once pronounced "zero tolerance" policy concept no longer applies to the safeguard protection of the public from radioactive waste generated at nuclear facilities. Be mindful that several other states were contaminated in this instance and that the loss of radioactive material generally presents an impact on homeland security.

No. 9. Consider the noticeable absence of both the NRC's Executive Director for Operations and the Region III Administrator at any of these public proceedings since May 2002.

No. 10. Consider the incredible outrage expressed by the current chairman of the NRC in response to the recent report and findings of the Office of Inspectors General.

No. 11. Consider the recent comments of FirstEnergy's Chief Executive Officer to Davis-Besse employees, as well as to this community, that Davis-Besse will not become a "black hole" is a subtle but clear message to all of us that we better watch our step or some of us will face the loss of jobs while others will suffer economic harm. Such an approach is intimidating, undermines the premise of a healthy safety culture and promotes a "profits over safety" attitude.

At this time, I extend a cordial invitation to the NRC commissioners --

THEREUPON, Mr. Grobe attempted to fix the interference of the microphone.

THEREUPON, the audience applauded.

MR. WHITCOMB: At this time, I extend a cordial invitation to the NRC commissioners --

THEREUPON, Mr. Grobe attempted to reattach the microphone.

MR. GROBE: Howard takes his glasses off, I need my on.

MR. WHITCOMB: At this time, I extend a cordial invitation to the NRC commissioners and the members of the Advisory Committee on Reactor Safeguards to attend the next scheduled public meeting here in Ottawa County and observe firsthand the concerns which have been expressed by the public. The evident lack of safety consciousness demonstrated by the highest management levels within the NRC demands that specific safeguards be immediately instituted whereby the public's trust in the NRC's ability to regulate an obviously flawed agency is re-established. There is no more important issue within the nuclear industry today. It is time for

the ACRS to ask the difficult questions, insist on an appropriate agenda and ensure that these resolutions are achieved and maintained with the integrity and safety consciousness as is required by law. Thank you.

THEREUPON, the audience applauded.

MR. GROBE: Thank you, Howard. I wasn't sure I got any questions in there, so I'm not sure what to respond to. Do you have any specific questions?

MR. WHITCOMB: No.

MR. GROBE: Okay, thank you.

MR. DEAN: Jack, I'm sorry, there are a couple things, though, that I think are worthy of both responding to, and one is the issue about the most recent survey that was done of NRC employees related to safety culture. Howard pointed out one issue which was the issue of NRC employees feeling comfortable in raising safety issues through the current NRC process. We have a process called different professional views and different professional opinions which has been identified over the past several years as a very cumbersome process, and, in fact, over the past year and a half, there has been a Senior Management Review Team looking at

that process that recently made recommendations to the commission on things to do to improve that process. What Mr. Whitcomb also failed to mention was that the overall tenor of that report was one that actually indicated an improved overall NRC safety culture, so I think it's a bit of a disservice to take one element out of context, and, in fact, one of the things that the commissioners are doing with respect to that report is gathering the information that lead to the data. That report really was just a summation of the data. There's quite a bit of information and background that goes into the survey results that we want to look at and evaluate. There is comments that were made that were associated with the survey results and have to be assessed, and so we're going to hold in abeyance -- the NRC is going to hold in abeyance until it has the opportunity to get that information from the independent contractor that did the survey to look at some of those results, in particular the one that Howard mentioned, but I think it is worth noting that the overall results of that survey actually indicated a -- quite an improvement in a number of areas in the NRC safety culture.

The second issue I wanted to talk about was

the issue related to the levying of fines, in particular with the loss of radiation, radioactive material control. Several years ago in a very public process, the NRC revised its approach by which it would consider enforcement actions. It determined that the impact of civil penalties at the degree to which they have been applied and to which the regulations would allow really did not in and of itself serve as much of a deterrent as did the making the issue for which a licensee received a violation public as well as the impact on operations and the additional inspection and effort that the NRC provided, and so there was a conscious decision on the part of the agency, agreed to by the commission, to limit the application of civil penalties to issues where there were either actions that were potentially deliberate or willful on the part of licensees or in those situations where you have actual impact on public health and safety, actual event of a magnitude where you have a substantial release or a substantial overexposure to the public, and so the fact that the NRC did not levy fines is in direct alignment with the current commission policies related to enforcement.

MR. GROBE: Thanks, Bill. Yes,

sir?

MR. HALSTEAD: My name is Rick Halstead. I'm a faculty member of Terra Community College in Fremont, Ohio and a resident of Perrysburg, Ohio, Wood County. I really only have a comment. It's not really a question intended necessarily to get an immediate response. I hope this adds something in the way of perspective to the discussion. The Inspector's General of the NRC have concluded that the NRC does not have an adequate culture of safety and that the NRC was remiss in allowing Davis-Besse to operate to the February 16th shutdown date. A recent survey within the NRC states that numerous NRC employees are hesitant to bring up safety issues. Consider that number again. That's a lot of regulators who are reluctant to express safety concerns. It's likely that most of the people in this room remember the day the Challenger Space Shuttle exploded seconds after it was launched. It's also likely that some people in this room know that this tragedy was not caused by unforeseeable events, but rather by the willingness of the corporations and Government agencies involved to ignore the warnings of their engineers that the launch was unacceptably risky.

Recently, we have witnessed the Securities and Exchange Commission's failure to regulate in the public interest. A primary driver in the Enron World Com and IM Clone scandals was, again, profit motives left unchecked by a weak regulatory agency. Now, we've had this near disaster at Davis-Besse. We heard FirstEnergy and the NRC issue mea culpa. Many of us find them unconvincing because in at least two of these cases there were voices within the companies or the regulatory agencies involved warning of impending disaster. Until corporations and their regulators make it reasonably safe for responsible employees to sound the warning siren in the interest of public safety, we have no reason not to expect another Challenger, another Enron, another Davis-Besse. I don't think that the family -- are we still on here -- that the families and friends of the Challenger crew would regard the concept of a safety culture as nebulous and neither should we. Thank you.

THEREUPON, the audience applauded.

MR. GROBE: Thank you very much for your comments. Yes, sir.

MR. DOUGLAS: Jack, I think you know who I am. To the people in the audience who don't,

my name is Jim Douglas, I'm a retired chemical engineer, and I live on the doorstep of Davis-Besse.

THEREUPON, the microphone was repositioned.

MR. DOUGLAS: Okay, start again.

My name is Jim Douglas. I'm a retired chemical engineer, and I live right on the doorstep of Davis-Besse. I made a couple of suggestions to Jack on things that I thought would be helpful in getting Davis-Besse going again; one was a photographic preventive maintenance program that would have some teeth in it. In other words, if they saw dirt and corrosion and corruption on the head of the vessel, they don't start the plant until it's repaired. I have heard no comment from anybody from Davis-Besse. I have heard no comment from the NRC about the suggestion of a photographic PM program.

I would like to throw in another suggestion. Namely, the monitoring cameras for the internal parts that show the ~~wells~~ welds on the head of that vessel that are monitored by camera 24-7-365, and they are shown on the camera in the operating room, and they can be set up so that the entire welded areas of the head of that vessel are available simply by pushing a button, zoom in with a camera and we can inspect them right then and there, 24 hours a day in operation. This

is not a tremendously expensive program. It can become very expensive, but it doesn't have to be. A very useful monitoring program and a very useful photographic program have not been commented on by either the NRC or by Davis-Besse. Have you got any comments, Jack?

