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U.S. NUCLEAR REGULATORY COMMISSION
FIRST ENERGY NUCLEAR OPERATING COMPANY
PUBLIC MEETING

Meeting held on Tuesday, January 14, 2003, at
7:00 p.m. at Camp Perry, Clubhouse #600, Port
Clinton, 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
- Jack Grobe, Chairman for Davis-Besse facility
- William Dean, Vice Chairman, MC 0350 Panel
- Anthony Mendiola, Section Chief PDIII-2, NRR
- Christopher (Scott) Thomas,
Senior Resident Inspector - Davis-Besse
- Jon Hopkins, Project Manager - Davis-Besse
- Douglas Simpkins,
Resident Inspector - Davis Besse
- Jay Collins, Engineer - Davis-Besse

1 MR. GROBE: Good evening.

2 THE AUDIENCE: Good evening.

3 MR. GROBE: Why don't we get
4 started, it's 7:00. My name is Jack Grobe. I'm
5 the NRC's Chairman of the Oversight Panel for the
6 Davis-Besse facility. If you can't hear me, just
7 raise your hand or something. We'll try to make
8 sure we use these microphones correctly.

9 The purpose of our meeting tonight is to give
10 members of the public an opportunity to understand
11 what we did this afternoon. We had about a three
12 hour meeting with the Utility, and then took some
13 questions and answers, provided some answers this
14 afternoon, and in a few minutes I'm going to ask Tony
15 Mendiola to summarize this afternoon's meeting.

16 Before I do that, I would like to introduce
17 the NRC staff that are here today. Bill Dean is the
18 Deputy Director of the Division of Engineering in our
19 headquarters offices in the Washington, D.C. area,
20 and he's also the Vice Chairman of this panel.

21 MR. DEAN: (Indicating).

22 MR. GROBE: Tony Mendiola is the
23 Supervisor of the licensing activities in
24 headquarters.

25 MR. MENDIOLA: (Indicating).

1 MR. GROBE: And Jon Hopkins on his
2 left is the licensing Project Manager for
3 Davis-Besse.

4 MR. HOPKINS: (Indicating).

5 MR. GROBE: On the other end of
6 the table up there is Scott Thomas.

7 MR. THOMAS: (Indicating).

8 MR. GROBE: He's the Senior
9 Resident Inspector at the Davis-Besse facility. He
10 reports to the Region III office in Chicago. He and
11 the fellow on his right, Doug Simpkins --

12 MR. SIMPKINS: (Indicating).

13 MR. GROBE: -- who is the Resident
14 Inspector report to the site everyday and perform
15 inspections for the Nuclear Regulatory Commission at
16 Davis-Besse.

17 Also tonight, we have Jay Collins. Jay,
18 raise your hand.

19 MR. COLLINS: (Indicating).

20 MR. GROBE: Jay's an engineer who
21 is actually assigned to headquarters, but he's been
22 working with us for about four months now --

23 MR. COLLINS: (Nod indicating yes).

24 MR. GROBE: -- in various
25 capacities both in the Region III office and most

1 recently for the last couple months he's been
2 assigned full-time at Davis-Besse. We also have
3 some of the support staff from Region III -- Jan
4 Strasma in the pink shirt back there.

5 MR. STRASMA: (Indicating).

6 MR. GROBE: He is -- actually, I'm
7 sorry, Jan, it's a red shirt. He is our Public
8 Affairs Officer in Region III.

9 (Laughter).

10 MR. GROBE: And next to him is
11 Roland Lickus in the pink glasses, and Roland is our
12 State and Government Affairs liaison in the Region
13 III office.

14 The wonderful person out in the lobby is
15 Nancy Keller. Nancy is the Resident Office
16 Assistant. She's our administrative support. She
17 does an excellent job supporting these meetings, and
18 that's it from the NRC, I think.

19 The -- this meeting is being transcribed as
20 are all of our meetings regarding Davis-Besse. In
21 about three weeks after each meeting the
22 transcription is available on our website. There's
23 a wealth of information available on our website
24 regarding Davis-Besse and all of the slides and all
25 of the transcripts from all of the public meetings,

1 as well as a whole variety of photographs of
2 equipment at the plant, as well as documents that we
3 issue regarding our oversight at Davis-Besse are all
4 there for you folks to observe.

5 At this time, I think I'd like to ask Tony
6 Mendiola to summarize this afternoon's meetings and
7 then we'll get into questions and answers.

8 MR. MENDIOLA: Thanks, Jack. I
9 apologize for speaking up here. It's the only place
10 I can have all my notes scattered out to try to
11 capture a three and a half hour meeting that we had
12 this afternoon.

13 The licensee came in with a very aggressive
14 agenda to discuss the status of their restart
15 activities and other activities at the plant, and we
16 were unable to go through the entire agenda. I'll
17 try to capture the items that we did go through as
18 shortly as I can, try to keep it from being a three
19 and a half hour briefing here. Just make sure
20 everybody has the information, there's still copies
21 out front, of course, we have the NRC Update, looks
22 vaguely like this document which basically captures
23 all the NRC activities associated with Davis-Besse
24 for the month of January 2003, and then there should
25 be a copy of the licensee's presentation out in the

1 lobby as well. If there's extra copies out there,
2 you can probably refer to them. If you have any
3 questions about this presentation I'm about to make
4 or if you have any additional questions, you can see
5 me during a break or maybe after the meeting.

6 Basically, after we opened the meeting, we
7 have our intros and updates and then the NRC begins
8 the meeting by recapping what has happened since the
9 last time we met. Last meeting that was held here
10 for the 0350 Panel, first meeting here at Camp Perry,
11 was held in mid December, very similar in structure
12 to these -- this meeting today and this meeting this
13 evening, a meeting with the licensee held in the
14 afternoon and a meeting with the public held in the
15 evening. Besides that meeting as well, which we
16 recapped, there was a special meeting held later in
17 the month of December in Region III where we
18 discussed with the licensee various design questions
19 and various system health status questions and got an
20 update on those programs at the -- at Davis-Besse.

21 At that point, we then branched off and
22 talked about the NRC's restart checklist. This is
23 basically an administrative document which we try to
24 capture in one document all the various issues and
25 statuses of various programs associated with the

1 restart of Davis-Besse.

2 We discussed the status of the inspections,
3 the status of the various inspection reports which
4 were issued after the inspections are completed. We
5 highlighted the various areas that are still in
6 progress and discussed the continuing NRC inspections
7 that we had faced in front of us between now and
8 restart of the plant.

