will not take immediate action, but if the NRC loses
 9 confidence in an individual who is in a position with
 10 responsibility, then immediate action will be taken.

11 Who else would like to come forward?

12 MR. LOCHBAUM: Anybody?

13 MR. THOMAS: Sure.

14 MS. LIPA: Yeah, come on up.

15 MR. GROBE: Thank you for being
 16 patient, Dave.

17 MR. LOCHBAUM: Dave Lochbaum with the
 18 Union of Concerned Scientists. I apologize, I just
 19 got here, so I don't know if you may have covered
 20 this this afternoon, I don't want to repeat it, but I
 21 noticed on the latest update that the NRC puts out,
 22 the ongoing safety culture inspection is ongoing and
 23 there's a couple public meetings planned to discuss
 24 what those findings are.

25 I've also seen some recent results from

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1 culture surveys showing that 50% of the workers were
2 reluctant to raise safety issues and 30 percent of
3 the workers who had raised safety issues felt that
4 they were retaliated or discriminated against for
5 having done so. I know that may not be applicable
6 to Davis-Besse because those numbers are the NRC's
7 internal surveys of its own culture, so I guess the
8 question would be given the attention on
9 Davis-Besse's safety culture, what's the NRC doing to
10 fix its own safety culture?

11 MR. GROBE: That's a good
12 question. Thanks, David. I've seen recently a
13 draft of an action plan in response to the Inspector
14 General's findings in that area, and Mr. Whitcomb
15 mentioned it earlier, I'm not sure we responded to it
16 completely. The Agency has taken several actions,
17 and what was particularly interesting about the
18 safety culture assessment that the IG did was the
19 variability office to office, work group to work
20 group of those specific cultural attributes. What
21 was satisfying is the people at the regional office
22 by far had the strongest safety culture. Those are
23 the folks that day in and day out are in contact with
24 the facilities performing inspections. The office
25 with the weakest safety culture was the office of the

1 chief information office. Those are the guys that
2 provide the --

3 MR. LOCHBAUM: ADAMS.

4 MR. GROBE: ADAMS, that's right.

5 MR. LOCHBAUM: I understand.

6 MR. GROBE: Those of you have had
7 the opportunity to interface with ADAMS, but, also,
8 you know, all of the internal computer systems for
9 managing resources and data and information, so
10 it's -- there was quite a variability office to
11 office. Each office individually is preparing its
12 response as we did following the 1998 survey which
13 was the last time that was done. There's been
14 significant improvements. Region III, for example, I
15 have a lot of familiarity with the actions that we
16 took after 1998. Double digits improvements in every
17 category. We're an organization as we expect our
18 licensees to be a continuously learning organization
19 and a continuously improving organization, we're the
20 same type of organization, and we will continue to
21 take corrective actions and continue to monitor their
22 effectiveness.

23 MR. LOCHBAUM: Unrelated follow-up
24 question. I know the 0350 panel and all of the team
25 that supported it, spent a lot of time over the last

1 year doing inspections and evaluations.

2 Do you have an estimate, ballpark estimate,
3 how many inspection hours that was over the past year
4 or so?

5 MR. GROBE: I do not have a -- I
6 can't quote you a number off the top of my head.
7 The last time I answered this question was early this
8 year, I believe the data was through January, and I
9 have it in dollars, not hours, and there were several
10 million dollars' worth of efforts spent regarding
11 Davis-Besse at that time, but I don't have an updated
12 number. Obviously it would be significantly more.

13 MR. RULAND: We can get you that.

14 MR. GROBE: Yeah, we can put that
15 together for you. We'll get back to you on that.

16 MR. LOCHBAUM: As I understand it,
17 that level of effort which is fairly intensive and
18 invasive and covers a lot of ground, is going to form
19 the basis for your decision on whether the plant is
20 restored to the acceptable levels of safety and ready
21 for operation, not predicated that will be the
22 answer, but that information supplemented by this
23 remaining work will get you that decision one way or
24 the other.

25 Once you return to the normal levels of

1 oversight that preceded March of 2002 and didn't find
 2 the problem with the sump and didn't find the problem
 3 with the head and didn't find the problem with the
 4 safety culture, what assurance is there that that
 5 lower level of oversight will be adequate?

6 MR. GROBE: Well, let me -- you're
 7 an excellent straight man, these are very good
 8 questions and give me an excellent opportunity to
 9 talk about really important topics.

