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

Meeting held on Tuesday, August 20, 2002, at 7:00 p.m. at the Oak Harbor High School, Oak Harbor, Ohio, taken by me, Marlene S. Rogers-Lewis, Stenotype Reporter, and Notary Public, in and for the State of Ohio.

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PANEL MEMBERS PRESENT:

U. S. NUCLEAR REGULATORY COMMISSION

Jack Grobe, Chairman of the NRC oversight panel for Davis-Besse facility

William Dean, Vice Chairman, MC 0350 Panel

Christine Lipa, Branch Chief, Region 3

Anthony Mendiola, Section Chief PDIII-2, NRR

Douglas Simpkins, Resident Inspector - Davis-Besse

MR. GROBE: Okay, I think we're getting ready to start here. Why don't you all find a seat.

Good evening. My name is Jack Grobe. I'm the Chairman of the NRC's oversight panel for the Davis-Besse facility.

Let me introduce the staff up here on the stage and introduce the purpose of the meeting tonight. On my far left is Tony Mandiola. Raise your hand, Tony.

MR. MANDIOLA: (Indicating).

MR. GROBE: Thank you. Tony is a supervisor in our licensing organization in Washington, responsible for Davis-Besse licensing coordination activities.

Also on my immediate left is Bill Dean. Bill's the Vice Chairman of this oversight panel, and he's the Deputy Director of the Division of Engineering and the Office of Nuclear Reactor Regulation, which is an office in our headquarter's offices in the Washington D.C. area.

On my far right is Doug Simpkins. Doug is the Resident Inspector at Davis-Besse. He works for the Nuclear Regulatory Commission, but he works at the Davis-Besse facility every day. He's one of two

inspectors that are assigned full-time to the facility.

On my immediate right is Christian Lipa. Christine is the Branch Chief in our Chicago office of the Nuclear Regulatory Commission, responsible for Davis-Besse, and I'm also out of the Chicago office.

Sir, if you could put your sign down -- thank you. I appreciate that we have folks with signs, if you could not elevate them, I'd appreciate that. That gives people behind you an opportunity to observe the meeting.

The purpose of the meeting tonight is a continuation of our ongoing dialogue with the public regarding Davis-Besse. We conducted a meeting this afternoon from about two to 5:30 or 5:45 with the Licensee and provided an opportunity for folks that were able to attend this afternoon to ask us questions or provide comments. Recognizing that not everybody can attend a meeting during business hours, we also have a second meeting in the evening for those folks that couldn't make the afternoon meeting, so I'm glad that all of you came. The purpose, again, of the meeting this evening is to provide you just a little bit of background information, and then give you an opportunity to ask questions, provide

comments. I think we have two opportunities. You should have received, out in the foyer, copy of some handouts that we have, as well as some question cards. If you don't want to approach the microphone, you can fill out a card and forward that card up and we will answer the question that way.

Before we get started with questions and comments, I want to ask Doug Simpkins and Christine Lipa to give a little bit of background information on nuclear power and what happened to Davis-Besse and the activities of the NRC's oversight panel, so let me turn it over to Doug and Christine.

MR. SIMPKINS: Hopefully everybody got a handout when you came in today. This is the large handout.

On this side that has the picture of the containment it list the Barriers That Protect Public Health and Safety. I'm not going to read those to you, but what I am going to do is I'm going to direct you to the drawing here in just a moment.

Over here I have a slide up here of -- from our website which talks about a typical pressurized water reactor. Now what happens is -- Christine, I'll need to point.

MS. LIPA: Oh, okay.

MR. SIMPKINS: The nuclear reaction occurs right here in the reactor vessel. What that does is it generates heat energy which is carrying the pressurized water through pipes in a continuous loop like this, (indicating), and as it does, it goes through a steam generator here, and this steam generator is a heat exchanger, kind of like the radiator on your car, and what it does is it transfers heat energy from this water over to this water. The water in here is pressurized. The water here is not, and so when this water on the secondary side gets heated up, it turns to steam. The steam comes out the top, the steam generator in this picture, comes through pipes and then goes to a turbine and turns the turbine. Once it turns the turbine, this is attached to a shaft, which turns the generator, and the generator is what, in turn, makes the electricity. The steam continues down through here and goes into what's called a condenser. The condenser is cooled by water coming from the circ water system, which is the cooling tower that everybody sees, the 493 foot structure out at the Davis-Besse site, so that water comes from the cooling tower, comes in through here and continues out. The water here does not mix with the water

over here, okay, so you have three cycles. You have this cycle, you have this cycle, and you have this cycle. They are all contained for themselves.

The reactor, since it's pressurized, is a lot like a pressure cooker that you might have at your house. The part right here is the reactor head. Next slide.

The reactor head is bolted to the rest of the vessel. We've taken that out, we wanted to show you some important things about this. The reactor head is about six inches thick of carbon steel, and you control the nuclear reactions with control rods. These control rods will raise and lower depending on what your needs are for the reaction.

As they go through the head, they go through a nozzle and allow the control rod to continue on into the core. Next slide, please.

This is a picture of the nozzle, and the control rod goes in through here and down into the core. As it goes through the six inches of steel -- they had to seal it some how, so they put what they call a J-groove weld right here. Well, when they put -- my laser is going dead, when they put this in, it had stresses in it, and, subsequently, developed cracks over a period of time. It's an interesting

wide phenomenon unknown. What happens is the water that can go through the cracks, can go up into here. Now, the water that's inside the reactor has boric acid in it. Boric acid is very similar to sodium borate, which is borax in the store, but it's very pure. They call it -- they refer to it as boric acid, so the boric acid comes in through here, can get on the carbon steel. It's corrosive to carbon steel, it can dissolve it away.