9 Additionally, we also discussed the upcoming
10 meeting that is going to be held on January 30th in
11 the regional office in Chicago where we'll have a
12 further discussion on the safety culture and programs
13 at Davis-Besse. After bringing those updates to the
14 table, we then proceeded -- well, FirstEnergy then
15 proceeded with their agenda. They had three main
16 points they wanted to make.

17 One, the first point was to demonstrate that
18 they were ready to make progress to support restart.

19 Second point was that they're ready for fuel
20 reload, and the third point was to discuss their
21 progress in working with human performance and safety
22 culture in a safety conscious work environment, and
23 all that information is captured in the slides that
24 the licensee presented, and, like I said, I think
25 there are copies out in the lobby. Basically,

1 though, they started, go first into the progress
2 toward restart. They first discussed briefly the
3 physical plant changes, the actual modifications
4 being made to the plant. They focused on three
5 primary areas, areas that we've discussed in the
6 past; the emergency sump work, the seal cavity work
7 and the reactor coolant pump refurbishment. There
8 was a discussion of the status of all three of those
9 projects, as well as pictures, and, like I said,
10 you'll find those in the slides that they provided.

11 We then discussed, if you will, the
12 non-physical plant work, the restart status of their
13 programs and other issues. Restart status work
14 discussion was centered primarily on the charts you
15 can see on the far wall there taped to the mirrors.
16 That basically had to do with the corrective actions
17 the plant is working and numbers and work off rate
18 that they associated with those various programs.
19 Then there was discussion of the corrective action
20 program, the fact, of course, that it's been
21 undergoing an assessment and improvement and that new
22 improved program, if you will, will be implemented in
23 the near future with the goal and date of
24 implementing that enhanced program of next month,
25 February 2003.

1 At that point, we then heard -- I think it's
2 the first time we've heard about the reactor coolant
3 system integrity management program, basically a
4 program that the plant has undertaken to increase the
5 overall awareness, if you will, throughout the entire
6 staff of reactor coolant system leakage, making sure
7 everybody understood all the limits and boundaries,
8 and, if you will, work toward early detection and
9 corrective action and as basically the program could
10 be set up, if you will, to correct the deficiencies
11 that were found in the past.

12 After discussing their progress toward
13 restart, they then moved onto the second item of
14 their desired outcomes which was basically to
15 demonstrate that they were moving toward fuel reload,
16 basically moving to what we call Mode 6. The first
17 part of their presentation discussed personnel
18 readiness, a frame in mind, if you will, the
19 operation's department and the operators, individual
20 briefings, and, if you will, coaching and counseling
21 that they have been receiving to make sure that
22 there's a personnel readiness factor involved here.
23 Then moved forward to basically a variety of programs
24 and reviews associated with evaluating the condition
25 reports and the corrective actions associated with

1 restart. All those had to deal -- I'm sorry, all
2 those had to do with refueling. They discussed the
3 restart station review board, basically a review
4 board that's set up to review the items prior to
5 refueling and restart, an independent operations
6 department review and they introduced a mode, a
7 restraint manager, an individual who would be
8 responsible for evaluating these condition reports
9 and corrective actions to make sure that ~~they're~~ they have
10 appropriately binned those that have to be completed
11 before the plant can be refueled and those that can
12 be appropriately binned for restart, and then
13 basically they discussed how they would complete, if
14 you will, a final review of all the items prior to
15 refueling and restart and then to make sure all these
16 processes would be in place throughout restart of the
17 plant.

18 At that point, we found ourselves in a
19 deficit of time. We skipped over a variety, the
20 rest of the presentation of the licensee's associated
21 with fuel reload which is -- we were going to discuss
22 fuel reliability and integrity assurance and moved
23 onto a discussion of the human performance safety
24 culture safety conscious work environment issues.
25 There was an introduction of Dr. Haber. Dr. Haber

1 is a contractor provided -- I mean, hired by
2 Davis-Besse. In order to -- her role and function at
3 this point will be to implement the new safety
4 methodology of the plant. There was a presentation
5 made to discuss, if you will, the FirstEnergy model
6 of safety culture which has three principal elements,
7 policy commitment, manager commitment and individual
8 commitment. Policy commitment is basically to make
9 sure that all the plant paperwork, if you will, will
10 support the safety culture, all the procedures are in
11 place, all the documents indicate, if you will, the
12 appropriate safety culture environment. Manager's
13 commitment to make sure the managers understand the
14 safety conscious work environment program, and then
15 ultimately individual commitment to make sure that
16 everyone, the entire staff at the site, understands
17 commitments to be made and involving the FirstEnergy
18 model on safety culture, and there was a lot of
19 graphical and other descriptive texts that were in
20 the slides, and, like I said, I invite you to read
21 those rather than summarize them all here.

22 They did, however, spend some time discussing
23 the safety conscious work environment pillars.
24 Basically, it's a five piece item. There's a base,
25 they actually had a -- it was here earlier, and I

1 don't see it now, but they actually had a graphic,
2 that had, if you will, a basement or a base level of
3 basics principles, basic standard work principles
4 that you would expect to see at any working
5 environment, and then on top of those were four
6 pillars which were made to support the rest of the
7 safety conscious work environment to visualize, if
8 you will, the support of the safety conscious work
9 environment at the site.

10 The first pillar was Management Support and
11 Worker Confidence. Basically to summarize that
12 presentation was to provide confidence in the
13 manager's care and provide confidence, if you will,
14 to the workers that the managers care about safety
15 and safety conscious work environment at the plant.

16 The second pillar was to ensure the
17 corrective action program. Oh, I'm sorry, the second
18 pillar was the Corrective Action Program, basically
19 to provide the employees the feelings that their
20 items were being resolved, and --

21 THEREUPON, a note was passed to Mr. Mendiola.

22 MR. MENDIOLA: Oh, thank you, if you
23 do happen to have the licensee's handout, the slide
24 that I'm referring to here is slide number 57, which
25 is on Page 29. Anyway, like I say, the second pillar

1 was the Corrective Action Program.

2 The third pillar basically was the Employee
3 Concerns Program. An important piece of this, of
4 course, to ensure that there's the confidentiality is
5 used to resolve issues the employee brings up --
6 actually, not only that, but is effective in
7 resolving those issues to provide, if you will, a
8 trust in the program, that the employee has a trust
9 in the program, that the Employee Concerns Program is
10 working and is effective at Davis-Besse.

11 And the fourth and last pillar is basically
12 the Safety Conscious Work Environment Review Team.
13 This team is chartered to review those pending
14 actions and seeks to avoid the perceptions of
15 discrimination within the program and basically seeks
16 to oversee the contractor efforts associated with the
17 program. Basically, the program is then summed up
18 as these four pillars, and the basic principles is
19 seek to create a safety conscious work environment
20 program at Davis-Besse.