10 One of the things we have done specifically
 11 with respect to Davis-Besse is Davis-Besse is the
 12 only plant in the United States that is going to have
 13 only single units safe -- it's going to have three
 14 resident inspectors. We just selected a third
 15 Resident Inspector. Jack Rutkowski joined us a month
 16 or so ago as the second Resident. Seems about like a
 17 year, right, Jack, but it's only been a month or so,
 18 and a young lady by the name of Monica
 19 Salter-Williams, who's an experienced engineer, has
 20 had utility experience and also NRC experience will
 21 be joining us in September.

22 MS. LIPA: Yeah.

23 MR. GROBE: She was selected a
 24 month or two ago, and she's in the process of
 25 wrapping up her personal business with her current

1 location and moving out here, so Davis-Besse will
2 have for at least the next two years three Resident
3 Inspectors.

4 In addition to that, the Oversight Panel
5 doesn't go away at restart. The panel will stay in
6 existence until such time that it is convinced that
7 the routine oversight program would be appropriate
8 for this facility. While all of these activities
9 have been going on, the Lessons Learned Task Force
10 recommendations are being acted upon and improving
11 that routine program.

12 Concurrent with that, there's a lot of work
13 going on in the assessment of safety culture. I
14 don't believe I saw you at the meeting of the
15 Advisory Committee on Reactor Safeguards a couple
16 weeks ago, but the Advisory Committee is a group of
17 very senior individuals from universities across the
18 country, the premier research institutions as well as
19 experienced former executives from the industry that
20 provide advice to the commission on important topics
21 and they have taken this topic on -- and the
22 commission has expressed its view, but it's not ready
23 to publish a regulation on safety culture, but it
24 views it very important that we continue to monitor
25 the evolution of safety culture assessment and task

1 the Advisory Committee to give them advice. That's
2 what they do. The Advisory Committee conducted a --
3 it was a very long day. It was about a 12 hour
4 meeting, invited participants from all aspects of the
5 country. Howard Whitcomb was one of the presenters
6 that was invited to present at that meeting, along
7 with myself, Lew Myers, other industry executives
8 from Fermi and Millstone, other International experts
9 from the NEA and other locations, so they collected a
10 very broad set of views and opinions on safety
11 culture, and they will be providing their advice to
12 the commission and what direction we should go in
13 that regard. The Institute of Nuclear Power
14 Operations, which is a utility formed independent
15 oversight, indicated that it was interested in adding
16 safety culture attributes to its assessment process.
17 The institute does two very important activities; one
18 is to provide inspection and assessment of licensee
19 performance not to regulatory standards, but to
20 industry best practice standards, which in many
21 regards are far beyond the minimum regulations that
22 we have, and they provide advice to -- to the
23 individual utilities on how they assess their
24 performance.
25 In addition to that, what they do is they

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1 provide what we call the training academy, and that's
2 an independent assessment for the NRC, and we inspect
3 INPO, and they accredit the training programs for
4 nuclear plant workers in all regards, maintenance
5 workers, health ~~physician~~ physics workers, chemistry workers,
6 and those accreditation standards are very high, and
7 a senior NRC executive was at each accreditation
8 board meeting making sure that those accreditations
9 were proper. The institute indicated that it was
10 willing to enter into a relationship with the NRC to
11 similarly assess safety culture, and I use the word
12 similarly very broadly. It's not clear at all what
13 structure that would take, but that was one of the
14 presentations from George Felgate, who is the Vice
15 President of INPO, so it was a very interesting and
16 meaningful meeting of the Advisory Committee on
17 Reactor Safeguards, and the committee will be
18 considering all of the input they got and advise, and
19 the commission will go in what direction it thinks
20 the commission should go.

21 MR. LOCHBAUM: Last question, you
22 mentioned that the Lessons Learned Task Force for
23 Davis-Besse -- and I know one of the areas that the
24 Lessons Learned Task Force looked at was the 0350
25 process and made a number of recommendations. One

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1 of the recommendations that they didn't make -- or,
 2 not to my knowledge, was on just the team, the
 3 staffing of the 0350 panel. I know Mr. Ruland is
 4 new to the panel due to Mr. Dean's change, but you
 5 and Ms. Lipa have been on it for the whole year
 6 plus -- well, you know better than I do.