The inside layer here is stainless steel, it's about an eighth of an inch thick. It's called cladding, and it is not dissolved away by boric acid. Next slide.

This is an honest rendition of what the cavity looks like. The control rod nozzle has been removed here, and what had happened was the boric acid leaking water came up through here and dissolved over time this area here, so that it was left in with a cavity. It did still have the thin layer of cladding here, which is about an eighth of an inch thick, which retained a function of being a pressure barrier. Next slide.

This is a picture from the outside of the reactor head. This area right here, these are called weep holes, and this is a service structure,

which is kind of like a top hat on top the reactor head, which is here. This head will continue out this way. What you see here is boric acid coming out of the weep holes from around the head in different locations. This is boric acid. Normally this is white, but, in this case, it actually is red from oxides, and that was presumably from the corrosion products from the head coming out through these weep holes.

Now, on your diagram, you can see here that you've got a containment structure all the way around. The inside lining is a steel containment vessel, and then you have the shield building around. The shield building is concrete, reinforced with steel rebar. You can see the reactor vessel on the bottom of the steam generators as well.

To replace the head, they're actually cutting a hole in the concrete service structure, and then will eventually cut a hole in the stainless steel reactor vessel, containment vessel, as well, and they will be able to get the old head out and the new head in.

MS. LIPA: Okay, the next thing we were going to do was talk about the -- our panel here, and we're called the 0350 panel which is based

on an inspection procedure, 0350 that we used to guide our activities, and the first slide is basically to update the public on what we've done since the last public meeting, and what we have been doing is monitoring the Licensee's activities associated with the vessel head replacement. As you know, they got a new vessel head from Midland, and they're replacing the old one that had the corrosion on it, and also they are preparing to open up the containment to bring the new vessel head in and remove the old one out.

The next bullet on this slide is we held an AIT follow-up inspection which followed up on their results of the AIT inspection which we exited on April. That report has been issued, and then we held an AIT follow-up inspection to come out and determine which of those findings are violations of regulatory requirements, so we've held the exit on those with the Licensee, and we've given them the examples. We have yet to finalize our conclusions and issue our report. We estimate that to be the middle of September.

The next slide is some other activities that we're doing as a result of the 0350 panel. We've determined that certain inspections will be

necessary. One of them we've completed is the containment walkdown inspection Part 1, and that did identify some problems with qualifications of the plant's inspectors, and as a result they've gone back and redone their inspections, and that report will be available in the middle of September.

The next bullet is we had a meeting last week in the Region 3 office to discuss the Licensee's root cause associated with management, organizational effectiveness and human performance factors.

What the Licensee had done was they did a root cause early on that they submitted to us in April that addressed the technical factors as far as the leaking through the nozzle and that boric acid will corrode steel, which are known conditions, but how this was allowed to occur at Davis-Besse is what the second root cause focused on.

The next bullet -- the next slide. This is just to let you know some upcoming activities that the 0350 plans. We'll be continuing to monitor the activities associated with head replacement. We have an inspector on site this week following the activities with the opening the containment and bringing in the new head, also reviewing the American Society of Mechanical Engineering codes associated

with the new vessel head.

Also the second bullet will be evaluating the root cause that they submitted. They plan to submit that to us on the docket, which means they will be mailing us a letter which means it will be available publicly, and then also we'll be beginning the management of human performance inspection, which will focus on a really thorough review of how thorough we believe the Licensee's root cause was and what corrective actions they have planned based on that root cause and when they're going to take those actions.

And the next bullet, another one of our upcoming inspections is a program effectiveness. This is one of the Licensee's Building Blocks that they have determine that there are a number of their programs that need to be reviewed for adequacy of the station, and we'll be reviewing their progress and looking at those programs and making those programs better programs. Some of the examples are listed here, the corrective action program, boric acid corrosion control program and modification control program.

We've also stated Part 2 of the containment walkdown inspections. As I mentioned earlier

because of some qualification problems early on, the Licensee had to retrain individuals and pretty much start their walkdowns in containment from scratch, so we plan to continue reviewing what they're finding from those walkdowns, how they plan to prepare confine that show some damage.

That's it for that slide, and then there's a few more here we can go through.

The next thing I wanted to talk to you about that the 0350 panel has been working on is what's called a restart check list, and we issued our restart checks list on August 16th to the Licensee, and this is also a publicly available document, and it lists the items that are required prior to restart, and I'll just go through a few of them to give you a sense of what we're trying to accomplish with this restart check list.

We're trying to make sure that we understand that the Licensee has come up with the root cause, and that their review of that root cause is adequate. Also, to make sure that all safety significant structure systems and components are ready for safe operation prior to restart, and also to make sure that we understand what they've done for reviews of their programs such as boric acid, corrosion program

and root cause analysis are approved and that they ensure safety, and that's really all I have on that. We've got a number of points there, and it's available on our website.

The next thing that I wanted to do is summarize for you some of the items that we learned when the Licensee came in last Thursday and shared their root cause, and I just have five bullets that I wanted to go through.

When the Licensee came into the Region 3 office last Thursday, they had -- no, I don't have a slide on this. They presented to us their summary of their root cause, and they went into how they had these findings and what they have. Let me just share a few points with you.

One of their conclusions was that there was a focus on production established by management combined with taking minimum actions to meet regulatory requirements that resulted in the acceptance of degraded conditions at the station.

They had one root cause with management oversight where they determined that there was a less than adequate nuclear safety focus and a production focused combined with the minimum actions to meet regulatory requirements.