21 At that point we were well over three hours.
22 We then proceeded to skip the rest of the
23 presentations, the licensee's presentations, which
24 was to provide a schedule update and move right
25 basically to closure and then we can -- then we

1 finished.

2 MR. GROBE: Okay, thanks, Tony.

3 MR. MENDIOLA: Sure.

4 MR. GROBE: Tony briefly mentioned
5 that we're going to have a meeting in Chicago on
6 January 30th. There are times when it's more
7 effective for us and for the Utility to meet in
8 Chicago, there have been very few of those, but when
9 we do that we make sure that we provide an
10 opportunity for those folks in headquarters through a
11 video link to observe the meeting and participate in
12 the meeting, and then also we provide a very high
13 quality telephone conferencing link where you can
14 join the meeting, listen in, and then participate at
15 the end over a telephone line, and those that have
16 done that in the past have told me that's very
17 effective, so we will be having a meeting on January
18 30th in Region III, and you can join that meeting
19 over the telephone, it's a toll free number. The
20 focus of that meeting is going to get into a lot more
21 detail on how the company is going to assess the
22 safety culture of the organization to ensure that the
23 types of deficiencies and decision making that have
24 occurred in the past that resulted in the shutdown
25 don't reoccur, and that's something that is very

1 important to the NRC to ensure that there's lasting
2 correction of the issues at Davis-Besse, so that will
3 be our first public meeting to get into a lot of
4 detail on the question of safety culture.

5 Tony mentioned that out in the lobby there
6 are copies of the Utility's slides. There should
7 also be copies of our monthly public newsletter. If
8 you didn't get a copy and you'd like one, we can send
9 you one, or that's always posted on our website, so
10 that's available there, too, and, finally, there's an
11 important document out there which is our feedback
12 form, and it's important to us because we're always
13 looking to improve these meetings, and if you would
14 pick up one of those and provide us your feedback.
15 It's on a single sheet of paper. You just fold it
16 up, drop it in the mailbox, and it comes to us, and
17 then we can get your insights as to how we can better
18 improve the meetings and make changes as necessary.

19 I don't believe there is any other
20 introductory information. At this point, what I
21 would like to do is lay out a little bit of structure
22 for how we're going to proceed tonight. We would
23 like to try to limit comments to the three to five
24 minute range to allow anybody that wants to make a
25 comment to have that opportunity, and I'd like to

1 start with any public officials or representatives of
2 public officials that are here tonight and ask them
3 to come forward if they have any questions or
4 comments. When you do come forward, please, there
5 should be a sheet of paper and a pen -- there is,
6 sign your name and introduce yourself, and then go
7 forward.

8 MS. ROZAK: Is this working? Yes,
9 it is. My name is Dianne Rozak, and I'm a Township
10 Trustee in Danbury Township and that is here in
11 Ottawa County. I am President of the Board of
12 Township Trustees, and we are the eastern-most
13 political subdivision here in Ottawa County. I am
14 here this evening to represent our Board of Trustees.
15 We are well aware of the critical role that
16 Davis-Besse does play in the economy of Ottawa
17 County. Davis-Besse is not just a major employer.
18 They are responsible for greatly assisting our
19 County's major source of revenue, and that is the
20 tourism industry. If you're not a resident of this
21 County, I would like to ask that when you leave here
22 this evening please take a look at the businesses
23 that you'll see when you're driving home. Allow me
24 to give you a little bit of a heads up at what you're
25 not going to find. Nowhere will you see a General

1 Motors or a Ford Plant. You won't see heavy
2 industry, large factories, five story office
3 buildings or business complexes. You also won't see
4 many sidewalks, and I can almost guarantee you are
5 not going to find anybody driving a Mercedes unless
6 they are lost. The traffic lights that you tally up
7 around here you can probably count them on one hand.
8 You're not going to find a Morton's Steakhouse, but
9 you'll see a Ponderosa, and we don't have a Neiman
10 Marcus department store or a Saks Fifth Avenue. Out
11 here, we have Wal-Mart. We're rural America, but
12 what we do have is Lake Erie, and it is a tremendous
13 natural resource and, because of that, our survival
14 here is dependent upon catering to hundreds of
15 thousands of tourists that visit us each summer. We
16 do that with family owned businesses such as motels,
17 restaurants, gift shops and a variety of other small
18 retail outlets. Did you know that on any given day
19 here in Ottawa County between Memorial Day and Labor
20 Day that there are at least a quarter of a million
21 people visiting? Our entire permanent population
22 here is only 40,000 people. Did you know that last
23 summer over 22,000 people climbed the 77 steps to the
24 top of the Marblehead Lighthouse? Now, that number
25 is extremely important because it represents less

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1 than 20% of the tourists that actually visited that
2 State park. Those were just the folks that wanted
3 to climb up to the top to view the expanse of our
4 great lake. What's really significant about all of
5 this is the fact that we here in the tourism industry
6 have less than six months to earn our living. We
7 are a fair weather County, and we have fair weather
8 visitors. People do not come here to spend their
9 money when it's snowing, when it's raining or when
10 it's cold.

11 What is Davis-Besse's role in all of this?
12 My friends and neighbors who are employed at
13 Davis-Besse can tell you as well as I can. These
14 commendable employees who respect their employer and
15 deeply care about their work not only need their
16 jobs, they want their jobs. They want to continue
17 to provide safe and reliable service to this County
18 in order to keep our fragile economy going in the
19 right direction. Quite simply, it's just a matter
20 of balance. Without Davis-Besse our County's
21 resources will slowly drain away. All we are asking
22 is, please, don't let that happen to us. Thank you
23 very much.

24 THEREUPON, the audience applauded.

25 MR. GROBE: Thank you very much

1 for your comments. I appreciate the perspective you
2 brought. We don't often hear those kind of comments.
3 Our focus is safety, and that's our only focus. As
4 Davis-Besse presented this afternoon, they continue
5 to make progress, and there is still a lot of work to
6 be done, and we'll continue to provide oversight and
7 make sure that work is done correctly. Thank you
8 very much.

9 MR. ARNDT: Good evening. My name
10 is Steve Arndt. I'm the President of the Board of
11 Ottawa County Commissioners.

12 During quite a number of these past months,
13 we've heard quite a bit of testimony from the
14 industry of the depth with which they have gone
15 through the facility of the physical plant. They
16 have invested millions of dollars in this outage, and
17 I'm entering my 23rd year as a public official and
18 one thing that has always stuck out in my mind first
19 and foremost are my responsibilities, and that is the
20 health, safety and welfare of the general public.
21 One of the questions that I have from some of the
22 residents that are not as familiar with the nuclear
23 power plant is, the plant has been taken down to
24 levels that very few other plants have the
25 opportunity to take a look at what else might go

1 wrong, and my question to you, to the NRC, is there
2 anything left in that physical plant that has not
3 undergone inspections or review that has the safety
4 aspect that the general public should be concerned
5 about?