MR. GROBE: First, let me ask you a question, Jim. Last time you joined us I think we were at the high school and FirstEnergy committed to stop by and share with you a variety of information. Did that ever happen? Did you ever get that information?

MR. DOUGLAS: I went down to Davis-Besse at their invite and the chemist down there did try to convince me that the corrosion on the head of that vessel is from boric acid corrosion, and it is definitely not. It is boric acid used as an electrolyte in a battery, that's all it is and --

MR. GROBE: The -- let me respond as best I can to your specific comments. There are many areas of the plant that are inaccessible to humans during plant operation and there are some areas that are very difficult to gain access to when the plant is shut down. Utilities are more and more using video examination techniques. One of the

findings of our Lessons Learned Task Force was that they weren't taking advantage of those, we the NRC inspectors, to as great an extent as we can.

MR. DOUGLAS: That's correct.

MR. GROBE: And that's one of the specific findings and that's something that we plan on doing more of in the future. I don't believe there is any rules under consideration of mandating video examination or cameras inside containment. I believe currently that the commission views the monitoring systems in place sufficient, and at Davis-Besse, had they been responded to properly, had the indicators been responded to properly, this situation wouldn't have occurred. So currently, there is no rule making underway to mandate any sort of videography type maintenance program. That wouldn't be within the purview of this panel, that would be more within the purview of the Office of Nuclear Reactor Regulation to promulgate a new rule, so I think I answered the question.

MR. DOUGLAS: Well then, Jack, let me ask you this one question. What is Davis-Besse doing to assure me as a neighbor, as a technical person living close to them, that they are doing a better job to maintain the head of this vessel, nice

strong, clean head, so that we got a good strong vessel and it's not going to go to hell like the other?

MR. GROBE: Well, I think that's an excellent question.

MR. DOUGLAS: I'm sorry for the language, but there it is.

MR. GROBE: That's pretty straightforward, and that's the way I like it.

MR. DOUGLAS: Darn right.

MR. GROBE: What the company is doing is putting into place the programs and the approach that they should have had back through the late '90s, which would have prevented this in that time period, those programs are in existence at all other nuclear plants and no existence of problems like Davis-Besse was identified at any other plant in the country, so the failures of Davis-Besse to implement the types of maintenance programs that I'm sure you would find acceptable are what caused this.

The -- in addition to that, the licensee has taken an industry leadership role in developing a more substantive reactor coolant system leakage program, leakage monitoring program, with very conservative thresholds for taking action. We have

a limit of one gallon per minute of what we call unidentified leakage, below which it is not required to shut down, above which the plant is required to shut down in very short order. The company is setting much more conservative monitoring levels and installing a state of the art system. It's referred to as a Flus Leakage Monitoring System that comes out of Europe that's not used anywhere else in the United States, so they are taking a number of actions to improve their ability to detect primary system leakage, and they have put in place monitoring criteria that will cause them to take actions far below any of our regulatory requirements, so I think you can gain some confidence in those issues.

In addition, I think you can gain some confidence in the inspections that we have been performing and the communications we have been having with the public about the results of our inspections. We're making sure that the changes they're making are the right changes and that they're going to be lasting, and this panel will stay in existence for an extended period of time after restart to continue monitoring performance at Davis-Besse and to ensure that there's not a remission, to ensure that, in fact, when we do make the restart decision, if we get

to that point, that our confidence that they can start up and operate safely was not incorrectly placed.

MR. DOUGLAS: Jack, I would make only one further request of you, that you stay in -- that the NRC stays in operation and stays on top of Davis-Besse until they do get these photographic and monitoring systems in.

MR. GROBE: Yeah, I think Bill and I are here for the long haul, so we'll make sure that these changes are lasting.

MR. DEAN: Jim, one thing I would like to share with you from a -- I guess from a national perspective, in terms of some of the requirements that we're considering placing on licensees with respect to inspection of the reactor vessel heads is requiring them, depending on where they are in terms of age, time of life or if they get rated in a particular susceptibility category, for example, Davis-Besse at the time of their event was in what we call the high susceptibility range because of the amount of time and temperature in which they operate at the plant, requiring not only every ~~outaging~~ outage, bare metal visual inspection of the reactor vessel head. In other words, they have to remove the

insulation and, you know, eyeball with trained evaluators the reactor vessel head itself, but also to do a combination of what we call nondestructive testing, either using ~~any~~ Eddy current testing or ultrasonic testing of the ~~wells~~ welds to do even further assurance of the integrity of those penetrations, and so I think over the coming months you'll see the NRC actually issue requirements of licensees to do that while we go through an actual rule making process which actually takes several years, so we plan on putting in place some interim measures for licensees to have more stringent inspection requirements for the reactor vessel heads nationwide.

MR. DOUGLAS: I'm only too well aware that the Davis-Besse fiasco has shook up the whole nuclear industry, all 68 hot water boilers, I'm very well aware of that, and I would certainly expect that to be part of the NRC's national concern, not just here at Davis-Besse, but Davis-Besse is the worst existing example in the world of neglect.

MR. GROBE: That's correct.

MR. DOUGLAS: And that's just about stating it as frankly as I can put it, and the other two examples are Chernobyl and Three-Mile, okay, but the worst one in the world and how they could ever

have lasted with paper thin stainless steel and not blow a hole in 2,000 pounds is very close to miraculous, darn near proof of the existence of God for any scientist.

THEREUPON, the audience applauded.

MR. GROBE: Thanks, Jim.

MR. DOUGLAS: So, anyway, I'm very glad to hear and, thank you, Jack, about the photographic and the monitoring system.

MR. GROBE: Thank you very much.

MR. DOUGLAS: I hope to hear and see them soon. Thank you.

MR. GROBE: Okay. Any other members of the public that have questions or comments? Yes, sir.

MR. DUSSEL: My name is Tim Dussel. I'm a concerned citizen, and there's a few questions I have as far as why Davis-Besse was allowed to keep running an extended length of time when they were supposed to have a shutdown for inspection. I keep reading different articles that the NRC keeps saying if we'd only known now (sic), what we know now, we wouldn't have let them run. I don't understand why the NRC didn't know what they know now. What was you doing before then?

MR. GROBE: They are really two separate complete issues. What you've read about with the Inspector's General report and the Chairman's response to that had to do specifically with the decision making that went into allowing the plant to operate for six more weeks and those documents pretty well speak for themselves, the position of the agency and the position of the Inspector General. The question of why we didn't know -- what we know today based on the -- regarding the condition of the reactor head is an excellent one and that was what the Lessons Learned Task Force was charged with doing, and they came up with about 50 recommendations for us to improve our inspection programs, our procedures, our training, not specifically, necessarily focused on this issue, but looking more broadly at these types of issues and what we can do to prevent that, and that report is available on the website, and I believe just today, the -- how the agency is going to respond to that report is also available publicly, and there was a commission meeting in headquarters today where the commissioners heard the results of that report as well as the Executive Director's response to that report, so I think we've pretty well self-assessed

ourselves from every perspective and we're getting even more help these days. The General Accounting Office is now investigating those two questions also, so by the time we're done with all the investigations and corrective actions, I think we should have this one nailed down pretty well, but I think you'll find in those documents the answers to your questions.

MR. DUSSEL: Also, I would like to know if there is being any criminal investigations being done? I find it really amazing the amount of people at FirstEnergy that falsified records, falsified information, out and out lied, and you guys stand behind them and swear by them. I don't understand that.