Also another root cause had to do with the corrective action program. The Utility's had a corrective action program so that they can find and fix programs, and this is something that we expected. It's also required by regulations. They had a program, and it was a sound program that they found instances where they were not implementing that program properly.

Another example in the root cause was technical rigor. What they determined was that they were not adequately reviewing conditions from a technical prospective, and they were addressing the symptoms more than the actual problem, and then there were also some problems with program compliance, the boric acid corrosion control procedure which is the one that would have identified those red streaks that you saw on the picture, it would have identified the cause of that. It would have cleaned it off. It would have evaluated what the condition of the metal was underneath the boric acid. They did not follow that procedure, so those were the findings that the Licensee came in and share with us.

UNIDENTIFIED: I don't understand, though, with all of these different regulations and reports they have, how's come the NRC resident

inspector or anybody else in the NRC didn't pick up on this before all this time went past?

MS. LIPA: Well, I appreciate that you have a question. What we're going to do is finish up a few things here and then we'll turn it over to public questions and answers, and you'll be available to come up here so that we can get your question on the record, and then we'll address it at that time. Okay? Thank you.

UNIDENTIFIED: That was a good question.

MS. LIPA: Well, like I said, we'll get to questions in a few minutes.

UNIDENTIFIED: How long have you worked there, Doug, out of curiosity?

MS. LIPA: The -- if you could just hold your questions for a few minutes, please. The -- I think that's about all I wanted to cover as an introduction.

I was going to go through a few more items just for those of you that missed today's meeting, just to let you know what we did during today's meeting, which was about three hours long, was we discussed with the Licensee the progress that they're making on their various Building Blocks, and we asked

them to give us an update, and we asked them questions to make sure we better understood the Building Blocks and the intent is that we planned specific inspections for each of those Building Blocks and then the results of those inspections will be published in inspection reports, so that's kind of the process from where we're headed. That's all I had for a summary of today's activities.

MR. GROBE: Okay. Thanks, Christine. Ma'am, why don't you come on down, and you can sign in and everybody can hear your question, use the microphone, and we can begin answering questions.

As you come down, I'd like to introduce a couple more folks in the audience that work for Nuclear Regulatory Commission; Roland Lickus. Raise your hand, Roland.

MR. LICKUS: (Indicating).

MR. GROBE: Roland works out of the Region 3 office in Chicago. He's our State and Govern affairs liaison.

Right behind him is Vika Mitlyng. Vika is a Public Affairs Officer in the Region 3 office, and we have John Johnson here. John is visiting from Washington. He's the Deputy Office Director from the

office of Nuclear Reactor Regulation in Washington. I think I've hit -- oh, Nancy Keller, you may have met -- there you go, Nancy. Nancy is our office assistant here at the Resident Inspectors office, and she's helping us with the logistics of this meeting.

Ma'am, please come down and approach the microphone.

PROF. LINEBAUGH: This is time for questions now?

MR. GROBE: Yeah.

PROF. LINEBAUGH: All right.

MR. GROBE: Hang on. Just relax.

PROF. LINEBAUGH: Do we line up for the questions?

MR. GROBE: If you want to.

PROF. LINEBAUGH: What is the format for this evening's meeting? You passed out an agenda --

MR. GROBE: Sir --

PROF. LINEBAUGH: -- but you didn't ask us what we thought of the agenda, and we would like to have some idea so we can have a public meeting in a Democratic way, not being -- without experts over a moat here like a castle up on a stage speaking down to us when we have our questions --

MR. GROBE: Why don't you have a

seat, okay?

PROF. LINEBAUGH: Yes, I shall.

MR. GROBE: Thank you.

PROF. LINEBAUGH: But would you tell us the format of this evening's meeting?

MR. GROBE: Yes, very good. What I would like you to do, if it would be all right, is come to the podium, and you can sign in so we have your name, and we have a transcriber here this evening. If you use the microphone, then everybody in the audience can hear your question, and then they'll also be able to hear our answer. I want to, if we can, take this in a little bit of order, and, ma'am, you asked a question earlier, so you can be first, but what I'd like to focus on is members of the local community first that are living in this community and local public officials or representatives, public officials, and then any other concerned citizens can come next and -- did I hit them all?

MR. DEAN: (Nod indicating yes).

MR. GROBE: I think -- is that a structure that is well understood, okay? And I'd like to ask everybody to show respect for one another. Okay, go ahead, ma'am.

MS. JOHNSTON: My name is Charlene Johnston, and my question is with all the regulations that the NRC has and all the quality assurance programs that they have, why wasn't this problem caught a long time ago? I mean, it's a simple question. What's the simple answer?

MR. GROBE: It is a very good question. The -- excuse me. I can tell you that through the NRC inspection program, we have a group -- what we refer to as our reactor oversight process. It has a base line level of inspection at every nuclear plant in the United States, and we did not disclose this problem through that base line inspection program. The --

MS. JOHNSTON: I mean, all the reports that came that showed that there was rust from the boric acid problem, all those reports that were filtered to the NRC, I mean, who read those reports and who didn't report on to that to the rest of the NRC that there was a problem?

MR. GROBE: Yeah, there were no reports received by us that this was going on.

MS. JOHNSTON: You don't require any --

MR. GROBE: Can I answer your

question? Because our inspection program failed to disclose this earlier, the top individual in the Nuclear Regulatory Commission -- his title is the Executive Director, put together a task force, and the people on this task force are folks from all different offices of the Nuclear Regulatory Commission that don't have any relationship or involvement in the activities at Davis-Besse -- the individual that chairs it from our regional office in Texas and there's an individual from our office of research who is assisting him from --

MS. JOHNSTON: Yeah, I understand all that --

MR. GROVE: Ma'am, please let me --

MS. JOHNSTON: -- but what's the answer to the question, I don't know the answer.