6 MR. GROBE: That's an excellent
7 question, Steve. There has been a tremendous amount
8 of self-evaluation at the facility. I think I'd
9 point to one area of continuing evaluation where
10 discovery is not yet complete the company continues
11 to pursue. Even though they have been at this for
12 quite awhile, there are aspects of the plant that
13 haven't been evaluated and those are the ones that
14 are viewed as either effective or they have been
15 sampled. In the area of design quality, there was a
16 sampling that the Utility did of those design
17 activities that contribute to the functionality of
18 the important systems, safety systems and they chose
19 the five most important of the many safety systems at
20 the plant and did detailed design reviews of those
21 systems, identified some problems that they didn't
22 expect to find and appropriately responded to those.
23 They are looking more broadly now in some technical
24 areas, and in depth they have chosen an additional 10
25 systems, so when they complete all of their reviews

1 they will have evaluated in detail the design of 15
2 systems, so I think that's the one area that they're
3 still evaluating as far as what they call discovery
4 phase to make sure that they found all the problems
5 that are important. Otherwise discovery activities
6 by and large are complete and one of the slides -- I
7 don't know which slide number in their package is a
8 brief summary page that shows where they stand in
9 discovery in all of the various areas that they are
10 looking, and they are essentially complete with that
11 one exception. Is that responsive to your question?

12 MR. ARNDT: Yes. There is one
13 other follow-up question aside from the physical
14 plant. The second question I have is one that I
15 certainly also recognize that the industry has spent
16 a great deal of amount of time, money and commitment
17 and that is to developing a plant for the safety
18 conscious work force. My question to you is, while
19 I recognize that there is not a perfect means or a
20 standard, a national standard in which to grade that
21 change, there certainly are indicators as to whether
22 or not that plant is starting to be effective. I
23 sense it is in the community from the employees and
24 from the community, but from the NRC's standpoint,
25 have you seen indicators that the plant is starting

1 to have a change in that safety culture?
2 MR. GROBE: I don't think -- and,
3 Bill, I'll ask you to supplement this answer, I don't
4 think there is any question that we have seen a
5 change in the senior management and the management
6 team at Davis-Besse, and based on the depth of the
7 work that we have been evaluating through our
8 inspection work, we see good results from the
9 self-evaluations that have been going on. One of
10 the difficulties with concepts like safety culture is
11 very difficult to measure, and the company announced
12 today in some detail their plans on how they are
13 going to measure safety culture, and that's the focus
14 of the meeting on the 30th, and we'll get into more
15 detail on that. I look forward to that because it's
16 very important that they have a way of assessing the
17 way in which people make decisions, the way in which
18 they question themselves day in and day out on the
19 quality of their work, and this isn't corporate at
20 management level or at plant management level, it's
21 down at the working level day in and day out, at the
22 first line supervisor and craft, so the company is
23 not going to be satisfied, and I have confidence with
24 the progress they make at restart. We have to have
25 confidence that they have taken adequate actions

1 prior to restart in the area of reestablishing safety
2 culture. Lew Myers has made it clear that he plans
3 on continuing these types of assessments and for
4 several years after restart to ensure that they
5 continue to make progress and are not susceptible to
6 falling back into habits that got them in this
7 situation they're in today, so we look forward to
8 more detail on the 30th, exactly how they're going to
9 do that -- and you're correct, there are no --
10 there's no cookbook on how to do this. It's a
11 difficult issue and there are no regulations in this
12 area, but safety culture is something that underpins
13 everything at the plant, every decision an individual
14 makes as he's doing his work is driven by his safety
15 focus, so it's a very important issue in an industry
16 like nuclear power where potential consequences of
17 unsafe acts are very significant. Bill?

18 MR. DEAN: Yeah, the only other
19 thing I would add and maybe I would point you towards
20 the information if you happen to have the licensee's
21 presentation of today on Page 26, and there is a
22 couple of slides there, one that describes the
23 methods that they intend to utilize to try and
24 ascertain whether the licensee has, indeed,
25 established an appropriate safety culture, and they

1 talk about multiple methods in order to do this and
2 looking to see whether all these methods are they
3 giving positive indications of that, you know, do
4 each of these methods give position indications that
5 the licensee is making progress in this area, and
6 then they talk about what are the safety culture --
7 what's the safety culture framework made out of and
8 really there's three things; one is policy level
9 commitment, not only comes down to procedures,
10 programs, processes, do they have an organizational
11 framework in place that we can assess and being
12 something that would be effective, then you look at
13 manager commitment, what's the commitment of
14 managers, and that's probably something that Jack and
15 I and the Oversight Panel can get some insights from,
16 from meetings like this, from our interactions with
17 the licensee, how do they treat issues, and Jack has
18 outlined a number of decisions that this organization
19 has made to either make improvements to existing
20 safety equipment, to enhance the margin, making
21 decisions that take a conservative safety first
22 approach, those are the types of indications that we
23 look for from a management commitment, and then you
24 talk about individual commitment, and that's probably
25 the most difficult aspect for us as inspectors to get

1 our arms around, and that's going to be a lot of the
2 focus of our meeting on the 30th to discuss with the
3 licensee how do they intend to measure performance at
4 the individual first line supervisor level, and then
5 how do we as the NRC do some independent verification
6 of that, and that's going to be our challenge in that
7 area.

8 MR. GROBE: Did we address your
9 question, Steve?

10 MR. ARNDT: Yes, you did. Final
11 comments, one is directed both towards the management
12 of Davis-Besse as well as the NRC, but I certainly
13 want to extend the appreciation as a local elected
14 official that I have seen demonstrated both by the
15 industry as well as by the NRC on a professional
16 manner and the depth in which that they are taking a
17 look at all facets, whether it's the safety work
18 force culture or whether it's the integrity of the
19 facility. I do believe that everyone has kept
20 emotions in check. We have some fantastic people
21 from the NRC and both yourself, Bill Dean and Scott
22 Thomas and Christine Lipa, very much have been
23 impressed with the professionalism of how the NRC has
24 conducted themselves, as well as I am impressed with
25 the commitment from the Davis-Besse management team

1 as well as from the staff, and, as a local official,
2 I don't think we can ask for much more than that
3 dedication and professionalism. Thank you.