MR. GROBE: That's a good question, and I don't stand behind people and swear by people. I evaluate performance. That's what our job is.

MR. DUSSEL: Someone is not doing a very good job.

MR. GROBE: And we don't -- we, the NRC, do not -- we're not involved in criminal prosecutions. That's not our bailiwick. We do have an Office of Investigations, and whenever it appears that something could have been more than just

a mistake or an oversight, that initiates an investigation into that specific issue. They are investigating that issue. If they conclude that there was a deliberate action on the part of individuals to violate requirements, then they report to the Department of Justice regarding criminal prosecution, and that activity is ongoing. I think that answers your question.

MR. DUSSEL: There's continuing -- you know, numerous issues brought up where it has been proven that there was falsification on records and on inspections. The modification of the platform above the reactor, I believe it was 10 years ago that the NRC advised that modifications be made on that so there could be inspections --

MR. GROBE: I think you got your facts just a little bit wrong. Let me see if I can flush that out a little bit. The NRC did not mandate or advise anything. What happened was utilities were finding -- some utilities were finding it difficult to visually examine their head -- excuse me, visually examine the reactor head.

(Laughter).

MR. GROBE: And chose to implement a modification, and Babcock & Wilcox, the

manufacturer of this type of reactor, designed a modification to the support ~~that~~ structure that any utility was interested could purchase and implement. A number of utilities -- there's seven of the reactors like this in the United States; five of them chose to implement that modification, two did not, and Davis-Besse was one of the ones that did not. As of today, they all have that modification, so it wasn't an NRC mandate or requirement. It was a choice on the part of the licensee to implement something that would make it easier to inspect the head or whether or not, as Davis-Besse, chose to continue utilizing the original ports that were provided to do this type of examination.

MR. DUSSEL: The other power plant that had the same type of platform, they have not yet modified?

MR. GROBE: All the plants have modified their support structure.

MR. DUSSEL: Don't you think it would be -- the NRC should be involved in such things if there is a structure that you cannot do an inspection and this could go on for 10 years and the NRC not know that the inspections are not being done properly? I don't understand how that can happen.

MR. GROBE: Again, that was the focus of the Lessons Learned Task Force was how do these things happen. I think it's a very comprehensive report. It's available on the website, we can get you a copy, if you like.

MR. DUSSEL: Okay, October 11, 2001, FirstEnergy officials and their lawyers met with representatives of the NRC, five member governing board. The company insisted Davis-Besse is safe to run until April, and says it will take every action necessary to obtain the technical basis on which the NRC staff is basing its shutdown decision. Throughout October, FirstEnergy gave NRC staff additional technical information on its own to support its case.

Was that about the same time that the big red picture wasn't showed?

MR. GROBE: Really these, I think -- I'm not sure what you were reading from, but I think these are the exact issues that are addressed in the IG report and were addressed in the Chairman's response, and those documents speak for themselves, and it would be inappropriate for me to comment on either of those issues. They don't have anything to do with -- those decisions that were made over a year

ago don't have anything to do with this panel's activities. This panel is looking forward from February 2002 on.

MR. DUSSEL: I think maybe the two panels or three panels or four panels or however many panels there are, everyone should get together and be on the same page. I think this is where a big problem is. It's real easy for someone else to say we didn't see it. I can't understand how the NRC keeps making these statements that we didn't know. That's just -- I don't understand -- I don't see where any of this is going to improve any. If you don't learn from past history, I don't see where any of this can improve.

MR. GROBE: Maybe what we can do is talk later and we can move on to another person's questions.

MR. DUSSEL: One more statement or fact. I don't understand, you say that you're not going to -- there was no fine brought forth for the five people that was contaminated.

What good does any of the fines do to begin with with a corporation when money does not mean anything? There is no one being held accountable. I don't understand. I have asked numerous times and

other people have asked what have happened to all these so-called managers that have been fired or let go or have been moved. I don't see by firing them or having them let go without question, how you're going to learn anything. These are the people that made these mistakes and you've sat and said that people and mistakes that caused this. If these people aren't held accountable and are not questioned, how do you feel you're going to learn anything from it?

MR. GROBE: Let me go back to the issue on the radioactive materials that got into the public domain because that's apparently an issue of concern and it's very important that everybody had the correct context on that. We currently assess our violations by safety significance or risk significance. In the area of radioactive materials or radiation exposure is strictly based on safety. The -- and we categorize certain violations, violations that we issue in four levels starting with green being the least significant, white, yellow and red being most significant. This violation was categorized as a green violation. It had very low safety significance. The materials that were released had no health consequences to the public.

Had the materials been of greater quantity or a different type of material and had they had health consequences, then the violation would have been categorized at a higher level. As Bill indicated a few minutes ago, if it presented a clear risk to the public, then there could have been fines associated with those violations. These violations are not significant. They are of low significance. We issued the violation. The company has to fix it, and we'll make sure they do. Thank you very much for your comments.

Are there other members of the public that have questions? Yes, sir.

MR. HIRT: Dave Hirt is my name, Danbury Township Trustee. I'm a lifelong resident of Ottawa County and have lived with this company in our backyard since its inception. Safety has always been our concern here. As public officials, there's safety plants, contingency plants and backup plants. Davis-Besse has been a good neighbor for us. Its got a good -- its had a good safety record in the past, producing electricity reliably for more than 25 years. The plant is capable of running. Problems can be fixed. Safety can dominate compatible with production of energy. Please give it your ultimate

consideration for the restart of the plant. Thank you.

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

THEREUPON, the audience applauded.

MS. MUSER: My name is Mary Muser. I have been a lifelong residence along the lake and in Ohio my whole life. You were talking about these new regulations, new things that you were coming up with in this Lessons Learned. I just wondered who is going to be in charge of overseeing all these new regulations? Is this still going to be a matter of trust between the industry and the NRC?

MR. GROBE: The Lessons Learned Task Force really doesn't have anything to do with the utilities. It has to do with how we do our job and how we serve our public, expectations of the public and the report went to the Executive Director, that's the top guy in the agency, and he is charging all of the appropriate people to implement those changes and maybe you can help me here, Bill. I think there's a six month review, every six months he's going to review our progress in these areas. It was either three or six months. I think it was six months that we're required to report back to him

on how we're making process and making sure this issue is fixed.

MS. MUSER: So basically the company will still report to you about the level of safety at their plant and you take their word for it, or are you going to go in there and see for yourself? This is what I'm wondering.

MR. GROBE: Good question. We have two inspectors on site every day, and they just don't go around and ask questions. The reason we have them here at the site every day is that they're at the plant every day, putting their eyeball on what's going on.

MS. MUSER: And they were there throughout this whole --

MR. GROBE: That's right. You have to appreciate that we have to select the activities that we're going to look at, and we chose not to look at the head inspections because of the belief that that was an issue that was well handled based on the review of the records. As somebody else pointed out earlier there were some inaccuracies in those records. We currently are evaluating how those records got to be inaccurate, but there's a lot of activities that go on every day at the plant that

we can't actually look at ourselves. We do review a lot of records, attend a lot of meetings and do independent inspections ourselves, but we didn't choose to look at this one specific activity and that was unfortunate.

MS. MUSER: Okay. You also talked about clear risk of the public as being a measurement for how fines are levied and so forth. I would think that a bulging liner seems to be a clear risk to the public.

MR. GROBE: The specific issue we were talking about was the release of --

MS. MUSER: Radioactivity --

MR. GROBE: -- 18 discrete radioactive particles.