MR. GROBE: I don't have the answer yet. The lessons that -- it's referred to as the Lessons Learned Task Force, and they're scheduled to complete their report at the end of September, and I know that they've completed all of their interviews and background work that they're doing and their report is to due to be --

MS. JOHNSTON: I mean, I'm not

talking about a future report, I'm talking about reports that would have been filed in years gone by and the months that have gone by before it came out that this was public. Why didn't the NRC know about it before?

MR. GROBE: There were no reports that were submitted that disclosed --

MS. JOHNSTON: And that's not required, you know, from the Utility, that's not required that they file reports with you about these things?

MR. GROBE: That's correct.

MS. JOHNSTON: That's amazing, isn't it?

MR. GROBE: The -- yeah, the Licensee has what is called the corrective action --

THEREUPON, the audience began to applaud.

MR. GROBE: The Licensee has what is referred to as a corrective action program, and when they identify a deficiency at the plant, they document that in what's referred to as a condition report. That's the title that they use at Davis-Besse, and they evaluate that condition and are supposed to -- and they are required to fix it. In this case, they did not do that, and they failed to

follow those requirements.

Are there any members of the local community that have a question?

PROF. LINEBAUGH: Yes, yes, I'm here at the podium --

MR. GROBE: Good.

PROF. LINEBAUGH: -- showing courtesy and respect by holding my tongue. You asked earlier whether --

THE REPORTER: Your name?

PROF. LINEBAUGH: Yes, I'm Dr. Peter Linebaugh, Professor of History at the University of Toledo on my way to New York downwind of Davis-Besse speaking, and I regard myself very much as part of the local community, have been for years and intend to remain so for future years, hopefully without mutation only if possible by shutting down Davis-Besse. This is the only way to go. I think we have had it out of the man's mouth --

THEREUPON, the audience began to applaud.

PROF. LINEBAUGH: -- that he received out of the Nuclear Regulatory Commission's mouth, he confessed to the first question that they received no reports from those who may hold the Licensee.

MR. GROBE: Excuse me, sir, could

you face the microphone, please?

PROF. LINEBAUGH: No, I'm speaking to my fellow citizens.

MR. GROBE: Well, then --

PROF. LINEBAUGH: You may listen.

THEREUPON, the audience began to applaud.

PROF. LINEBAUGH: This is our meeting and you are our guests.

MR. GROBE: Sir --

PROF. LINEBAUGH: From your own mouth you have said you've come here to speak to the public, and such as the public has been able to come, we are here, and we are engaging in a dialogue, so you can treat us also with respect as we do to you.

MR. GROBE: I was just trying to be --

PROF. LINEBAUGH: It's very serious. Since last November it has become clear that the NRC has advocated its responsibility to the public, and I am shocked, and I must vociferate with you. To come here and to be shown technical slides of -- you know, I know at the last minute is a bit difficult to get everything just so-so up there, and I commend you for your effort; however, the subject matter is not what brings -- that you showed us is not what brings us

nor is it what we expect from the NRC.

In 1660, in the age of coal, when the City of London burned down owing to a baker's fault, Sir Christopher Wren did not invite some people in to show slides about what was wrong with the oven, and, now, that our City and our County and our locality and our State is in grave danger, to have the representatives of the Federal Government come here and fail to recognize the serious danger that we have been in, that our offspring is in, that other living creatures are in, owing to a three-eighths inch difference between us and what, Chernobyl, Three-Mile Island, Armageddon? Not to address that question as our common goal here tonight shows to me dereliction of duty and an amidation of your responsibility to the public, and I think the NRC should be ashamed to have succumbed to the profiteering, graven, humiliating actions of this FirstEnergy Corp.

THEREUPON, the audience began to applaud.

MR. GROBE: I don't want anybody to interpret my comments by any stretch as making excuses for FirstEnergy, but I did want to explain a design feature of every nuclear power plant, which you may not appreciate.

Could you put up that slide of the -- that

has containment and the reactor coolants -- that there are actually --

UNIDENTIFIED: If the laser pen will so work --

MR. GROBE: I'm sorry.

UNIDENTIFIED: -- you know, we're so dependent on the technological fix here.

MR. GROBE: There are actually three barriers to the release of radioactive materials in a nuclear power plant.

The first barrier is the fuel itself, and the fuel is comprised of a ceramic, inside a zirconium alloy pen, and that's the first barrier to release radioactive materials.

The second barrier is the reactor coolant system or -- it's referred to as the primary pressure boundary, and you're exactly correct that the carbon steel portion of that primary pressure boundary was corroded away, and the remaining stainless steel was never intended to retain pressure as a corrosive inhibitor, but not an intended -- or designed to be a pressure retaining boundary.

The third barrier is the containment structure itself. The first barrier and the third barrier were intact, so had the reactor coolant

system, primary pressure boundary breached, there were still two barriers from the release of radioactive material, but I appreciate your comments. Thank you very much. Yes, sir?

UNIDENTIFIED: I think we have a -- set a little precedent here. I'd like to follow it. Mike Ferner had some statements to have --

THE REPORTER: Excuse me. Could I get your name?

UNIDENTIFIED: I'm speaking on behalf of Mike Ferner.

THE REPORTER: Could I get your name?

UNIDENTIFIED: Mike Ferner had comments that he wanted to make. Unfortunately, his dad died, and he was unable to come, so I'm going to read his comments in his absence.