7 MS. LIPA: And Scott.

8 MR. LOCHBAUM: And others, and I was
 9 just wondering have you looked at whether that's a
 10 burden or could you roll people on and off to minimum
 11 the burden on you people, but also get more Agency
 12 people involved in the process, if it ever is invoked
 13 anywhere else broadening the experience?

14 MR. GROBE: It's an interesting
 15 question. As you're well aware, I've had this
 16 opportunity in the past.

17 MR. LOCHBAUM: You're way ahead of
 18 anybody else, I understand.

19 MR. GROBE: We've worked together
 20 on other plants. The process that we're
 21 implementing today is new. It was restructured
 22 after the institution of the revised Reactor
 23 Oversight Program, which happened in 2000, April of
 24 2000, and this is the first time the process has been
 25 exercised, and we've identified a number of

1 opportunities to improve the process and we have been
2 providing that feedback to the Division of Inspection
3 and Program Management, which writes the procedures.

4 I have been provided very strong assurance
5 that I won't have the opportunity to get rotated off
6 of this assignment until it's over, so there will be
7 at least one or two people who are consistent to the
8 end. The moving people on and off the panel is just
9 a fact of life in any kind of operating organization,
10 and Bill and I worked very closely. It was a fairly
11 daunting list, at least that's the impression I got
12 from Bill when he got assigned to the panel, and I
13 put together an E-mail of the things that he and I
14 needed to spend time talking through the historical
15 aspects of the panel -- where we've been, where we
16 are today, and we spent many hours doing that after
17 his assignment here, so there is some start-up costs
18 associated with that, but it's been effective in
19 managing the transitions.

20 The panel itself is comprised of about nine
21 or ten people. Many of them we don't see here on a
22 monthly basis. There's two other managers in the
23 regional office as well as a couple senior staff in
24 the regional office that are members of the panel,
25 but that is not the extent of the Agency commitment.

1 There has been literally dozens and dozens of people
2 who have been involved in the assessment of what's
3 going on from every corner of the Agency, from all of
4 the regions, from headquarters, from a variety of
5 offices at headquarters that have augmented the
6 panel, and in its assessment of what's going on, so
7 it's a fairly -- I think the size of the panel is
8 appropriate. The access to resources that are
9 provided is extensive, and essentially we can tap
10 anybody that we need from the Agency, and we've done
11 that.

12 MR. LOCHBAUM: I guess I intended the
13 question more towards -- it is a big commitment, I
14 don't even like doing things I enjoy for a year and a
15 half, let alone things that aren't all that much fun,
16 so I just -- would it be -- have you looked at the
17 value of continuity versus burn-out on staffing the
18 0350 panel and whether maybe some adjustments need to
19 be made for that?

20 MR. GROBE: It's an interesting
21 question. The -- there's a tremendous, I mean, this
22 is kind of getting off the beaten path here, but
23 there's a tremendous amount of job satisfaction in
24 this kind of job assignment. We have the
25 opportunity to truly make a substantive change, and

1 if everything is successful to return a nuclear plant
 2 which can return a tremendous amount of electricity
 3 to the United States back into service if it can be
 4 done safely, so there's a lot of benefit and
 5 satisfaction, personal benefit and satisfaction, that
 6 comes along with an assignment like this.

7 It's also an interesting opportunity in many
 8 regards, so I don't believe -- I'm confident that if
 9 my boss thought I was getting burned out or if I
 10 thought Christine was getting burned out that actions
 11 would be taken to make sure that was remedied.

12 MR. LOCHBAUM: I didn't mean to
 13 suggest there was, but --

14 MR. GROBE: This is getting a lot
 15 of attention, you know, people are paying close
 16 attention to the process and it's working
 17 effectively.

18 MR. LOCHBAUM: Thank you.

19 MR. GROBE: Thanks, Dave.

20 MS. LIPA: Any other questions?

21 MR. MUGGE: Hi, Bill Mugge,
 22 manager of security at Davis-Besse, and our usual
 23 presentations include conditions in containment and
 24 sumps, pumps, regaining and restoring what we need to
 25 do to bring our unit back safely. I'd like to take

1 this opportunity to remind the public that the
2 security is a focus at Davis-Besse also.

3 We have, obviously with the events of
4 September 11th, homeland threat moving from yellow to
5 orange, world events of terrorism, the Davis-Besse
6 organization does respond to each of those, and even
7 in the smaller sense, the day-to-day activities,
8 security is integral with the site activities. In
9 fact, at the morning meeting we have a standard place
10 on the agenda where we can bring our issues forward.