MS. MUSER: Right, but I would seem to think that a bulging liner also seems to be a clear risk.

MR. GROBE: I understand that.

MS. MUSER: I once asked, given the past history of Davis-Besse to bury photos of the degradation to the NRC, how can the public trust them to be honest now with the safety issues, and the answer that I was given was from one of the people who is responsible for the restart. He said that how

we would know this would be safe -- not a concern now is that he gives us his word. I don't feel that's good enough, and I would like to know what better assurances you have?

MR. GROBE: Well, the -- you can have assurance that we're going to provide appropriate inspection and oversight of the Utility to make sure these issues are fixed and they don't recur.

MS. MUSER: Okay.

MR. GROBE: I hope you can develop that assurance through watching how we do our work. We're out here every month having public meetings. We do a lot of work between those monthly public meetings. We're reporting out publicly and there is just a wealth of information about what we're doing on the website. I seek your feedback on specific things that you read about what we're doing.

MS. MUSER: Right. I was curious about the head because you were saying some places human beings can't get into to inspect. Is this one of these places?

MR. GROBE: Well, during operation, the head is completely encapsulated in insulation.

MS. MUSER: Right.

MR. GROBE: And you can't see it.

MS. MUSER: Right, I understand that.

MR. GROBE: During shutdown, the head of a reactor, Davis-Besse reactor head, is highly radioactive and access to that is limited --

MS. MUSER: Okay, so --

MR. GROBE: -- for personal safety reasons.

MS. MUSER: So it seems like a camera thing might be a good thing.

MR. GROBE: It's an excellent suggestion and it was brought up as a recommendation in our Task Force report.

MS. MUSER: Now, I keep hearing how nuclear power is clean and unpolluted.

What about the waste that will remain radioactive for thousands of years? No one has ever been able to deal with this problem, and as far as being cheap, we all know that that's a farce. It isn't cheap.

MR. GROBE: The waste issue and particularly I think you're referring to the high level waste issues?

MS. MUSER: Right.

MR. GROBE: There is one that it's far beyond the purview of this panel, but I could get you a contact that's involved in the Yuca Mountain project, and I'm sure you're familiar with the Department of Energy's initiative to develop a waste repository at Yuca Mountain, that's the approach that the Department of Energy is pursuing and the NRC has some responsibility to review that as if the Department of Energy is a licensee of ours.

MS. MUSER: Okay. Now, when you think the NRC failed -- the NRC basically failed to follow your own regulations by not ordering immediate shutdown in the past, so why do you feel now that new regulations would make a difference?

MR. GROBE: Really, you've gotten back into those issues that are described in the IG report as well as the Chairman's response to that report, and I recommend that you read the Chairman's response.

MS. MUSER: I did.

MR. GROBE: And those documents speak for themselves. I really don't have anything to add beyond what the IG said and what the Chairman said. Thank you.

THEREUPON, the audience applauded.

MR. GROBE: Thank you.

MR. RITTER: Good evening. My name is David Ritter. I'm a policy analysis with Public Citizens Critical Mass Energy and Environment Program, Washington, D.C. We are a non-profit agency. We do not take any funds from the Government or any corporations and we have a membership of over 150,000. While I do now live in the D.C. area, I was born and raised in Ohio, and I lived there for 28 years and my family still resides in North Central Ohio with my sister and brother-in-law working regularly in Marblehead, so I have a personal interest, as well as professional, on this issue, and I can confidently say that I also represent them as well as the public citizen members.

I realize that the viewpoints I'm about to express are not likely to change. I'm going to speak quickly because I know I have a time limit. Not likely to change any minds or convince FirstEnergy or the NRC to reverse course in their plans to start Davis-Besse, nor will they shock the NRC to any extent that might initiate real substantive changes within the NRC, within the organization. Nonetheless it is apparently necessary to air these

viewpoints.

We have heard a great deal from FirstEnergy about how they are in the process of turning over a new leaf and that they are -- and that they have learned their lesson regarding placing emphasis on production over safety. In fact, if one didn't know better, it would seem that FirstEnergy is completely indifferent to Davis-Besse's future ability to turn a profit now that they are so focused on safety, safety, safety. One could nearly be fooled that Davis-Besse is a public project of national pride. I presume that most in the room could recognize one particular reactor that operated in a state owned setting, Chernobyl, but certainly, let's not mistake Davis-Besse for Chernobyl. Fortunately, disaster was narrowly averted at Davis-Besse, and, of course, Davis-Besse is very much owned and operated by a private entity -- FirstEnergy. In time, FirstEnergy will again be faced with a production versus safety dilemma. Any time a strong -- any time a decision in favor of safety could adversely impact the bottom line, there will always be a strong inclination to act to maximize profit and anyone who has seriously evaluated this industry's prospects for a 21st century renaissance in anything remotely resembling a

free market knows that demonstrating a business case for nuclear is difficult at best. Making the decision to reduce power or shut down the plant for some time or to make repairs is not a decision that delights investors. In truth, we know that safety culture, from the owner/operator licensee perspective, is mostly a public relations campaign aimed in any direction. In truth, we know that relying on the nuclear industry to keep us safe and secure is to actually expect the fox to guard the henhouse, and, let's face it, that's not really fair to the fox. Naturally, this community values the revenue and jobs that come with Davis-Besse, but certainly the community also wishes to avoid a nuclear accident or being at the center of terrorists attack. Knowing that ultimately it isn't reasonable to expect to be protected by FirstEnergy, who can this community rely on to protect them? All of this is not to say that many of Davis-Besse's employees are really not concerned to safety. It is only to say that in the end there must be a countervailing force to absolutely prevent production from being prioritized over safety.

In theory, the protector would be the NRC, however, their reasons, both specific to Davis-Besse

and generic, to question NRC's capacity to meet its charge to safeguard the public. The dangers are real. That's why the hole in Davis-Besse's reactor head was much more than just a footnote in industry journals. Two recent reports only serve to highlight the question. Who can we trust?

On December 30th, 2002 the NRC's own Inspector General issued a report entitled NRC Regulation of Davis-Besse Regarding Damage to the Reactor Vessel Head. Several findings deserve to be reiterated here. That decision by the staff to allow Davis-Besse to continue to operate was, quote, contrary to the goal of NRC bulletin 2001-01 to have at risk plant conduct timely inspections to ensure NRC regulatory requirements related to reactor coolant leakage were met, and, quote, NRC appears to have informally established an unreasonably high burden of requiring absolute proof of a safety problem versus lack of reasonable assurance of maintaining public health and safety before it will act to shut down a power plant. The staff articulated the standard to the Office of the Inspector General as a rationale for allowing Davis-Besse to operate until February 16th, 2002, even in light of information that strongly indicated

Davis-Besse was not in compliance with NRC regulations and plant technical specifications and may have operated with reduced safety margins, and NR -- and quote, NRC staff developed a well documented technical basis for preparing an order to shut down Davis-Besse, and on November 21st, the ~~EPO~~ EDO informed the NRC commission of the intent of the NRR Director to shut down the plant on or before December 31st, however, contrary to strong justification presented in the order that NRR Director did not force a shutdown, and this goes on. It says the NRR staff did not document its analytical bases in conclusion to support its decision, so the Inspector General is NRC's own quasi independent arm to investigate problems in the agency. It can be seen as one line of defense to be sure that NRC is accountable and actually does its job.