The Davis-Besse Nuclear Plant is too dangerous to reopen for many reasons, and here are three:

Negligent, derelict, reckless arrogance masquerading as a maintenance program.

No. 2., a frightening history of razor-thin escapes from catastrophic accidents, and not one, but several. If Hollywood wants a real thriller, they only need to contact FirstEnergy Corp. for a script.

And, No. 3., a complete lack of any semblance of Democratic control over the nuclear industry.

The first reason to keep Davis-Besse closed: A Maintenance Masquerade:

Ask any technical expert or talk with John Kiely in Toledo, a Ph.D. in structural engineering who spent over six years designing the reactor containment buildings for the Bechtel Corp. He will tell you that when you're running a nuclear plant, strict adherence to meticulous maintenance is your guide to avoid catastrophe.

As John Kiely said in a news conference recently, Clearly, Davis-Besse has not had that kind of maintenance. And without it, all bets are off that the containment building can withstand a major accident.

All bets are off!! So much for FirstEnergy Corporation and the NRC's faith in the containment building that will always ensure that there is no danger to the public; that we will be safe from the deadly poisons created in that reactor.

Poor maintenance can cause a containment building to fail, and let me tell you why it matters.

We've heard about the hole rusted into Davis-Besse head. Here's why we should care if 600

degree water at 220 pounds pressure -- I'm sorry, 2,200 pounds pressure comes screaming out of a hole in the reactor vessel.

We would see the unraveling of a true nuclear nightmare - what corporate and government spin doctors politely call a loss of coolant accident that could very plausibly lead to a breach of containment.

What happens next -- right here across northern Ohio, Lake Erie and beyond, was last studied by the Nuclear Regulatory Commission in 1982 when the NRC estimated the first year between 1,400 and 4,200 people will die from radiation sickness - an incredibly nasty way to go, and 73,000 more people will be injured and sickened from radiation exposure over time;

10,000 people will die from radiation-induced cancers;

An unknown number of people will contract non-fatal cancers with chemotherapy, a regular part of their lives;

84 billion dollars in property damage and that would be 1980 dollars;

A 15-mile radius where deaths will occur;

And a 70-mile radius where injuries will occur.

Right here, friends. To the people of Oak Harbor, Fremont, Cleveland and Toledo. To the many species in nearby Sandusky Bay and Lake Erie. To farmers and the land, and for many hundreds of years.

The second reason to keep Davis-Besse closed: Brushes with Catastrophe: Let's highlight three incidents.

In 1977 when the plant first opened at low power, it had an accident exactly like the beginning stages of Three-Mile Island.

1985, when according to the NRC's lack of -- and I'm quoting now, "lack of attention to detail in the care and plant equipment, the Licensee's history of performing maintenance and evaluating operating experience in a superficial manner" caused the plant to lose feedwater flow and come within 45 seconds of uncovering a reactor core -- 1985.

1988 when a tornado struck Davis-Besse, destroying electrical transmission equipment and forcing an emergency shutdown. For two days equipment problems frustrated efforts to keep the reactor under control.

But what's worse than all of the above is the third reason to keep Davis-Besse closed: That is the lack of Democratic Control:

When our Government continues to promote and subsidize nuclear power long after it has been proven to be an unacceptable threat to the life on our planet, no further proof is needed that we the people do not control public policy.

Albert Einstein warned us that to the village square we must carry the facts of atomic energy, and from there it must come America's voice. The father of atomic age knew the decisions about nuclear power were so grave that only -- the only way to make them safely was with democracy. But self-governance has not been our history. Private interests like the nuclear industry -- assisted by their willing handmaidens in Government -- have captured the very means by which we are to promote the general welfare and make a better life for all of us.

The robed agents of property sitting on the Supreme Court have given corporations the same - and more - Constitutional protections than flesh and blood persons.

What does this mean in real life? It means that in 1976 citizens in Ohio -- some of them here today -- with a total budget of $30,000 could collect a half-million signatures to place a nuclear safeguards issue on the Ohio ballot. And utility

companies from around the country -- protected by the First Amendment -- could pour in two million dollars to defeat it.

It means that corporations have been granted personhood, have Fourth Amendment protections against unreasonable searches. This means no surprise inspections on company property from OSHA or the NRC -- regulatory agencies that we're told are created to protect us when, in fact, they serve their corporate masters.

It means rights continually trump -- it means property rights continually trump human rights. Continually trump real persons' ability to create a better life and protect this planet from greedy brutes.

It means that we must not only work to keep Davis-Besse closed and work to protect the incomes and jobs of Davis-Besse workers, we must also learn our histories and develop new ways to strip corporations of the rights they have usurped from us.

You have heard this elementary law of physics: Two bodies cannot occupy the same space at the same time. Just as that is impossible so, too, is it too impossible for corporations to have rights of persons and ours not be diminished; for

corporations to exercise free speech and not diminish our rights.

Remembering Einstein's words: To the village square, we must carry the facts of atomic energy; from there must come America's voice. He didn't say from the NRC or from patronizing CEO's -- but from the village square, from we the people, from whom all political power in this nation is supposed to come.

In the coming months we will take the facts from atomic energy, and I would add, the story of how our rights were handed over to corporations -- to the village square. From there must come America's voice. Mike Ferner.

THEREUPON, the audience began to applaud.

MR. GROBE: Do you need a copy of that? Were you able to --

THE REPORTER: Yes, if he's got an extra copy.

MR. GROBE: Yeah, could you, sir, do you have a copy of your letter?