4 MR. GROBE: Thank you.

5 THEREUPON, the audience applauded.

6 MR. WITT: Good evening. My
7 name is Jere Witt. I am the County Administrator for
8 Ottawa County, and I'm also a member of the restart
9 oversight panel which has given me the unique
10 opportunity over the past six months to be involved
11 in determining whether Davis-Besse should be restart
12 and is ready for restart. Safety has always been my
13 focus in this issue and will continue to be my focus
14 for the residents of Ottawa County. I believe the
15 new head modifications made allow appropriate
16 inspection of the head and ensure this type of
17 incident does not happen again. I also believe that
18 the unique improvements made, such as the emergency
19 sump pump, the leak detection systems and so forth
20 demonstrates commitment of Davis-Besse to safety. I
21 have reviewed the nuclear safety policy signed by
22 FENOC President Bob Saunders. This policy not only
23 states that employees are expected to raise safety
24 concerns, but you are a valued nuclear professional
25 if you do. I observed the past six months of the

1 major emphasis by the new management team on safety.
2 Praise is being provided to everyone, programs have
3 been put in place to ensure safety issues are
4 addressed. All of the systems are in place to
5 operate Davis-Besse in the future, and I'm confident
6 that FENOC and the NRC will continue to monitor these
7 systems into the future to protect the residents of
8 Ottawa County.

9 I would also request and urge FENOC to
10 continue the system of the restart overview panel
11 because it's a good one that can help to prevent
12 these types of problems in the future. To the
13 employees, you have worked long and hard, and it's
14 time to finish the job. We look forward in Ottawa
15 County to many years of a safe operation of
16 Davis-Besse. Thank you.

17 THEREUPON, the audience applauded.

18 MR. MOORE: Good evening. I am
19 Jim Moore. I am a Carroll Township Trustee. That
20 is the Township which the Davis-Besse Nuclear Power
21 Plant is located in. I am here not only as a
22 Trustee, but a resident, and I hope there isn't too
23 many more political subdivision people here. As a
24 resident and a business owner, we have been in
25 business for 80 years in Carroll Township.

1 I have a letter here that we would like to
2 address to the NRC, and it is from the Trustees, and
3 I will read it.

4 We, the Trustees of Carroll Township, wish to
5 voice our support for the restart of Davis-Besse
6 Nuclear Power Plant which is located in our Township.
7 We know there are people who would say that the only
8 reason we want this to happen is because of the
9 negative impact that closing the plant would have on
10 our local economy. This is not true. We realize
11 the importance of the plant to our well-being
12 financially, but in no way would we place this factor
13 above the safety and well-being of our residents,
14 friends and families. We feel that with the repairs
15 and improvements that have been made and are being
16 made to the plant, it should operate more safely in
17 the future than ever before. With all the
18 improvements being made, they will set the standard
19 for all other nuclear power plants. It is our
20 feeling that if Davis-Besse meets all safety and
21 operational standards required, that the plant shall
22 be allowed to restart. We believe in our neighbors
23 and our friends who work at the plant. We know they
24 also want only the safest plant for everyone.

25 This is signed Sincerely Yours, Jim Moore,

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1 Rich Tallman and John Verb. Do you have any
2 questions?

3 MR. GROBE: No. Thank you very
4 much.

5 MR. MOORE: Thank you.

6 THEREUPON, the audience applauded.

7 MR. SMITH: Good evening. I'm
8 not quite as prepared as these previous gentlemen and
9 woman. My name is Kelly Smith. I am a member of
10 the Benton-Carroll-Salem Board of Education. I also
11 run and operate a small business in the area. I
12 have been complaining about your electric rate for
13 the past 10 years ever since we moved out of Oak
14 Harbor, but that's not why I'm here tonight, and I'm
15 not here as a board member, I'm here really as a
16 concerned environmentalist, and I think some of the
17 people purporting to be environmentalists don't get
18 the real message. You know, energy is energy. I
19 don't care if you're talking coal, gas, oil or
20 nuclear. We're just dealing in the production of
21 energy that we all consume. We all consume immense
22 quantities. Every time we take nuclear off line we
23 increase our consumption of gas and oil and they are
24 very valuable fuels. I think we have a big gas
25 plant being put up in Fremont, the Calpine Plant,

1 that is going to burn natural gas and produce
2 electricity. Now, when we take natural gas to
3 produce electricity, we get about 30 to 40 percent of
4 the value of that gas as energy, is that right, the
5 engineers here that know the Carnot Cycle? You lose
6 a lot of energy, and it's a much more valuable fuel
7 to heat homes, run industrial processes than it is to
8 make electricity, so when we take nuclear out of the
9 equation we're doing the environment a lot of damage.

10 A second point I want to make is we can't let
11 bad science make the decision as to whether or not
12 this plant restarts. A good example of bad science,
13 recently we had something called the Great Lakes
14 initiative from the EPA. We were informed that it's
15 not safe to eat fish out of the Great Lakes or to eat
16 certain ocean fish. This was an effort based on bad
17 science. An effort to avoid three, four, five
18 cancer deaths per hundred thousand and we scared
19 people in to eating less healthy foods and create 10
20 to 12 heart disease deaths per hundred thousand, so
21 don't let bad science make the decision on whether
22 this reactor opens or not, runs again.

23 Another point I'd like to make, I know our
24 Congressional Representative, Marcy Kaptur, has
25 advocated shutting down the reactor. If she would

1 introduce a bill to have all the Federal office
2 buildings, all the Congressional office buildings set
3 their thermostats to 76 to 78 degrees during the air
4 conditioning season, she would come with more
5 credibility in my mind to take a generating power off
6 line.

7 And, lastly, I have lived here about 20
8 years, and I'm aware of four or five fatalities in
9 the energy production business. There were two
10 people killed by coal carrying trains and I think
11 three people have died in explosions at the oil
12 refineries in Toledo. There's nothing without risk.
13 Davis-Besse has had none of that, so get the plant
14 open and get our jobs done.

15 THEREUPON, the audience applauded.

16 MR. GROBE: Thank you. Are there
17 any other local officials present here tonight that
18 want to -- that can come --

19 MR. OPFER: (Indicating).

20 MR. GROBE: Yes, sir.

21 MR. OPFER: Thank you, Mr. Grobe,
22 and members of the panel. My name is Darrell Opfer.
23 I am currently Director of the Ottawa County
24 Improvement Corporation, the Economic Development
25 Agency in Ottawa County, former County Commissioner

1 for 10 years, former State Representative, worked on
2 the deregulation issue before the State, member of
3 the Utility Radiological Safety Board for a number of
4 years while I was County Commissioner, and I come
5 before you tonight to read a couple of e-mails that I
6 have received from some of the members of the
7 business community of Ottawa County, and they're both
8 very short. The first is from a gentleman by the
9 name of Larry Durivage, who is a long, long time
10 resident and business person in Ottawa County getting
11 ready to retire and turn his activities and business
12 over to the next generation.