11 I'd also like to take this opportunity to
12 acknowledge and thank Chief Deputy Bratton, Sheriff
13 Emahiser and Detective Steve Lavorchick. When I get
14 together with my peers, the working relationship we
15 have with our local law enforcement is an envy for
16 them. That working relationship, the connection,
17 sharing of information and resources is essential to
18 the success of our security team. Thank you.

19 THEREUPON, the audience applauded.

20 MS. LIPA: Thank you, Bill.

21 MR. GROBE: Bill, I appreciate
22 your comments. It's a topic we don't focus on very
23 often. As you're well aware, but maybe others are
24 not, the NRC just issued several orders to all
25 nuclear power plants in the United States. Shortly

1 after the September 11th debacle, the NRC issued what
2 we referred to as interim compensatory measures,
3 ICM's, for each utility to take action and then
4 initiated a rather extensive review of how we are
5 assuring appropriate safeguards of nuclear power
6 plants. The details of the specific requirements
7 and protective strategies for plants are not public
8 knowledge for obvious reasons. If somebody wanted
9 to do ill -- who had ill will towards a nuclear power
10 plant and was able to access all the protective
11 strategies that would benefit them in accomplishing
12 their goal, so the details of that is not public
13 information, but rest assured that the commission has
14 put a tremendous amount of effort, including the
15 commissioners, I refer to them as the five great
16 Americans, has put a tremendous amount of effort into
17 re-evaluating closely, coordinating with the
18 Department of Homeland Security, aligning our
19 security, organization and regulations with the
20 expectations of the Department of Homeland Security.
21 We've been a leader in the Government in that regard.
22 Homeland Security has a very broad umbrella and --
23 not only in nuclear power force, but in Border
24 patrol, imports and exports, coordination of local
25 law enforcement. It's just -- their task is

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1 daunting, but it's important that each of the
2 Government agencies get aligned with homeland
3 security expectations and the NRC has been a leader
4 in that regard, so we've continued to take aggressive
5 steps to refine and expand the security strategies,
6 protective strategies, for nuclear power plants.

7 Our inspection program, you'll see a very
8 general paragraph in front of each inspection report
9 that assures the public that these security
10 inspections are ongoing. Again, the details are not
11 provided for the same reasons that I discussed
12 earlier, and we continue to have inspections at
13 Davis-Besse to make sure that security strategies are
14 appropriate and Davis-Besse is taking actions
15 consistent with our expectations. It's a good
16 subject. Thank you.

17 MS. LIPA: Okay. Anybody else?

18 MS. EBERT: My name is Christina
19 Ebert. My concern is in regards to the evacuation
20 plan. It's my understanding that it only covers a
21 10 to 15 mile radius and volunteer bus drivers would
22 have to come in and take the people to Sandusky High
23 School or gymnasium. How is that effective -- first
24 question, and then second question, what about the
25 residents who live on the Islands in Lake Erie?

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1 MR. GROBE: I don't know the
2 specific answer about Middle Bass and -- I can't
3 remember the names.

4 MS. EBERT: Kelleys Island,
5 Put-in-Bay, Middle Bass, Mouse Island.

6 MR. GROBE: There you go. The
7 NRC emergency planning regulations are predicated on
8 what's referred to as an Emergency Planning Zone and
9 that zone is roughly a 10 mile radius throughout the
10 plant. The selection of the Emergency Planning Zone,
11 the minimum size which is a 10 mile radius, is based
12 on projected worse case post accident radiation
13 effects. The -- oftentimes the Emergency Planning
14 Zone is not a circle because it needs to follow local
15 boundaries, you know, townships or counties or things
16 like that, so oftentimes it's very oddly shaped, but
17 it's roughly a 10 mile radius around the plant.