NRC's Chairman ~~Reserve~~ Meserve, perhaps bearing a stain on his resume, quickly characterized the report as, quote, unfair, and was indignant that the Inspector General dared to, quote, question the decision on CRDM cracking in the light of subsequent knowledge, end quote, calling it, quote, Monday morning quarterbacking.

One can only guess that Chairman ~~Reserve~~ Meserve

would be so dismissive of the IG report if there had been a loss of coolant accident. Perhaps that was forecasting a variety of problems both known and unknown in calling for inspections of the industry's pressurized water reactors in the first place. A second report from the Inspector General as, quote, survey of NRC safety culture and climate was released on December 11, 2002 and raised questions which made FirstEnergy's own defenses of their safety culture seem fairly ironic, and even though it's been noted that -- about taking things -- certain things without reading the entire document and that this is actually an improvement from the last time that a survey was done, I would say that that's kind of a sorrowful defense considering it indicates to me that NRC has gone from poor to mediocre, so it's worth noting the following areas of difficulty for NRC safety culture as noted by the Office of the Inspector General. Quote, concern that NRC is becoming influenced by private industry and power to regulate is diminishing. Another one, many NRC employees perceive a compromise of the safety culture. Employees tend to be confused regarding an overall agency mission. Safety training is considered to be based on outdated scenarios leaves security of the

nuclear sites within the U.S. vulnerable to sabotage, and there are others, so, in light of these findings, it appears that the public not only in Port Clinton, Toledo, and Cleveland, but any community in the fallout zones of America's 103 commercial reactors has much to be concerned about who is doing the regulating and who is protecting them, and if the NRC can't demonstrate the ability to regulate and safeguard the public and not simply cabal and promote the city, Davis-Besse should not be restarted. Thank you.

MR. GROBE: Thank you very much. We've been going for about two hours now. I would suggest that we give the fingers of our transcriber a brief respite and take about a 10 minute break. All right? We'll catch you right at the beginning. Thank you.

THEREUPON a brief recess took place.

MR. GROBE: Why don't we find our seats. I think we have some young people in the audience that want to speak. Why don't we let them speak. It's getting late.

MR. SHAW: My name is Ian Shaw, and I would like to make a comment. I like see changes made in the NRC and FirstEnergy, and I'm glad

to see that these changes are being made.

MR. GROBE: Thank you very much, Ian.

THEREUPON, the audience applauded.

MS. SHAW: I just wanted to make a follow-up comment from the students. One, they were very positive about nuclear energy being a good source of energy for our country and also one of the comments you made, Mr. Dean, alluding to fines, I wanted to share with you what their solution was on researching this project. Their solution, it's interesting that you brought up that fines -- civil fines were not a deterrent, they came to the same conclusion without doing statistical study. Their analogy was, well, if I break my brother's toy, I have to pay from (sic) it and that teaches me a lesson, so in adult terms an arbitrary fine probably doesn't make much sense or be a deterrent. Their solution was a fine that would have a consequence to make things more safety (sic) since its made the community feel unsafe, and the fine would be in the amount of about two million to make sure that there were moisture protection seals around the nozzle heads, and, secondly, that money is paid in an amount that the NRC could do inspections with robotic

equipment and that report would go to them for a period of two to three years until there was documented change of a change in the safety culture, and I thought that that was a pretty good conclusion.

This is a comment of my own. In their research, too, and in asking questions it looked as if Framatome, the company that has robotic equipment that does the ultrasonic technology inspections of heads and can see if there is cracks, owns or has financial interest in FirstEnergy, and I guess my question or concern is how is the check and balance if a company that's contracted with to do these delicate inspections is pretty much inspecting itself and maybe if a fine was levied that an outside robotic technology company with ultrasonic equipment might be used for reports?

MR. GROBE: Did you want to respond to that, Bill?

MR. DEAN: In terms of the enforcement policy? Go ahead.

MR. GROBE: Well, I think I heard two questions. I think I heard you agree with Bill's comments regarding enforcement approach, but the second question was a company that's getting paid by FirstEnergy to do these inspections, your question

had to do with the --

MS. SHAW: Well, if they owned them, if the company that they, I guess, contracted with, somewhere along the lake, they made it seem like Framatome owns FirstEnergy or is connected.

MR. GROBE: No.

MS. SHAW: Okay.

MR. GROBE: I think that's a misunderstanding.

MS. SHAW: Okay.

MR. GROBE: Framatome is an engineering firm that provides services.

MS. SHAW: Right.

MR. GROBE: And if they don't provide good services for the fees that they collect they're not going to be in business very long, so --

MS. SHAW: So there is no financial connection between the two?

MR. GROBE: Other than they're hired by FirstEnergy.

MS. SHAW: Okay, okay. And then just the other comment, too, if they looked into the possibility of -- an arbitrary fine doesn't make much sense, but maybe the analogy of some financial fines that actually are associated with consequences to

make things safer.

MR. DEAN: I think that -- and, yeah, I appreciate that concept, and, in fact, that's pretty much what you're seeing here with Davis-Besse right now. I mean, here's a plant that because of their failure to adequately maintain the integrity of the reactor vessel head has been and will continue to be in a lengthy shutdown, which in and of itself costs them millions of dollars in replacement cost. In addition, the types of activities that they have done to try and improve safety of their plant and improve their safety culture is indeed pouring money into the plant to try and enhance and improvem the safety of the plant, so -- so, but what you were describing was a specific cause and effect, you had a cause or an effect of the reactor vessel, you should pour some of your -- we, the NRC, should direct them to pour a specific amount of money into specifically being better able to not have that occur in the future.

MS. SHAW: Right, and there's a difference between fixing a problem and making personnel changes and a financial fee associated with ensuring that there is safety until they can prove it, because I think that's awesome all the changes

that they are making inside and that, but, in the past, there hasn't been follow through and that trust has been broken twice, and it would seem, I mean, if I was a parent and my child did something once, you know, 1985 or whatever, and then they came back and did it again, I would say, you know, that's two times now, and so I believe that you say that you're going to do it, but I'm going to have to monitor things a little bit more closely until I see that you do that, say, after another two inspections, so --

MR. GROBE: I appreciate your comments, and I think that's what we're all about with this panel is providing additional oversight to make sure that this problem doesn't recur. Thank you very much. I'm not sure we got your name on the record.

MS. SHAW: Lori Shaw.

MR. GROBE: Lori Shaw. Thank you very much, Lori.

THEREUPON, the audience applauded.

MR. GROBE: I know you have been itching to speak, but we have a couple more young people behind you.

MR. (JEREYMY) PATRICK: It's all right. He can go ahead.

MR. TSCHERNE: Are you sure?

MR. GROBE: That's okay with you?

MR. (JEREMY PATRICK): It's no problem.

MR. GROBE: Okay, go ahead.

MR. DEAN: And, I'm sorry, Jack, if I could just make an administrative announcement, the facility closes at 10, so we need to finish by 9:45, so we'll just need to take that into account.

MR. GROBE: Thanks, Bill.

MR. TSCHERNE: Thank you. There we go. Thank you. My name is Larry Tscherne, and I'm the business manager of IBEW of Local 245.