UNIDENTIFIED: Yes.

MR. GROBE: The transcriber had a great amount of difficulty because you were facing away and the microphone was a little bit --

UNIDENTIFIED: Yes.

MR. GROBE: Do you have an extra copy? That would be wonderful. I appreciate your comments.

The one thing that you said that I would like to reinforce is that the management and staff at the Davis-Besse facility clearly did not meet our expectations. They did not meet our regulatory requirements and that's -- those performance deficiencies are why the plant is shut down now, and the role of the oversight panel is to make sure that the -- if the plant restarts, that it's in a save condition when it restarts and we make a recommendation to the senior managers and the agencies and that decision is made by the regional administrator in Chicago as well as the director of the office Nuclear Reactor Regulation in Washington, so I appreciate your comments.

Are there other members of the local community here that have a comment?

MS. MUSER: Yeah, I have a comment. My name's Mary Jo Muser, and I have lived in northern Ohio all my life, as have my three children and now my four grandchildren. The numerous safety problems at Davis-Besse, we all know what they are from the hole in the head, rust

particles throughout the plant, workers going home with radioactive particles on their clothing, and now even a leaky containment building. Our sadly -- a symptom of the nuclear industry that has a history of poisoning our earth and its generations for at least a quarter of a million years to come. From the mining of the uranium itself which produces 180,000 metric tons of contaminated waste in one year for the average plant to the radioactive gaseous air releases during the normal operation of the nuclear power plant, not to mention the scrapped fuel rods and radioactive waste, etc., etc. The fact remains and always will remain, there will never be any safe way to dispose of this poison that continues to threaten life on this planet, our home.

We have 50 years of leaky radioactive unstable dump sites to prove this. How can the public depend on the NRC, that in our not too distant past allowed burial of nuclear waste in cardboard boxes. How do we trust an industry that routinely sells uranium to three aid as scrapped to be recycled in consumer goods. How do we trust an industry that puts short-term profit over life itself. What right does the nuclear industry have to threaten that which our creator has given us.

It is time to address the fact that from it's very beginnings of the Manhattan Project to Hiroshima to Chernobyl, Three-Mile Island, Indian Point and now Davis-Besse that we have created mistakes time and time again with long-term ramifications too massive to fully understand. We will be long gone while generations to come will be left -- if they survive to deal with the problems in the form of nuclear poison we leave behind. We must look to cleaner energy for our planet. The earth is finite, and we cannot afford to disregard this fact. There is no way to get rid of the poison that this industry has spread throughout the world and we have time bombs in the form of spent fuel and radioactive waste everywhere. This is our legacy for generations to come. What a sad one it is.

There is something fundamentally and morally wrong about this. We all know this deep down inside at the very base of core of our human level. When I look at my daughter raising her children to have morals and a belief in a future, it makes my heart heavy and I wonder how do I explain to them about greed and the evil things that are done in the name of profit. My question is how do I explain to them why money is more important than the future or their

lives themselves. I implore you not to ignore the warning signs again and again, but to learn from our past mistakes. Let's work together as part of the greater family called humanity and build a future as safer, cleaner energy. It's time to put the dinosaur of this nuclear nightmare to rest once and for all. Thank you.

THEREUPON, the audience began to applaud.

MR. WHITCOMB: Good evening. My name is Howard Whitcomb. I'm here tonight as a resident of Oak Harbor. I have been a resident of Oak Harbor since 1985.

I don't want to be rude to anyone, but my comments are directed to the NRC based on what was presented this afternoon.

I've had an opportunity from 6:00 to 7:00 to review FirstEnergy's documentation to the best detail that I could in that time frame. I've reviewed my notes, and I have several concerns, and if you don't share the concerns, then I agree with the four folks that have already presented their comments more eloquently than I could do, but I think that in essence the theme is, you folks, I'm not sure what you're doing as an entity.

This afternoon for the third time, I have

heard the COO of FirstEnergy state how great a performer they were, okay? Nonsense. It took years for this reactor vessel degradation to occur.

Now, you can hide behind the fact that the machine operated, I can run my car at 6,000 RPM and it will probably last until I run out of oil, and that's exactly what happened. They ran this thing until it couldn't run any longer. I take exception, Mr. Simpkins, with your casual statement that a three-eighths inch -- you said one-eight inch stainless steel cladding acted as a pressure boundary. That is not its design.

Second of all, I take exceptions with your comments, Mr. Grobe, this specific accident has never been analyzed. Period. We run the fuel temperatures at 2,100 degrees. Melt down is at 2,250. There's a very slight margin of error.

If there had been a rupture in that reactor vessel head, there would have been no containment of water in the reactor vessel. Everyone in this room knows when you boil water at atmospheric at 212 degrees it turns to steam. What do you think is going to happened at 600 degree water at 2,200 P.S.I. all of a sudden exposed to the environment of atmospheric conditions? It all turns to steam.

You haven't told the public about the safety relief in the containment structure and how they're going to relieve, so don't sit there and tell us time and time again how we had two other barriers of safety that has never been analyzed. Period.

THEREUPON, the audience began to applaud.

More troubling, however, and I am disappointed in your panel because you didn't point this out, and I had to point it out this afternoon, and I don't know how many people were there, but I'm going to make an issue of it again.

This plant was shut down in March of this year, we had all of these plans and this implementation that was going to occur from FirstEnergy. They march off smartly using unqualified personnel, using inadequate procedures and went and did all these inspections in the plant but for the efforts of your, Mr. Holmberg. He identified two violations in July, and now they have to go back to square one and redo those inspections. Well, you know what? That's one example. What other activities are going on in the plant to inadequate criteria or with unqualified personal?