18 The emergency planning -- the off site
19 emergency planning is not actually regulated by the
20 NRC, it's required to be effective by the NRC, but
21 it's not regulated by the NRC. It's regulated by the
22 Federal Emergency Management Agency, FEMA. It's
23 implemented through the State and the local
24 officials, so the -- for example, Ottawa County is
25 very active in the emergency planning at the

1 Davis-Besse station as well as the State of Ohio.
2 On site emergency planning is our responsibility.
3 Every two years a comprehensive drill is conducted
4 involving all of the elements of the emergency
5 procedures, and it just so happens that that drill
6 occurred June 10th, and the drill was very
7 successful. An inspection report on that will be
8 out shortly, I would expect in about 10 or 15 days,
9 so you can read about it there. Not only did the
10 NRC have an assessment but the Federal Emergency
11 Management Agency had an assessment of the on site
12 effectiveness, so it's a combination of the planning
13 is extensive. The numbers of organizations involved
14 in the planning is very extensive, and it does
15 include things like utilizing school busses and
16 things to move people that can't be moved otherwise.
17 It's a very detailed plan. I would suggest if you
18 need more information that Jere Witt, W-I-T-T, who is
19 the Ottawa County Administrator, would be an
20 excellent source of information on off site emergency
21 planning. Not only is it required for the operation
22 of a nuclear power plant, but it's also a tremendous
23 benefit, and Mr. Witt has made comment on a number of
24 times the response to the tornado that was less than
25 a year ago, I believe, in Ottawa County was

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1 significantly enhanced because of the emergency
 2 planning for Davis-Besse. All of that
 3 infrastructure was in place for communications and
 4 coordination of the response, so it benefits the
 5 County in a lot of regards. Thank you for your
 6 question.

7 MS. EBERT: Thank you.

8 MS. LIPA: Anymore questions?

9 MS. STEWART: Hi. My name is
 10 Vanessa Stewart. There's a lot of evidence that has
 11 come out about the corrosion in the past year and a
 12 half, and two of those pieces of evidence I thought
 13 were interesting. There were air filters clogged
 14 with rust color particles and boric acid. They had
 15 to change those every other day since 1999, and then
 16 there was also the red photo which The Plain Dealer
 17 published that showed rust corrosion and boric acid
 18 on the reactor. Obviously, FirstEnergy knew that
 19 there were problems since at least 2000 or '99 with
 20 the reactor. Their job is to keep the plant safe,
 21 the facility clean, the reactor clean. The NRC had
 22 two Resident Inspectors at the site full-time also
 23 doing that job.

24 Why didn't anyone notice or care about this
 25 corrosion and attempt to shut it down, and why did

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1 the NRC allow them to extend the shutdown from
2 November until about February?

3 MS. LIPA: Well, I'll tell you what I
4 know about that because these questions have come up
5 before. During the AIT, which was the first
6 inspection we did after the corrosion was found last
7 March. We did an Augmented Inspection Team in April,
8 and they looked through a lot of documents and they
9 found these, what we call missed opportunities, which
10 were the air filters that were clogged, that's when
11 they found the red photo, and they started piecing
12 together what information should have been available
13 if Davis-Besse staff had been putting it altogether
14 to figure out that there was corrosion going on.
15 There has been other things going on that may have
16 masked some of the signs, and they thought that it
17 was indicating something different when, in fact, it
18 was this corrosion, so that's kind of part of it, but
19 we have been talking for -- I mean, that's why we
20 have 0350 and that's why we have been looking into
21 all these areas, and the licensee did a root cause
22 because how were these things missed that were very
23 important to understand and learn from those going
24 forward.

25 Also, the NRC did a Lessons Learned Task

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1 Force to understand what the inspectors do for
2 inspections, what the headquarters' involvement was
3 with the bulletin and the request for extension on
4 Davis-Besse's part, so based on the Lessons Learned
5 Task Force, we came out with a number of -- the NRC
6 Task Force came out with a number of actions,
7 recommended actions to be taken to improve our
8 processes, but there's no easy answer to tell you why
9 these were missed or why they weren't put together
10 sooner, I don't really have one answer. I mean, we
11 have all been asking those questions for a long time.

12 MS. STEWART: I just don't
13 understand why anyone could consider restart when
14 this evidence was present and it was overlooked like
15 that.

16 MS. LIPA: Well, and that's what
17 we have been looking at with the root cause, you
18 know, how did this happen and how did the processes
19 that were in place at the plant allow it to happen
20 undetected, and so that's why the utility has been
21 doing a lot of program reviews and root cause reviews
22 and corrective actions to try to understand how to
23 prevent it from happening again. I mean, that's the
24 main focus of the root cause is to find out why did
25 it happen, what broke down and what needs to be

1 corrected, so I understand what you're saying, that's
2 why we have a Restart Checklist, and we won't
3 authorize restart until the panel is convinced that
4 the plant is ready to restart safely, and we have to
5 go through NRC management, so that will all be
6 reviewed.