Fellows, I'm sure you're aware of the involvement of the International Brotherhood of Electrical Workers on a national basis. We represent approximately 750,000 electrical workers across the United States and Canada. I'm happy to say, proud to say, that we represent the physical side of the craft at Davis-Besse from the operators, the mechanics, electricians, INC, chemical, radiation protection, just everybody on the physical side. There was a lot of dialogue tonight on the technical side of things and a lot of assurances. I can stand here with confidence and assure you of one thing, and that's dedication and ownership and craftsmanship on

top of that. That's what you have in the employees at Davis-Besse who put in a lot of time, a lot of hours, not only at work, but in training, and they're the best out there, so I don't really have a question. I just wanted to make that statement. Again, there was a lot of dialogue on the technical side and assurances. I can't comment on the technical side, but I can assure you of that ownership and dedication. Thank you.

MR. GROBE: Thank you very much, appreciate it.

MR. JEREMY PATRICK: Good evening. My name is Jeremy Patrick. I run a local computer business out of my home. I'm 15 years old and I go to school at Oak Harbor.

A couple points I wanted to make. I heard Mr. Whitcomb earlier make allegations about radioactive waste that has been mishandled. That's not even the topic at hand. I mean, we need to keep on the topic. A suggestion I had, the public has to be informed of more than just the problems. More like how the plant was designed, how far we were from actual public safety risk. That was a far shot. Even if the reactor would have in some way leaked something, there's plenty more containment that would

have contained it. I feel this issue is being dealt with in a professional manner and is being dealt with what it is. It's only a problem. I mean, there was no injuries or permanent damage. This can all be repaired, and it's being dealt in that same way. People need to see the whole side of the story. There's not just what the media says. We need to express that people are only looking at the bad side of it -- some people, I should say. Some people are only looking at the bad side of it when there's an entirely different side, as improvements are being made, safety is being increased, things are going to continue to be normal, and the majority of the public actually has no problem with the nuclear plants and the select few who have notable problems, those problems are unfounded. I have talked at these meetings before, and I would say that more -- more has been done in the past few months than I ever expected that it would happen, and I just wanted to say you're doing a great job. Thank you.

MR. GROBE: Thank you very much.

THEREUPON, the audience applauded.

MR. RANDY PATRICK: My name is Randy Patrick. I'm a shift engineer, the shift engineer on operating crew five at Davis-Besse. I'm also a

neighbor of Davis-Besse, live within five miles of the reactor. I'm a member of the Oak Harbor community. I go to church in Oak Harbor, and I didn't anticipate on talking, but my son wanted to talk, so I felt obliged that I should say a few words. I don't have a prepared text. I'm not going to stand up here and read a statement or many statements making accusations or whatever. That's easy enough for anybody to do, but I would like to talk from my heart and what I feel.

To start off with, I have full faith in the NRC, I think you're doing the right thing. I think you have the proper amount of rigor, and I think you're doing a great job keeping the public informed.

It's very easy to cast stones at people to take the topic away, take the topic away from what we should be discussing. We know what happened in the past. We know the problems that we had and we need to look at what we have done, and I want to present a little human face to Davis-Besse. For the lady that lived on the lake, the lady that has concern about we need to incorporate our nuclear profession and our nuclear state and everything we do so that's engraved. It's not just something we say, and it is part of our yearly evaluations now. We are

evaluated on our nuclear safety concerns, our professionalism, otherwise if we fail in those areas, then our reviews are very bad. It's part of our reviews every year. Our safety conscious work environment, I have had training on that, and we just had training on many other things.

Back in 1985, we said we fixed things and it happened again. Well, the difference between work done this time and work done back in 1985 is vastly different because we take time, and we have done things differently, and the management now I feel is much better. I can go to my boss and say, Mike, I got a problem. I have a problem with reactor safety, I think this is the wrong thing to do, and he's going to go with me to his boss, and he's going to go to his boss to the Vice President. By virtue of my license, I'm required by law to carry out -- my primary directive is to protect the health, safety and welfare of the public. If I have a problem with them, I go to these people. There's two of them here at our plant every day, at least one of them lives in Oak Harbor. I know where he lives. I can go see him if I have concern, but what we need to focus on is that we have changed, we have done things. I'm part of it, and I not only do the right

thing, I'm not going to question reactor safety based on everything I look at because it's going to be a safe reactor. I do it because the NRC requires it, I do it because my company requires it. I do it for my own good because that's what I want to do. I do it so I can go home at night and look at my family. I do it so I can go to church and look at my fellow congregation members and say, look, I work there, I do the right thing, it's safe. It do it for my neighbors, I do it for our opponents, I do it for you because you're somebody that lives here and I care, you may not agree with me, but that's why I do it, and so just to give you a human face on it, that's where I'm coming from. You can talk evaluations. You can talk figures. You can talk about allegations, but, in reality, this is what I am, and this is what I do, and I want people to know that. Thank you.

MR. GROBE: Thank you very much.

THEREUPON, the audience applauded.

MS. KRAMER: Hi. Jessica Kramer. I live in Cleveland. You might remember a while back, it was explained to me at a previous meeting how a contained section of Lake Erie is shared as part of the coolant system -- I don't know. I don't

understand how a section of a lake can be contained. I need to know -- I need a guarantee that our drinking water and any other possible radiation that could be contaminating that -- is there a guarantee that my drinking water and bathing water is safe at this point? Can you guarantee that it will be in the future, and I'm referring to the fact that radioactive particles have been really -- whether they are dangerous or not they have radioactivity. How many others have been included? Is there a possibility of that?

MR. GROBE: Yes. I think I can answer your question, and if I don't hit the nail on the head, let me know. There's -- I believe there is somewhat of a description of this in our newsletter, but let me go through a couple things.

The reactor coolant is contained within an enclosed piping system, and then there is a second coolant system that cools the reactor coolant much like the air cools your engine coolant through your radiator, except this is another closed coolant system, so the reactor coolant is contained within a closed system, and there's a second system that is -- that cools the steam generators that cools the reactor coolant and then there's a tertiary system

which actually comes from the lake. It's called circulating water, and that water is brought into the condenser and cools the second system, so there's three separate cooling systems. The first two are completely self-contained and that's one of the principal ways that the release of radioactive materials to the lake is controlled. Separately, continuous monitoring is done of the lake not only by FirstEnergy, but also by the State of Ohio, and they have a radiological monitoring program that they implement to provide independent assurance, and we inspect FirstEnergy's evaluation of the releases of radioactive materials, so that's how you can be confident that the drinking water in Lake Erie is --

MR. DEAN: Jack, (indicating).

MR. GROBE: -- is not being contaminated with radioactive materials. Oh, look at that. Doesn't get much better than this, does it? This is the primary coolant system I was talking about inside the reactor and -- I'm getting lots of help here, and then this is what's referred to as a steam generator. There's a secondary coolant system which is completely contained, and then this is where the water comes from the lake through the third cooling system, so the lake is very well isolated

from anything that might contain radioactive materials, and these systems are continuously monitored for levels of radioactivities as well as independent measurements in the environment.

MS. KRAMER: Now, has that also been checked along with all the other investigations at this point for cracks or leaks?

MR. GROBE: Yes.

MS. KRAMER: So you can guarantee that my drinking water is safe?

MR. GROBE: I have no concerns about your drinking water.

MS. KRAMER: I do.

MR. GROBE: We're getting some feedback here.

MS. KRAMER: I want a guarantee. I mean --

MR. GROBE: I appreciate that. We haven't identified -- we inspect the radiological monitoring program. It's referred to as radiological environmental monitoring program. We inspect them on a regular basis with experts out of the Region III office, so -- and we haven't identified any problems with Davis-Besse's radiological monitoring program. The specific issue that happened with some minor

discrete radioactive particles that were released on people's clothing out of the site was completely different, not associated with radiological and environmental -- it was failure to properly survey some workers, and those violations that occurred were extremely low level and were not of any health concern, so I don't believe that there's a basis for concern for radiological monitoring, and I would be glad to talk to you more about this after the meeting.