Second of all, I'm very concerned about the fact that they've hired all of these outside

contractors to come and do these very technical activities. When all these contractors leave the site, who's left? We have had no assurance from FirstEnergy that they have any plan whatsoever in place to assure that this same thing isn't going to happen again, and I've got to tell you what I saw today was we've got this restart activity and we're looking in the middle of October to be ready to start this plant up. I haven't heard anything yet coming close to a root cause analysis. I'm going to cite what Mr. Pearce, the Vice President -- Vice President of Oversight said today.

Root cause, FirstEnergy Nuclear Operating Company, nuclear safety values, behaviors and expectations were inadequate to enable oversight to effect needed positive change in station operations.

The first word that comes to my mind when I hear that is filibuster, okay? That has absolutely no meaning and, furthermore, it's not a root cause. It's a symptom. The question is why were things inadequate? That's what we want to know. We want to be assured that it isn't going to happen again.

The gentleman that cited Mr. Ferner's letter regarding Harold Denton's letter of August 14th, 1985, I have raised those issues prior to this

meeting. I got to say that if we're relying on what Harold Denton found and the NRC found back in 1985 as the basis for the root cause analysis today, we're missing the boat. You're missing the boat. We're the residents of this community that have invested our lives here. We're not going to stand up and have another near miss, and to add a little more detail to what was already provided, when there was that loss of offsite power incident, the same equipment that had failed on June 9th, 1985 failed again in 1987.

Thirdly, in 1993, the auxiliary feedwater system was found to be valved out of service, and they were cited for it, and, I believe, Mr. Grobe, you were involved with that citation.

Now, Davis-Besse has had a series of problems, management, technical, mechanical failures, electrical failures.

The biggest issue today before us is what are they doing about the management issues? Changing the faces isn't going to do it. It's a cultural problem, and they have known about it for years, and you have known about it for years; you specifically, Mr. Grobe.

Now it's time to come clean and tell the

story the way it should be. I don't understand why as a member of the public I can't ask FirstEnergy questions. You have done everything in your power to isolate them from the public, and I'm a member of the public --

THEREUPON, the audience began to applaud.

MR. WHITCOMB: And I have worked for NRC. I have worked for Toledo Edison. I'm a nuclear qualified engineer in the Navy, and I'm damn proud of it, and I don't want a bunch of rhetoric being thrown around trying to deceive the public that everything is fine. Everything is not fine, sir. Thank you.

THEREUPON, the audience began to applaud.

MR. GROBE: Just a couple comments, Howard.

I think you've attended every meeting we have conducted here so you have a fairly detailed knowledge of the issues that we have raised. I couldn't agree with you more in simply replacing some managers does not solve the problem, and it's an issue that we have reinforced over and over again at these public meetings and was even discussed again this afternoon and you're absolutely correct that this is a cultural issue, the way the people at the

plant thought about their responsibilities and made decisions and that needs to be changed. I believe that will be the pacing issue for restarting. I don't know where you got the date of October, whatever. I've not seen a date published by us or anybody else.

The challenge that FirstEnergy faces is understanding how to change the cultural attitudes of the people that work at the plant, and the plant won't restart until the NRC is convinced that that's occurred and that the plant can be operated safely.

Other questions or comments? Yes, sir?

MR. LODGE: My name is Terry Lodge, I'm from Toledo. The wrong part of the NRC is here tonight. I think the five commissioners ought to come out and listen to this anger and this knowledge, this knowing perception of what's going on.

There's a -- I have been to a number of these hearings also, and I have been watching things on the website, and I have been staying current in the media. There's incredible stories that are being told now that are mainstream information. The story of Davis-Besse and its regulators is a story of dysfunction. There's a putrefying dead animal in the middle of the village square that people step

around quietly and whisper about cynically.

There are so many issues that aren't being discussed by the NRC and FirstEnergy. In the last week we saw FirstEnergy admitting in the pages of our newspapers to some probably criminal acts to falsification of quality assurance records to not doing inspections that were asserted to have been done.

Tonight, today, even after those disclosures we get to listen to the NRC have a civilized dialogue on the stage, across a moat, safely separated from the public's right to ask questions.

In the last couple of weeks we have seen disclosures in our newspapers about how the five appointed commissioners vetoed this. This is the draft of the staff order that would have shut down Davis-Besse on an emergency basis at the end of last November.

In April, the Nuclear Information and Resource Service under the Freedom of Information Act requested this and other documents. The NRC has released this and other documents to members of Congress and to the press, but not to the people, not to nears. Just in case you haven't heard about it, I'm going to leave a copy with your Court Reporter.

I'd like to read you a statement made by Richard Meserve, the Chair of the Nuclear Regulatory Commission, presumably one of the commissioners who led the charge to veto the Staff's science based engineering based order to allow the Utility to operate an additional 75 days.

In our newspapers out here in the Midwest, the newspapers that somehow get their hands on the public's information, we read that the commissioners overrode highly qualified talented staff people of the NRC whom we praise while we damn the commissioners.

Richard Meserve in his confirmation statement given in September 1999 to a Senate Committee on Environment and Public Works said a couple of very interesting things. Referring to the coming deregulation of the electrical industry, he said first and foremost, it reinforces the need for the NRC to fulfill its obligation to demand safe operations by Licensees. The NRC must assure that the pressure to reduce costs -- pressures to reduce costs do not become incentives to cut corners on safety. I understand -- this is Mr. Meserve talking -- I understand that the principal statutory responsibility of the Commission is the protection of

the public's health and safety and of the environment. The NRC must ensure that its Licensees meet the agency's safety and environmental requirements.