7 MR. GROBE: You folks are asking
8 just outstanding questions tonight. There's just a
9 plethora of investigations that are still ongoing.
10 Our Inspector General, it's an organization that
11 reports to Congress but works at the NRC, they have
12 investigators and there are ongoing investigation of
13 NRC staff and involvement in what happened.

14 In addition to that, the General Accounting
15 Office, which is a separate Government entity also
16 reports to Congress has an ongoing investigation of
17 the NRC, much more broad based than the Inspector
18 General's investigation.

19 In addition to that, we have an ongoing
20 investigation, our office of investigations of the
21 utility, and all of these activities are trying to
22 get at the exact question you're asking.

23 On a more organizational level, there's been
24 extensive assessment of the causes of what happened
25 at Davis-Besse, and those documents have been

1 submitted to us, and I believe were published on our
2 website and we found -- we categorize those, we call
3 them root cause assessments. We categorize them in
4 two areas in our checklist; one is the technical
5 aspects of how this corrosion occurred and how the
6 cracking occurred and why it occurred, and, like I
7 said, that's fairly highly technical. The utility
8 did an assessment of that. Unfortunately, in the
9 process of doing the activities very early in the
10 outage last year, much of the evidence was eliminated
11 which could have provided additional insight into --
12 this is prior to the discovery of the corrosion. At
13 the same time, they were doing repairs on the control
14 rod drive mechanisms that were cleaning the head, and
15 that head cleaning activity removed a lot of the
16 evidence that would have provided additional insight.
17 Notwithstanding that aspect of the technical root
18 cause, there's a number of organizations that are
19 working closely together to further understand
20 materials issues. There's an organization called the
21 Electric Power Research Institute which has a
22 materials reliability project, and that's metal type
23 materials is what they're focused on, and they have
24 research ongoing which is coordinated very closely
25 with the Nuclear Energy Institute and the Nuclear

1 Regulatory Commission Office of Research, so there's
2 what we evaluated and considered a reasonable and
3 plausible cause for the technical problem that
4 occurred at Davis-Besse, but there's additional
5 research going on to further understand materials
6 reliability in a broader context, because this issue
7 raised a whole lot of new questions that needed
8 studied.

9 On the more organizational side, there was a
10 rather extensive root cause. I think I saw Steve
11 Loehlein back there. Steve works for the utility.
12 He chaired the team that did the extensive root
13 cause assessment of the organizational performance
14 that was presented to us in a public meeting August
15 of last year, I believe it was, and that's available
16 on the public website, and that report is the one
17 that concluded that it was a combination of
18 management approaches and management attitudes toward
19 safety as well as incorrect priorities, which over a
20 period of years allowed the culture and expectations
21 of Davis-Besse to atrophy to the point where
22 information that was clearly indicating a problem is
23 happening was not properly responded to, and, as
24 Christine correctly pointed out, our Restart
25 Checklist captures all of the major aspects of the

1 root cause problems and assures that they are all
2 properly addressed before this plant is permitted to
3 operate again, so I believe both from an
4 organizational and a technical perspective the issues
5 are well understood what caused this, and the
6 licensee has created an assessment process and
7 improvement process. They call it their return to
8 service plan, and it has seven building blocks, and
9 that also is available on the website to address all
10 of these areas, and our checklist ensures that we
11 have correctly articulated to them and to the public
12 the issues that we feel are essential to be
13 adequately addressed before restart, and we've had
14 extensive inspection in each of those areas, so I
15 think the combination of the licensees' assessments,
16 the NRC's oversight, their improvement efforts will
17 provide a sound basis for restart if the utility gets
18 to the point where they've made sufficient
19 improvement that it's appropriate.

20 MS. STEWART: And the two Resident
21 Inspectors that were at Davis-Besse late 2001 and
22 early 2002, are they still the current Resident
23 Inspectors, plus the third one that you just added?
24 MR. GROBE: Scott Thomas came in
25 January 2002, right?