The second question that you asked, I wasn't quite sure had to do with, I believe, there's a certain portion of the intake canals from the lake that in the event of an earthquake, a seismic event, that intake canal would be isolated from the lake itself, so I think that's what you were referring to when you said a closed portion of the lake. It's actually the intake structure that takes water from the lake. Obviously, the lake is not seismically designed, it's the lake, and there is a possibility that that portion could be closed off from the lake in the event of an earthquake, and the concern there is whether or not there would be sufficient cooling capacity in the water that's captured and circulated around, and that's an issue that is -- it's a design

question regarding thermally transfer capability of the various systems, and that's an issue that's still under review, but it doesn't have to do with radiological releases. It's simply related to thermal characteristics in the plant and whether or not there is sufficient cooling. Have I answered your questions?

MS. KRAMER: The best that you probably can tonight, yes.

MR. GROBE: I would be glad to talk to you after the meeting. Thank you. Yes, sir.

MR. SHUTT: Okay, I'm Dan Shutt. I was here at the last meeting. This is my second time again. I came unprepared to say anything, but in listening to other people speak, I got an idea of something I wanted to say, and that was, the way I look at it, I don't work for FirstEnergy, I'm a contract employee over there. The truth is they work for me because I pay my electric bill. I certainly don't work for the NRC, the truth is you guys work for me because I pay my taxes, and to some measure what people spoke to in the form of public advocacy, they kind of work for me, too. They represent me because I am part of the public.

Exclusive of the people who came up here with personal concerns, such as the young lady in front of me, regarding the contamination of water which is a legitimate question, I just wanted to kind of give a job performance review for the people that work for me. It occurred to me that -- and I haven't had the opportunity to fire anybody in a long time. In the position I'm in now, I don't have anybody working for me. I've got three children, two of them are teenagers. I don't think I've got much control on them either, but, I tell you what, if I was in a position to dismiss people, there would be good reason here today. I see people doing a good job, and I see people doing a bad job. The good job that I see is that we're being provided by a regulating agency with an open forum which is on top of it, which is restarting the plant. I see the Utility and the regulatory agency responding to the concerns of people as they raise them. With these successive forums that I have been to, I've heard past issues address, and new issues brought up. Those were addressed in a very calm manner. I see that the Utility and the regulatory agency are providing information that is accurate and verifiable.

As opposed to that, I see the advocacy

people, rather than providing an open forum, which is on top of it, they are kind of digging into the past. You hear a lot about 1985. It has nothing to do with restarting the plant today. We certainly need to learn from history, but I don't think that that's on topic. I see that rather than responding to any concerns that are raised, I see them going back to the next meeting, reloading up on more information, coming back with greater skepticism and truly not listening to the answers because they are asking the same questions again and again. Rather than providing information that's accurate and verifiable, I hear a lot of misleading information taken out of context. I hear pieces of the formula brought forward and championed as though that were truth. I hear them impugning the character and questioning the veracity of the people that work at Davis-Besse, and people that work with the regulatory agency, and I take that personally, because my character is solid. My family depends on it, and I depend on it, and I think everybody in the room can depend on it.

I also see that the Utility and regulatory agency here are here to offer solutions to an admitted mistake, to admitted problems, solutions, things to fix that for the future. All I hear from

the advocacy groups are offers of attacks, how to tear it down, let's shut it down, we've got to stop it all, and I also see that the regulatory agencies, the Utility, admit the mistakes that were made and they're addressing them and they're taking actions to correct those problems and move forward into the future. I see the advocacy groups repeating the same mistake in information over and over again. I don't see them correcting anything. When a question is answered properly with facts, I don't see that that solves the question. The question gets brought up again, so I see a big repetition of things, and, I'll be honest with you, if I had an employee who repeated the same mistakes over and over again, responded in forum by offering attacks rather than solutions, who provided misleading information on a regular basis, based on speculation and impugned the characters of people that they were talking to and about, also continued to dig into the past for information rather than move forward into the future, I wouldn't have much use for them, and last, but not least, I see the regulatory agency and the Utility following the schedules that we have set for these forums rather than some of the people who come up to speak who run way over their five minutes as if added

verbiage was equal somehow to increased wit, and I've got to tell you the quote that comes to mind when I hear those speak is that brevity is the soul of wit. I have taken up my five minutes certainly, maybe not quite that, but I would like to keep it at that, and just say if I could fire somebody tonight it would be the people that think they're representing me as a member of the public, and if I were to applaud somebody who worked for me, it would have to be the regulatory agency and the Utility that's doing their job.

MR. GROBE: Thank you very much.

THEREUPON, the audience applauded.

MR. GROBE: Yes, sir.

MR. ACKERMAN: My name is Don Ackerman. I am a resident of the State of Ohio, and I have been a contractor in the nuclear industry for 22 years. I have worked in and around many nuclear power plants throughout the United States. At this point, I hear a lot of questions and a lot of comments on the safety conscious work environment. I can tell you that a safety conscious work environment is brought from the top down in a belief that anybody can go and have a result and has a path that leads them to result. It's a commitment from

the upper management to their people and from their managers down within the craft levels to the supervisors to the bottom of the pier that everybody has a place to go to get results. I have worked with this management out here, the upper management, the middle management and the management in the contractor level, and I can tell you that they are committed, that they will have a safety conscious work environment not only on this site, but within the FirstEnergy system. I have worked at all three plants for FirstEnergy. I have also worked for several other owners of nuclear power plants. I see no more commitment than what you have here at Davis-Besse from the upper management and from the levels coming down on safety conscious work environment. I believe that there's many avenues that the people out here have to go, not only from within the client themselves and within the owners of the property out here, but also with the NRC and with private ombudsmen and on down to that area, so when we talk about a safety conscious work environment, it does start from the top and you don't have the regime here that was always here. You have many new members out here that I have worked with throughout the industry, and I think you'll see a change and

there is a change, and I believe that the people out at the site have a way to go and place to voice their opinions and are not afraid to do that at any time. Any person out there that doesn't think they have that avenue has -- is -- cannot be completely truthful to themselves or to the people standing here if you heard those comments, because everybody at that site with honesty and integrity has fulfilled that commitment to have a safety conscious work environment. Thank you.

MR. GROBE: Thank you very much, Linda.

THEREUPON, the audience applauded.

MS. DOHRMAN: I'll be brief. I don't have a question. I just have a statement. My name is Linda Dohrman. I'm one of the managers at Davis-Besse. I work with the -- I work with the most professional bunch of people I have ever come across to the point that when I deal with people outside of the industry, I have little patience for the lack of high standards that I expect to deal with every day. I'm so proud of the team of managers that I work with, they're the best I have seen in over 20 years, yes, most of them are new. We are focused on safety. That professionalism goes

through the entire organization. I guarantee we are and we work in a safety conscious work environment. Thank you.

MR. GROBE: Thank you very much.

THEREUPON, the audience applauded.

MR. GROBE: You all are starting to look tired.

