



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

Meeting held on Wednesday, October 16, 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.

-----

PANEL MEMBERS PRESENT:

- U. S. NUCLEAR REGULATORY COMMISSION
- John Grobe, Chairman, MC 0350 Panel
- William Dean, Vice Chairman, MC 0350 Panel
- Jon Hopkins, License & Project Manager
- Anthony Mendiola, Section Chief PDIII-2, NRR
- Christopher (Scott) Thomas,  
Senior Resident Inspector - Davis-Besse

1           MR. GROBE:        Good evening.  Why  
2           don't I begin by asking if we have anybody here this  
3           evening that this is the first meeting that they've  
4           been to?

5           THEREUPON, a response was given by a show of  
6           hands.

7           MR. GROBE:        All right, great.  My  
8           name is Jack Grobe.  I'm with the Nuclear Regulatory  
9           Commission in the Region 3 office, which is in  
10          Chicago, Illinois.  Region 3 has the responsibility  
11          for overseeing the safety of nuclear plants in the  
12          Midwest, including Davis-Besse.

13          I'm the Chairman of the Davis-Besse Oversight  
14          Panel.  That panel has been established to provide a  
15          broad spectrum of NRC resources bringing that broad  
16          spectrum to focus on the problems that have been  
17          occurring at Davis-Besse.

18          Let me introduce the folks that are up here  
19          this evening, and then I'll talk a little bit about  
20          what's happened so far today, then we'll open it for  
21          questions.

22          On my immediate right is Bill Dean.  Bill's  
23          the Deputy Director of the Division of Engineering in  
24          our offices and headquarters in Rockville, Maryland.

25          And on his right is Jon Hopkins.  Jon's the

1 License & Project Manager in headquarters for the  
2 Davis-Besse facility.

3 On my immediate left is Tony Mendiola. Tony  
4 is the Supervisor for the project's organization  
5 headquarters for a variety of activities including  
6 Davis-Besse.

7 And on my far left is a very important  
8 person, Scott Thomas. Scott is the Senior Resident  
9 Inspector. He works for the Region 3 office of the  
10 NRC, but he lives in the community here and works at  
11 the Davis-Besse plant every day. We have two  
12 Resident Inspectors; Scott's the Senior, and then  
13 another fellow, Doug Simpkins, who lives right here  
14 in Oak Harbor is the resident inspector.

15 The -- over the past several months, we've  
16 been conducting monthly meetings with the Utility,  
17 FirstEnergy. These have been public meetings. We  
18 conduct them during business hours, during the  
19 afternoon, here at the high school, and whenever we  
20 do that, we also have a meeting in the evening for  
21 those members of the public who are not able to  
22 attend an afternoon meeting because we all have to  
23 work, right, so we open this up in the evening to  
24 share with you what's going on at the plant, and then  
25 give an opportunity for you to ask questions or

1 provide whatever comments you might have.

2 Today was a little bit more unusual because

3 we had -- this is our third public meeting today.

4 We started this morning with what we call an exit

5 meeting, and that's the meeting that occurs at the

6 end of an inspection. This was actually two special

7 inspections. It's a special kind of inspection that

8 we do. It's not part of our routine inspection

9 program. It's a response to an event type of

10 inspection. It's the lowest level of event response

11 inspection. We call it a special inspection team.

12 An individual named Tom Kozak who lead that

13 inspection team presented the results of his

14 inspection. He was focused in two areas. The first

15 area was the off site release of radioactive

16 materials that occurred earlier this year. There

17 were a number of workers at Davis-Besse who became

18 contaminated with radioactive materials during the

19 course of their work and weren't completely

20 decontaminated before they left the site, and that

21 was discovered when those workers attempted to get

22 into other nuclear plants at other locations around

23 the country. Very slight contamination, but,

24 nonetheless, that was something that concerned us.

25 In addition, those workers were exposed to

1 unusual types of radioactive materials at the nuclear  
2 plant, Davis-Besse. When I say, unusual, they're  
3 types of radioactive materials that emit different  
4 kinds of radiation than what you would normally see  
5 in a nuclear plant. This radioactive materials  
6 actually comes from the fuel itself and it's what's  
7 referred to as transuranic isotopes. They're heavy  
8 radioact -- heavy isotopes, and they emit the type of  
9 radiation that's called an alpha particle. Alpha  
10 particles are not dangerous as long as the material  
11 is outside the body, because the heavy alpha  
12 particles can't penetrate clothing, they can't  
13 penetrate your skin, so there is no health risk as  
14 long as the materials is outside your body. If you  
15 inhale them into your lungs, they are very, very  
16 light particles that can become airborne and you  
17 inhale them, they can do damage because then the  
18 alpha particles would be exposing tissues -- live  
19 tissues, so they can be hazardous. These workers  
20 who were exposed to alpha particles and -- I'm sorry,  
21 radioactive materials that emit alpha particles, and  
22 they inhaled some of that material, so there was a  
23 number of issues that we wanted to follow up on.

24 There were three violations that Tom  
25 presented this morning. One of them concerned how

1 the Licensee prepared for and conducted that work  
2 specifically focusing on the radiological controls,  
3 how they controlled -- prepared for and controlled  
4 the work.