1 MR. THOMAS: 18 months ago,
 2 whatever 18 months is.
 3 MR. GROBE: About 18 months ago.
 4 MS. STEWART: Is he the third?
 5 MR. GROBE: No, Scott is the
 6 Senior Resident. He's actually the most senior of
 7 the inspectors.
 8 MS. STEWART: Okay.
 9 MR. GROBE: The Resident Inspector
 10 that was here during the time that the corrosion was
 11 occurring is now at another facility. Jack Rutkowski
 12 replaces him, and Monica is the third Resident that's
 13 being added to the staff.
 14 MS. STEWART: Thank you.
 15 MR. GROBE: Thank you.
 16 MS. LIPA: Does anybody else have
 17 some questions or comments for us?
 18 MS. RYDER: (Indicating).
 19 MS. LIPA: Didn't have time to
 20 get more letters?
 21 MS. RYDER: We're knocking on
 22 doors tonight. My name is Amy Ryder, I'm with Ohio
 23 Citizen Action. I just wanted to follow up on the
 24 comment about the evacuation plan. I understand this
 25 is not something that's under your jurisdiction, and

1 I understand what the FEMA regulations are, but I do
2 want to say that I have studied the Davis-Besse
3 emergency evacuation plan thoroughly. We have had it
4 reviewed by evacuation experts, and the evacuation
5 plan for Davis-Besse is not adequate. For example,
6 it is based on -- it is -- the plant is based on how
7 emergency experts or the people who wrote the plan,
8 how they would like people to behave in the event of
9 an accident and how people are likely to behave.
10 There is no evacuation plan for the Lake Erie
11 Islands, and this time of year there are huge numbers
12 of people that go out to the Islands. In fact, I
13 actually called the director for the Emergency
14 Management Agency of Ottawa County, and he told me
15 that there was no need for an evacuation plan for the
16 Lake Erie Islands because those were the most
17 resilient people he knew, which didn't seem like a
18 real adequate answer, and, again, I understand this
19 is not under your jurisdiction, but it does not seem
20 reasonable to me that you could consider returning
21 this plant to service without there being an
22 evacuation plan that would guarantee people's safety
23 in the event of an accident.
24 MS. LIPA: Well, and that's a
25 good point. Is there somebody we can refer her to

1 if she has concerns about the plan?

2 MR. GROBE: Well, the best
3 location is the County, and if you don't get
4 satisfaction there, which it sounds like you have
5 already pursued that option, would be the State of
6 Ohio, the Emergency Management Agency, but if there
7 is no evacuation plan for the Islands, my only
8 assumption is that they're outside the Emergency
9 Planning Zone.

10 MS. RYDER: 15 miles.

11 MR. GROBE: 15 miles, so they're
12 outside the Emergency Planning Zone. Those
13 people -- the Emergency Planning Zone is predicated
14 upon the assessment of off site doses where you would
15 need to take action immediately, and what's been
16 interesting in significant emergency situations where
17 evacuations are necessary -- and they happen fairly
18 regularly, most commonly with train accidents,
19 chemicals, train accidents -- involved in train
20 accidents -- is that the evacuations are actually
21 quite orderly and in times of crisis people pull
22 together and work closely together, and with the
23 planning that we provide through our Emergency
24 Planning Regulations and FEMA's involvement, there is
25 clearly effective plans in place to facilitate

1 orderly response to emergency.

2 The -- I know that you've written a letter to
3 the State of Ohio, Amy, regarding the James Witt
4 report, and I spoke with the Governor's office as
5 well as the Emergency Management Agency at the State
6 of Ohio and I don't -- I'm not aware that they
7 responded to you.

8 MS. RYDER: They have not.

9 MR. GROBE: I would pursue that
10 also. I'm confident that the issues that Mr. Witt
11 raised at Indian Point, which is a plant in New York,
12 are not a concern here, and that the emergency plan
13 at Davis-Besse is in good shape. One of the
14 requirements of the panel is that we coordinate with
15 any Federal agencies, other Federal agencies and
16 State agencies as necessary to ensure appropriate
17 coordination and readiness for restart if, in fact,
18 that occurs. Several months before any expected
19 restart what the Agency does is sends a letter to the
20 Federal Emergency Management Agency asking for their
21 opinion on the situation, the state of emergency
22 planning at Davis-Besse in this case, and that letter
23 has been sent, and we received a response. What
24 FEMA does is contacts the State and the counties and
25 validates both that they have no concerns, FEMA

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1 itself, as well as the State and local officials have
2 no concerns.