Yet interestingly when FirstEnergy, which is an economically struggling large utility in the midst of a de-regulating environment, when the NRC came to the -- pardon me, when FirstEnergy came with its spin masters and its public relations people and it's former staff legal director of the NRC is its special legal consultant to meet last fall with the NRC, the NRC bought hook, line and sinker the economic troubles of the utility and placed them over what, I guess, the chair understood in 1999, but had forgotten in the interceding years. This is, as I understand it, Mr. Meserve is a nuclear physicist and a lawyer. What an interesting combination of skills that he should be so ignorant.

He further said in his confirmation statement, it is incumbent on the NRC to reach decisions in appropriate ways. Decisions must be fair and be perceived to be fair. They must be appropriate for the particular task at hand, and they must be efficient and timely. There should be no slighting the significant role that Congress gave to

the public in NRC processes.

I notice that he didn't say the role of the public after the fact carefully controlled managed as to the opinions it's allowed to voice.

The NRC staff and the regulated industry benefit from public participation, he said, because the public may often illuminate issues in ways that would otherwise escape scrutiny. Moreover, the American public will not accept the legitimacy of decisions that derive from processes from which it has been excluded.

Well, the public was excluded from a disastrous decision making process last fall. The public interest -- let's face it, the public interest is a very distant second to the role that the NRC commission sees itself as playing.

After reading the NRC's -- of the NRC's sellout of the public interest, the first thing that occurred to me was the NRC has no more credibility to regulate the nuclear industry posed with the most serious disaster in waiting since Three-Mile Island with scientific and engineering opinion from its own staff, the NRC ignored all of that and rolled over capitulated to the whines of a Utility in economic trouble. As a result, weak regulator that the NRC

ever was, it has no credibility with the public. It has no credibility in this process, and if a complete melt down of the NRC's credibility for its shabby complicity with FirstEnergy weren't enough, yesterday I received a fax of a proposed ruling that the Nuclear Regulatory Commission is making on the 2.206 petition that was filed by nears, Union of Concerned Scientist and a dozen or so grass roots anti-nuclear organizations. That petition called for a truly independent panel, not a manual 0350, surely not the so-called independent panel that the Utility has pulled together. A truly independent panel is being rejected by the Nuclear Regulatory Commission. Once again, the putrefying elephant, the desiccating beast that no one talks about is ruling the process. In fact, one of the very reasons -- it is amazing, and I will be filing comments just because it's so infuriating, one of the very reason a truly independent panel is being shunned by the NRC is what they call an independent panel put together by FirstEnergy. It is amazing to me that -- that the Commission still believes that anybody is going to believe the truth, the value, the validity of any pronouncements that are made. The NRC doesn't have any credibility with anyone out here. I'm here to

tell you that we in the Midwest are asking you to take a message back to your bosses. I hope you'll take Mr. Meserve's statement. I hope you'll take the message that we don't recognize the NRC's credibility to regulate. We don't recognize the objectivity, the purported objectivity that you continually try to foist on us. We don't believe that the NRC is serious about changing a corporation's culture, perhaps because it can't. It was astounding last week, absolutely appalling. FirstEnergy actually admits in so many words that for the last three and a half years we put production concerns ahead of safety. They put profit concerns ahead of safety. Davis-Besse has a 25-year deep management culture of putting profit ahead of public safety and the NRC is completely complicit.

So the message is we aren't here to lobby for a better plant. We aren't here to hear technical explanations or to hear that you don't know yet what the problem is. We believe we know very well what the problem is. We believe that Davis-Besse is so corroded and corrupted from a physical standpoint that it must be shut down forever. We believe --

THEREUPON, the audience began to applaud.

MR. LODGE: We believe that in the

management culture faces will change, the culture will always be to beat up the messenger who says, guys, we should remove insulation from the reactor head, it holds water, or, guys, we should cut holes so we can inspect the reactor head better. Those things somehow just don't get very high priority. Guys, maybe we should tell the NRC that we have gone from a monthly changing of filters because they get so damn clogged with iron to every other day or maybe the inspectors seen them. We don't know, do we? That's one of the lessons we haven't learned yet.

We're here to say that we're not going to step around the putrefying dead elephant. We're not going to give dignity and validity to the dysfunctional game that the NRC is engaged in with FirstEnergy against the public.

We are withdrawing our consent to you to pay any regulatory attention and oversight to Davis-Besse or indeed any nuclear power plant. We don't believe you. We can't believe you. We're going to consult -- we citizens, are going to consult among ourselves, and we're going to shut down this plant forever.

THEREUPON, the audience began to applaud.

MR. LODGE: Please take that

message back to your bosses whether it's the appointed commissioners or the utility companies that we know call the shots over your decision making. Thank you.

THEREUPON, several members marched out chanting, "Two, four, six, eight NRC can't regulate."

MR. KARDATZKE: I just had a couple quick questions. I had three points. One is --

MR. GROBE: Why don't you wait just a moment. I want to make sure I can hear you.

MR. KARDATZKE: My name is Merl Kardatzke. I live on Graytown Road within 10 miles of here -- of Davis-Besse more specifically, and I had a question about the integrity of the fuel rods.

We see newspaper reports of contractors who rotate through here, and then have been detected at other locations because they have particles that they have carried from this plant that were undetected here and then detected elsewhere, and the story was the detectors weren't set at the right level here to detect these particles, but this indicates that the fuel rods themselves which would be the source of this have been breaking down, and that's one of our containment barriers --

MR. GROBE: Right, that's an