13 He says, the Nuclear Regulatory Commission
14 needs to look at all the good things that Toledo
15 Edison has done and continues to do for our
16 community. I believe that most of the people that
17 live in the shadow of the power plant don't lose much
18 sleep because it's there. I have heard that there
19 are a number of people out of this area who have
20 demonstrated against the power plant. The NRC
21 should not use this as a reason to delay the start up
22 of the plant. If the people from this area are not
23 as opposed to Davis-Besse and the safety issues are
24 dealt with, then there shouldn't be anymore delays
25 that run up the cost and eventually will be paid for

1 by the consumers.

2 A second e-mail that I received is from a
3 gentleman who moved himself, his family and a couple
4 of employees into the County very recently. His
5 name is Grant McCullum, he's President of MDC
6 Publishing and he says,

7 I moved my family and business to Ottawa
8 County in the spring of 2001. I was aware of the
9 nuclear power plant just west of our location prior
10 to our move to this area. With the decades of
11 relative reliability of nuclear power plants across
12 the country, it is my and my employees' opinion that
13 Davis-Besse is an asset to our community, not only as
14 a reliable power source, but one that does not
15 contaminate our atmosphere. Signed, Grant McCullum,
16 MDC Publishing.

17 In many respects this gentleman is somewhat
18 unusual because unlike Larry Durivage and a number of
19 us that have grown up in the area who know folks, who
20 have relatives who work at the Davis-Besse plant, who
21 know about the redundant features of the plant's
22 equipment, and so on, this is someone who moved from
23 several counties away, knowing full well and probably
24 not knowing as much about the plant or its activities
25 as those of us who have grown up here.

1 There are two concerns that I have with
2 regard to the restart; one is with regard to the --
3 as you mentioned, Jack, the newness of the
4 discussions about things like the safety culture, and
5 so on. Although I'm not an engineer or a scientist,
6 I believe that most of those things are well
7 recognized. You can measure the hard work that's
8 being done by the management and by the employees at
9 the plant. My concern is that with such a nebulous
10 thing as safety culture, that we may be long debating
11 how many more management folks to dismiss or how many
12 more, I'm sorry, someone has to say, while the plant
13 is ready to operate because of the hard work of the
14 workers and the management, so my concern is how long
15 that particular discussion is going to go on and what
16 can happen as a result in the future.

17 The second concern that I have is with regard
18 to the State of Ohio. As I've heard, the Governor
19 is interested in the restart activities. It is my
20 hope that the Governor and his folks would work
21 closely with the NRC and the restart panel so that
22 they know what is going on currently at Davis-Besse
23 and so we don't have to procrastinate or wait once
24 the plant is ready to go on line again.

25 One of the things I, too, would like to

1 commend you and the NRC for, and Toledo Edison and
2 FirstEnergy, is recognizing and inviting the local
3 officials to a number of meetings to participate in
4 the restart activities and would hope that both the
5 management and the NRC also would consider in the
6 future granting a larger role to local officials who
7 with my experience of 10 years know something about
8 the local plant, certainly have contacts with the
9 work force, with the management, and that would be my
10 recommendations.

11 I appreciate your being here again. I
12 thought about bringing some local realtors to point
13 out to you all the condominiums and nice homes that
14 we have in the area, but thought that might be a bit
15 much, so thank you very much.

16 THEREUPON, the audience applauded.

17 MR. GROBE: Thank you. Let me
18 provide a little bit of information on some of the
19 issues that you raise because I think they are very
20 good issues.

21 First off, the Governor has expressed the
22 interest of having a briefing of what's going on with
23 respect to the restart of Davis-Besse and his focus
24 is to make sure the citizens of Ohio are safe, very
25 appropriate for him to do so and we are in-rescheduling the

1 briefing presently.

2 The question that you asked about safety
3 culture, I want to make sure that we're clear on
4 what's going on these days. The Utility has
5 undertaken a very broad spectrum of activities to
6 improve the safety culture of the plant and that's
7 been on going for months, everything from sit down
8 and chat type meetings with the site Vice President,
9 to training, to all sorts of varied activities, and
10 they still are proceeding with a very aggressive
11 action plan to continue to improve in that area.
12 The question is more one of how you know you have it.
13 Safety culture was a very important contributor to
14 what happened at Davis-Besse. By and large, the
15 programs and processes were robust. The company has
16 re-evaluated many of those programs and processes and
17 identified areas where they can further improve them,
18 but had they been properly implemented they would
19 have not allowed what happened to happen, so there
20 was the root -- the root problem were decisions made,
21 priorities set, the way in which people focused on
22 issues and those are much more difficult issues to
23 solve. As I said, the company has been attacking
24 those issues over the last many months, and they are
25 now getting ready to figure out how to measure their

1 improvements and will continue, as I mentioned,
2 measuring them on into the future to ensure the
3 actions taken have the results they want to achieve,
4 so it's -- there are no regulations in this area,
5 so -- and, quite frankly, I don't believe that any
6 other nuclear plant in the United States has
7 undertaken this type of initiative with the exception
8 of probably one on the East Coast did it a few years
9 ago, but it's an important thing for them to do.
10 They need to demonstrate to us that they have the
11 right stuff, and they need to demonstrate to you
12 folks that they have the right stuff before the plant
13 restarts, so -- Bill, did you have any other thoughts
14 on that?

15 MR. DEAN: (Nod indicating no).

16 MR. GROBE: Thank you very much
17 for your comments.

18 MR. OPFER: Thank you.

19 THEREUPON, the audience applauded.

20 MR. GROBE: Are there other public
21 officials present this evening that want to speak?

22 (NO AUDIBLE RESPONSE).

23 Well, I want to express my gratitude to those
24 that did come this evening. It's more attention
25 than we've had in the past from local officials. I

1 respect you for the contributions that you make.
2 Many of these positions are unpaid and you're here to
3 serve the public and your engagement in this process
4 is very important.

5 In addition to that, local officials play
6 very important roles in the safety of nuclear power
7 plants. The effectiveness of the emergency planning
8 organization would not occur without strong support
9 from local officials, so I'm grateful to hear that
10 kind of support exists in Ottawa County.

11 Why don't we move on to questions and
12 comments from members of the public? Again, we want
13 to try to limit things to three to five minutes so we
14 can move on, so please come forward, state your name,
15 sign in and ask your questions and provide your
16 comments.