3 One thing that was of particular concern to
4 us was that there was a tornado within the Emergency
5 Planning Zone last year, and we wanted to make sure
6 there was no damage to the emergency infrastructure
7 and FEMA assured us that was not the case, so we've
8 accomplished that activity. FEMA has responded to us
9 and said that there are no outstanding emergency
10 planning issues that they're aware of or that the
11 State or the County is aware of that would affect the
12 restart of Davis-Besse.

13 In addition to that, as I mentioned earlier,
14 we just had a biennial, once every two years,
15 emergency exercise at Davis-Besse, so we had that
16 additional opportunity to have assurance that things
17 were in good shape.

18 MS. RYDER: Thanks.

19 MR. GROBE: Thanks.

20 MS. LIPA: Does anybody else have
21 any questions for us?

22 MR. GRABNAR: Good evening. My name
23 is John Grabnar. I'm the Manager of Design
24 Engineering at the Davis-Besse plant, and during the
25 discussion today, and I know we've talked about it

1 earlier regarding safety culture, I feel compelled to
2 share with you an experience I just had today that I
3 think will help illustrate the differences in the
4 plant from prior to the head event to where we're at
5 today.

6 Today I had a discussion with my entire
7 section. There's about 50 professional or degreed
8 engineers, all technical staff, responsible for
9 maintaining the design and licensing basis of the
10 facility. We talked about safety culture today.
11 We all got in a big conference room, separated into
12 about six groups and had some questions that I
13 provided focusing on where you think we're really at
14 today, what does safety culture mean to you, what's
15 different today from what happened in the past, and
16 the comments I got back, one of them I thought was
17 significant was, you know, we used to spend a lot of
18 time justifying why things are okay. Today we're
19 fixing items, just fixing the plant, making it safer.
20 Now, there's another item people brought up that, you
21 know, we used to, in terms of raising safety issues,
22 we used to think, boy, before I could really raise
23 this issue am I going to have a good solution for it
24 so I can hurry up and get it fixed, and now we
25 realize that the best way to get a problem fixed is

1 to raise the issues, get people involved the right
2 ones that can fix it best, and you get the best
3 solution and fastest that way.

4 We talked about being encouraged to raise
5 those issues, and one of the engineers jumped right
6 up and said, you know what, if I'm encouraged that's
7 great, but I don't need to be encouraged to raise a
8 safety issue. That's my job, that's my
9 responsibility to do that, so I was extremely
10 encouraged that from the rank and file engineers of
11 people there that work for me on the front lines now
12 doing design change work, making sure the plant is
13 safe, they understand the difference between
14 behaviors that we had in the past and behaviors we
15 have today and the need to make sure those continue
16 as we go ahead and fix the plant and get it ready to
17 safely restart. Thanks.

18 MS. LIPA: Thanks, John.

19 THEREUPON, the audience applauded.

20 MS. LIPA: Does anybody else have
21 any comments they would like to make or questions for
22 us?

23 (NO AUDIBLE RESPONSE).

24 MS. LIPA: Next month our meeting
25 is on August 12th, and we're planning to be here

1 again at the Oak Harbor High School, and the
 2 transcripts from today's and tonight's meeting will
 3 be available on our web page in about three or four
 4 weeks. Does anybody else have any comments or
 5 questions?

6 (NO AUDIBLE RESPONSE).

7 MS. LIPA: We'll be available
 8 afterwards if anybody wants to come up and ask us
 9 some questions. Okay. Good night, thank you.

10 THEREUPON, the meeting was adjourned.

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1 CERTIFICATE

2 STATE OF OHIO)
3) ss.
4 COUNTY OF HURON)

5 I, Marlene S. Lewis, Stenotype Reporter and
6 Notary Public within and for the State aforesaid,
7 duly commissioned and qualified, do hereby certify
8 that the foregoing, consisting of 55 pages, was taken
9 by me in stenotype and was reduced to writing by me
10 by means of Computer-Aided Transcription; that the
11 foregoing is a true and complete transcript of the
12 proceedings held in that room on the 9th day of July,
13 2003 before The U.S. Nuclear Regulatory Commission.
14 I also further certify that I was present in
15 the room during all of the proceedings.

16 IN WITNESS WHEREOF, I have hereunto set my hand
17 and seal of office at Wakeman, Ohio this day of
18 , 2003.

13

14

15 Marlene S. Lewis
16 Notary Public
17 3922 Court Road
18 Wakeman, OH 44889

19 My commission expires 4/29/04

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