MR. GARCHOW: Good evening. My name is Steve Garchow, and I also work at the station. My responsibility there is the human performance at the worker level, and I think to give some context to a couple of comments I would like to make, I was a Licensed Senior Operator at a previous nuclear plant, and I also spent 13 years at the Institute of Nuclear Power Operations, during which time I visited every station in the U.S. with the exception of one, and I have been to International stations from Canada to India, so I have been in a few containments, and I worked with a few organizations, and it seems to me -- I'll just go to kind of these simple things the way I think in operator terms and really looking at a few things to restart our plant.

One is the physical attributes, the safety readiness, and we all know that's fairly easy to

measure. We can test things. We can run things, measure current and satisfy ourselves that they're ready to run and perform.

The second one is a little more difficult, and maybe what I would like to ask you to do and the commission and maybe even challenge you to do and that is the question of safety culture. I would ask you to come down and talk to our electricians, talk to our engineers and ask them what is different today than a year ago or two years ago, because I don't think you can get that sense from questionnaires or from newspaper articles. I think you get that from an eyeball to eyeball discussions with the people that are carrying the wrenches and turning the switches, and they are the guys that really make our plant operate, and I think you'll find that we have some of the best technicians in our country.

As far as our operating crews, we've heard from one of our shift engineers. I used to do crew evaluations on simulators, and, frankly, I would put our crew's performance up against any crew in the country, and I would also invite you to observe them, how they conduct their activities in the control rooms. The ~~pier~~ peer checks they're doing with our maintenance and craft~~ing~~ at the plant on a daily basis.

Thank you.

MR. GROBE: Thank you.

THEREUPON, the audience applauded.

MR. CUFF: My name is Jeff Cuff. I also am in operations of the Davis-Besse Nuclear Power Plant. A year ago you would have found me as a front line supervisor supervising a crew of 13 people on an operating shift.

In April of 2002, I was reassigned to the training department to train my peers.

In December of 2002, I was reassigned to a managerial position to assist in the restart effort of our power plant. In each of those positions, I've done my best to ensure the safety of the plant, to ensure the quality of training, to ensure the quality of restart.

Tonight I became a fox guarding the henhouse. The difference here is this fox has two children, they're 12 and 14. They live in Port Clinton. This fox has friends that live throughout Ottawa County, Carroll Township, Sandusky County, Perrysburg Township that all depend on the safety of this reactor. They all depend on me doing my job safely. It's a job I take very seriously. It also includes my own life because not only am I in jeopardy if

something goes wrong at that plant, my livelihood if we do not restart is also in jeopardy. I don't want that plant restarted if it's not safe, and it's my job now to make sure we don't take the next step until it's safe, and I will do that.

I also take risks in my life. December 2001, I took a flight down to Puerto Rico. I looked introspectively after September 11th and said, do I want to fly in this environment, and I said, you know, there are certain risks involved, but I believe I can do this safely. I also believe I can produce electricity safely and just as the FAA is looking at airplane regulations and being in their spective on themselves and how to improve safety there, Scott and Doug, men from the 350 Panel, everybody from Davis-Besse, all the advocacy groups, we need to consistently look at the mistakes we make in our lives. We need to learn from those mistakes. If you run a stop sign and hit a car, you'll stop twice every time from there on out so you don't make a mistake. We made a mistake. I wasn't at this plant in 1985, but I need people to push back on me so in five years and 10 years when the production pressure does come, and it will come, we put that in the scales and make sure the safety comes first

because I have to two kids whose lives are on the line. I have a livelihood that's on the line, and I like my life and I like my living. I need the NRC to push back, I need the advocates to push back, I need my own workers to push back and they do that. You go talk to any of the men I've supervised and any of them will come up to you and say, I can go to Jeff, give him my concern, and he's going to take it where he needs to take it. I can tell you we're doing work on a diesel generator tomorrow because one of the guys in my work group said we need to do this work. I pushed on my boss and it's gone into the schedule, and we're doing that work. I'm here to create environmentally safe electricity for northwest Ohio, and I need everybody to learn from their mistakes, and I need everybody to push back. Thank you.

MR. GROBE: Thank you.

THEREUPON, the audience applauded.

MR. GROBE: Yes, sir. I think this will be our last comment. Bill correctly pointed out we need to start clearing out at a quarter to ten, and it's about 20 'til, so welcome aboard.

MR. LANG: Well, my name is Ted

Lang, and I'm a Senior Staff Engineer at Davis-Besse, I just wanted to get away a little bit from some of the being an engineer, I wanted to get away a little bit from some of the human factors that talked -- one of the points an earlier speaker brought up. In particular, I have been charged with the developing an alloy 600 program for Davis-Besse, and that program, for those that don't understand what the meaning of that is, alloy 600 is, of course, the nickel base alloy that cracked on our reactor head that got us into this problem in the first place. My job is to make sure that our program is not just good, but really the best in the country, and I intend to do that.

First of all, as you're aware when you issue a bulletin, the guidance that you provide in it is somewhat up to the Utility that's used, what to take, what not to take and how to argue it, in your last bulletin, Bulletin 2002-02, we've taken for the reactor head not only the recommendations that you've provided, but we have met or exceeded all of those recommendations and committed that we would do that. Besides the reactor head, alloy 600 is used in other parts of the system. We have done complete and bare metal visual exams on every alloy 600 joint in the

system. We are committed to continuing inspections in the future written down in the program.

In addition to that, we've done, as the NRC is aware, bottom head inspections looking at the import nozzles which is not an industry practice and it hasn't been, to my knowledge, in any way mandated by the NRC in any way yet, and that -- and in that endeavor we intended to do a pressure test holding for seven days at considerable cost during our start up activities. All of these things are -- I would have to say above and beyond what the industry in general has been doing, and we intend to continue those things.

Furthermore, in the program, we will have more or less requirements and expectations of the program owner to not only do inspections proactively to make sure that we continue those inspections in state of the art, using state of the art techniques. We've also done some proactive inspections above and beyond ASME Code where we've actually cut into the system and done the base of inspections.

Furthermore, in some cases we've made decisions to replace those materials with alloy 690 which would, of course, be more resistant in the future, so I just wanted to address that a little

bit.

Another thing, gentlemen, before me, many speakers before have talked about why aren't we doing things like instituting a photographic program where we take pictures and compare them to the past, well, that is part of the program, so I just wanted to point that out.

MR. GROBE: Okay. Thank you very much.

THEREUPON, the audience applauded.

MR. GROBE: I think we've met or exceeded our expectations for tonight. Our goal was to be able to communicate with the public, and, as Howard Whitcomb appropriately pointed out, diverse views result in the best outcome, and I appreciate all the views that were expressed here tonight. Those of you that are interested can participate in the January 30th meeting telephonically or you're welcome to travel to the Windy City and visit with us personally and --

Okay, who has the date for the next 0350 meeting? February 11th is our next 0350 meeting, so thank you very much.

MR. DEAN: And if Debbie from the Camp Perry staff is around, thanks for your help in

trying to make sure our sound system worked.

THEREUPON, the hearing was adjourned.

CERTIFICATE

STATE OF OHIO )
) ss.
COUNTY OF HURON )

I, Marlene S. Rogers-Lewis, Stenotype Reporter and Notary Public within and for the State aforesaid, duly commissioned and qualified, do hereby certify that the foregoing, consisting of 117 pages, was taken by me in stenotype and was reduced to writing by me by means of Computer-Aided Transcription; that the foregoing is a true and complete transcript of the proceedings held in that room on the 14th day of January, 2003 before the Nuclear Regulatory Commission.

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

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

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

My commission expires 4/29/04