17 MS. LUEKE: Hi. My name is Donna
18 Lueke, and I have a couple questions and some
19 comments. It's really good to hear the safety focus
20 that everybody is taking. I think it's alarming to
21 know that it didn't exist before or it was imperfect
22 before, and to that end, I have some questions and
23 comments.

24 One of the things that I noticed in the
25 safety culture slide was that there were new safety

1 competencies in the employee appraisal process
2 listed. Will the NRC have access to those? Will
3 you be able to see how the new safety culture is
4 evaluating employees?

5 MR. GROBE: That's an excellent
6 question, Donna. One of the difficulties with this
7 area is the very fine line between assessing safety
8 culture and getting involved in company management.
9 The NRC has no business being involved in appraising
10 people or managing the organization. That's the
11 responsibility of the Utility. On the 30th, we're
12 going to get a presentation from the Utility on how
13 they're going to assess safety culture. I don't
14 remember which slide it is in there, but there's a
15 slide that gives some broad concepts of what they're
16 doing. It's got some fancy words associated with
17 it, but what they're going to be doing is looking at
18 things that are objective that you can measure, like
19 performance, similar to what you're talking about.
20 Things that are somewhat more subjective, like
21 interviews and discussions with groups of people and
22 specific activities that have occurred that
23 demonstrate safety culture, and they're going to be
24 looking at a number of different areas and then
25 comparing those to each other to see if there's a

1 clear indicator of --

2 MR. MENDIOLA: Jack, Page 51.

3 MR. GROBE: Page 51, Tony tells
4 me.

5 MR. MENDIOLA: Slide 51.

6 MR. GROBE: -- to see if there's a
7 clear indicator on order of a trend that is
8 discernible, and it would not be appropriate for the
9 NRC to get involved in the performance appraisals of
10 individual employees. I think the answer -- this
11 seems like it's breaking up. Can you folks hear me?
12 Okay, good. It wouldn't be appropriate for the NRC
13 to get involved in those kinds of things, but we will
14 be involved in seeing how the company is going to
15 assess safety culture and receiving that feedback on
16 a regular basis.

17 One of the things that the company stated
18 today is that the assessments that are going to be
19 done are going to be done completely independent of
20 anybody that reports to the plant. The folks that
21 are going to be doing these assessments are going to
22 report to the Vice President of Human Resources in
23 the Corporate Office in Akron, and those reports are
24 going to be made public at the same time they're
25 provided to the site, so there won't be any

1 opportunity or influence in the outcome of the
2 assessments before they're shared with us, so I think
3 that's an important aspect of the approach they're
4 taking.

5 MS. LUEKE: That sounds like an
6 excellent plan. Whether you see the individual
7 employee appraisal forms or not, but will the format
8 be available to you, do you know?

9 MR. GROBE: I honestly don't know
10 that level of detail, Donna, but we can get that for
11 you if you like.

12 MS. LUEKE: Okay. The reason I'm
13 asking is because in my experience with management --
14 I don't have any experience with nuclear power
15 plants, but I do with managing, and in order for a
16 change, a see change to take place like FirstEnergy
17 is talking about where safety becomes No. 1, in order
18 for that big of a change to take place, I believe it
19 has to take place in the person's appraisal, their
20 job description, their bonus structure and how
21 they're being promoted, and I feel it has to go all
22 the way from the janitor to the Vice President and if
23 that's a missing link, if there's not a motivation
24 day-to-day and year-to-year set in place in the
25 structure, I feel that it's doomed to be a situation

1 of meetings that happen and then even though it does
2 sound like there's good follow through happening, but
3 I think it's a very important part that you may add
4 to your agenda.

5 MR. GROBE: I think most, if not
6 all, of those aspects are already captured in their
7 plan and it's described in the pages that surround
8 the one you're looking at, but I would be glad to
9 discuss this in more detail with you later tonight.
10 Did you have any other questions?

11 MS. LUEKE: Yes. One was about
12 the incident that happened in 1985, and I have a copy
13 of the report to Congress from the NRC, and there is
14 a phrase there that says -- and I'm just going to
15 take an excerpt -- that the underlying cause with the
16 licensee's lack of attention to detail in the care of
17 plant equipment and how they related to the equipment
18 in a superficial manner, and, therefore, the root
19 causes were not being corrected. This sounds quite
20 familiar, and so have you explored in the history to
21 see what was done last time because it happened
22 again, and, therefore, there was, I assume, I know
23 there was a large fine, but I don't know what
24 procedures were put in place to correct those things
25 last time, and if they weren't followed through on,

1 how this happened again.

2 MR. GROBE: Those are excellent

3 questions. I haven't personally gone back and read

4 all those reports, but the company has gone back that

5 far and said, how do we find ourselves in this

6 situation again, and that formed some of the basis

7 for their root cause assessments. Those have all

8 been made, submitted to the NRC on the docket and

9 made publicly available. There are six separate root

10 cause assessments in different areas, different

11 aspects of the plant operation. They will be

12 publicly available shortly. The -- that's one of

13 the focuses of this current management team, is to

14 make sure this doesn't occur, and it's one of the

15 reasons that they have evaluated not only what's

16 going on at Davis-Besse, but what's going on at the

17 Corporate Office. The Board of Directors has a

18 nuclear subcommittee. There's a new Vice-President

19 of Oversight in the Corporate Office that used to be

20 a plant function, so there are many more barriers

21 that they're putting in place to try to make sure

22 that if things do start to atrophy at some time in

23 the future that that atrophication is identified and

24 addressed before it becomes a significant problem, so

25 those are good points, and I think they have been

1 captured, but it's -- you've got to keep your eye on
2 the ball. Using the softball for instance, right,
3 Bill?

4 MR. DEAN: (Nod indicating yes).

5 MS. LUEKE: And just one more
6 question and then a comment. Since the NRC
7 themselves are having some internal difficulties and
8 the Inspector General's report and the Chairman are
9 not agreeing and such things are happening, have you
10 revisited the possibility of an independent review
11 like was petitioned previously and rejected since
12 there has to be some sort of impediment to your
13 activity at this point?

14 MR. GROBE: I think there were two
15 questions there, and let me answer them both. The
16 first question deals with the well publicized
17 dialogue that's going on between the Inspector
18 General and the Chairman and what Congress is going
19 to do with that, that all deals with things that
20 happened more than a year ago, and it deals with
21 things that happened in headquarters, decision making
22 that happened in headquarters. This panel is by and
23 large isolated from that. We're doing our
24 activities independent of those kinds of things that
25 are going on in the political environment and

1 otherwise. The Commission did do a very substantive
2 self-assessment of how we missed what happened at
3 Davis-Besse, and I think there's on the order of 50
4 recommendations that came out of that
5 self-assessment. It's called the Lessons Learned
6 Task Force. That was presented to the Commission
7 today at a public meeting in Washington, and it was
8 dialogue on the -- both the Lessons Learned report as
9 well as the corrective actions on what the staff
10 plans on doing with those, so those will help us
11 improve, but this panel's activities are very clearly
12 and narrowly focused on recovery of Davis-Besse and
13 making sure that they do everything they need to do
14 to operate this plant safely if we get to the point
15 that they request to restart the plant.

16 MS. LUEKE: So as long as you all
17 don't read the paper you're okay?

18 MR. GROBE: We read the paper,
19 but, truly, those don't have a safety impact on what
20 we're doing here. There was another imbedded
21 question --

22 MS. LUEKE: About the possible
23 review of an independent board.

24 MR. GROBE: Oh, yes, thank you.
25 The response we provided to that was that we felt we

1 had the capability and confidence to do this work
2 without an outside assistance, and I believe that
3 that continues to be our view, that we have the right
4 competency to do the kind of work we're doing. In
5 other places where that kind of an independent review
6 is done, particularly Millstone, we didn't have
7 enough resources or specific competence in the areas
8 we needed to look at to do that on our own so we had
9 the company hire some independent evaluation, and we
10 provided some oversight of that, so I think our
11 conclusion still remains that we have what we need to
12 do the job right and where we don't we have been
13 procuring some expertise, and we did that in our
14 human factors analysis area and we may do that in the
15 safety culture area, too. We may go out and get
16 some independent expertise, but I believe that we
17 still feel that we're capable of handling it without
18 an independent oversight panel.

19 MS. LUEKE: And I just do want to
20 read a statement and that is, in my opinion, how to
21 know when a safety culture has been achieved; when
22 those with FirstEnergy and Davis-Besse in addition to
23 saying, what can I do to get this plant opened soon
24 and how can I save my job and how can we make the
25 most out of the return on investment; when they start

1 asking regularly, what can I do to help make this
2 reactor and this company and this community more
3 safe, and how can we best make restitution for the
4 losses that have experienced because of our last --
5 past mistakes and policies, and when NRC people
6 instead of asking, how can I convince my boss or the
7 public or the media or Congress that I did not know
8 that this would result in what it resulted in, if
9 they begin asking regularly and putting those
10 questions aside, what can I do to assure that neither
11 FirstEnergy nor the NRC make another dangerous
12 oversight either here or at other plants, and not
13 just kidding this time, and what is the best thing I
14 can do for the safety of the employees and the
15 public, and when citizens and public officials at all
16 levels in addition to saying we desperately need
17 Davis-Besse jobs also say, what can I do to hold
18 FirstEnergy and the NRC accountable for their actions
19 and inactions, and how can we convince them that the
20 safety of our people and lands and lakes must come
21 first, so -- thank you.

22 MR. GROBE: Thank you very much.

23 THEREUPON, the audience applauded.

24 MR. GROBE: We ran a little bit
25 over the three to five minutes on that one, so if we

1 can please try to stay focused on that kind of time
2 frame, I would appreciate it. Good evening, Howard.

3 MR. WHITCOMB: Good evening. My
4 name is Howard Whitcomb. I, too, would like to thank
5 our local politicians with their vigorous comments
6 tonight. I think as a society we only grow through
7 the expression of diverse perspectives. After
8 hearing Mr. Mendiola's briefing of what happened this
9 afternoon, and I was unable to be here, but it sounds
10 like I might have missed quite a bit, it sure sounds
11 like FirstEnergy has taken some positive measures to
12 address the lack of safety culture. Having said
13 that, I would await the results.

14 The lack of appropriate safety culture at all
15 levels within the NRC is a primary contributor to the
16 reported root cause related to the degraded safety
17 culture at the Davis-Besse Nuclear Plant and other
18 nuclear facilities throughout the country. To date,
19 both the NRC and FirstEnergy have failed to convey
20 credible demonstrative evidence that the degraded
21 safety cultures in both organizations have improved
22 to a level whereby continued safe operation of the
23 Davis-Besse Nuclear Plant is assured. Consider the
24 following:

25 No. 1. Consider the findings contained in a

1 recent report from the Office of Inspectors General
2 that nearly half of the NRC's staff that responded to
3 a survey in 2002 reported they are currently
4 reluctant to raise safety issues to their own NRC
5 management.

6 No. 2. Consider the recent revelation that a
7 similar survey conducted in 1998 indicated the
8 significant lack of safety consciousness at
9 percentage levels very similar to that reported at
10 the Davis-Besse Nuclear Plant July 2002.

11 No. 3. Consider that the complement of
12 personnel who comprise both the current 350 Panel and
13 the Lessons Learned Task Force were drawn from the
14 same poisoned well.

15 No. 4. Consider the failure of the Chairman
16 of the 0350 Panel to articulate specific quantitative
17 as well as qualitative improvements regarding the
18 Davis-Besse safety culture coupled with recent
19 statements that quote, "I don't know how to measure
20 safety culture," unquote.

21 No. 5. Consider the failure of the Lessons
22 Learned Task Force to forthrightly address and
23 identify the degraded safety culture within the NRC
24 and any of its fifty-one recommendations to the
25 commissioners. The lack of thorough review and

1 analysis of the NRC's actions in response to
2 allegations raised at the Davis-Besse Nuclear Plant,
3 as well as other nuclear sites over the last decade,
4 coupled with the knowledge of seriously flawed safety
5 culture within the NRC's own ranks, strongly suggests
6 that the completed effort of the Lessons Learned Task
7 Force fulfills a self-serving agenda and, therefore,
8 deserves deliberate public rejection.

9 No. 6. Consider the failure of any
10 organization within the NRC, including the 350 Panel
11 members, to disclose to the public at any time since
12 March 2002 the identified serious safety culture
13 problems within the NRC's own ranks.

14 No. 7. Consider that the two key
15 individuals, that is the President of FirstEnergy and
16 the Director of Nuclear Reactor Regulation, who
17 placed power production over the public's safety and
18 unilaterally made the decision allowing the continued
19 operation of the Davis-Besse Nuclear Plant from
20 November 2001 to mid-February 2002, are still
21 employed by their respective employers.

22 No. 8. Consider that the NRC recently failed
23 to levy any fines against FirstEnergy for a serious
24 loss of radioactive material control at the
25 Davis-Besse facility last year. It appears that the