5 The second violation concerned deficiencies  
6 in the way the Licensee evaluated the exposures that  
7 those individuals received, and the third concern --  
8 or violation concerned the failure of the Licensee to  
9 control radioactive materials, and the fact that they  
10 let it get off site. Those three violations were  
11 the result of Tom's inspection and would be evaluated  
12 in the regional office and in headquarters for the  
13 significance of the violations, and I expect that  
14 report will be issued in 45 days.

15 The second meeting we had this afternoon was  
16 one of our routine meetings with FirstEnergy  
17 Corporation discussing the progress that they're  
18 making at Davis-Besse. The Licensee went through a  
19 number of issues. They're ongoing at the plant. I  
20 guess the -- I'll just highlight a couple of those  
21 that have been of higher significance.

22 Back in June, the Licensee identified that  
23 there was some boric acid that had been discovered on  
24 the bottom of the reactor head -- the bottom head of  
25 the reactor. The reactor itself is shaped like a

1 cylinder and has a semicircular top and a  
2 semicircular bottom, and they discovered some  
3 material on the bottom of the head. In looking at  
4 the sides of the reactor, it appeared that it had  
5 washed down the reactor, and that's how it got to the  
6 bottom head of the reactor.

7 The Licensee went further and did some  
8 analysis, took some scrapings of material and did  
9 some analysis of material and identified some  
10 discrepancies between the material that was on the  
11 side of reactors -- the reactor and the material that  
12 was on the bottom of the head. This caused concern  
13 on their part as to where -- whether that material  
14 actually did wash down the reactor or if it had come  
15 from somewhere else, so that was recorded recently in  
16 the newspapers and had gotten some attention. The  
17 Licensee is continuing to evaluate that issue and try  
18 to identify whether there is a concern with another  
19 source of leakage or whether this is just an anomaly  
20 in the chemical constituents that are in the boric  
21 acid.

22 Licensee also went through a presentation of  
23 a number of their areas. It appears that they're  
24 making good progress in some areas. They discussed  
25 issues that they're taking in the area of management



1 performance and also activities that they're -- that  
2 they have underway to improve the -- what we call the  
3 safety culture of the plant, and there were a number  
4 of questions that were asked about that.

5 (To the Panel) Any other highlights from this  
6 afternoon that I should mention?

7 MR. DEAN: No.

8 MR. GROBE: Okay. With that  
9 said, let me tell you a little bit about information  
10 that's available to you. We're now publishing a  
11 monthly newsletter that we should have had copies  
12 for, but we ran out this afternoon, copies for you  
13 tonight. If you desire one, let me introduce Vika  
14 Mitlyng -- Viktoria Mitlyng. Stand up, Viktoria.

15 MS. MITLYNG: (Indicating).

16 MR. GROBE: She's one of our  
17 Public Affairs officers in Region 3, and she'd be  
18 glad to get you one if you're interested or if you  
19 have access to a computer, you can get to our web  
20 site. It's [www.nrc.gov](http://www.nrc.gov) -- G-O-V, and the monthly  
21 newsletter is posted there as well as a wealth of  
22 other information on Davis-Besse and what's been  
23 going on at the site.

24 The one other item that I'd like to bring to  
25 your attention is a single page feedback form. You

1 don't even have to pay 34 cents to send it back to  
2 us.

3 MR. DEAN: 37 cents.

4 MR. MENDIOLA: 37 cents.

5 MR. GROBE: 37 cents -- sorry

6 about that.

7 MR. DEAN: Postage went up.

8 MR. GROBE: That's right. It's

9 postage paid, but please take a few minutes, pick up  
10 one of these, fill it out, fold it up, and send it  
11 back to us with your thoughts on the conduct of this  
12 meeting and how we can improve. We're always  
13 looking for ways to improve in our performance as far  
14 as making our activities publicly accessible.

15 What I'd like to do now is provide an  
16 opportunity for folks to ask questions or provide  
17 comments to us, and I'd like to do this in somewhat  
18 of an orderly fashion. If you could limit your  
19 questions or comments to three to five minutes, we'd  
20 appreciate that, but I'd like to start with anybody  
21 who is from the immediate vicinity of the plant,  
22 local residents, give them an opportunity to come  
23 forward first.

24 Is there anybody in the audience who has a  
25 question? Please come up to the microphone, and

1 state your name so that our Court Reporter can get it  
2 recorded.

3 MR. DOUGLAS: My name is James  
4 Douglas. I believe you -- you have met me before.  
5 I'm an engineer, chemical engineer, and I live on  
6 Duff-Washa Road.

7 MR. GROBE: Great.

8 MR. DOUGLAS: Okay? I'm very  
9 concerned about what I have heard about the  
10 engineering at Davis-Besse. I'm sorry the  
11 Davis-Besse people are not here 'cause I'll save my  
12 tongue-lashing for them when they're here.

13 MR. GROBE: Thank you.

14 MR. DOUGLAS: You guys don't deserve  
15 it. Okay, enough said on that.

16 What I'm concerned about here is, have you  
17 considered even a decent preventive maintenance  
18 program so that this cannot happen again?

19 How about -- how about photographic  
20 preventive maintenance program?

21 MR. GROBE: Yeah.

22 MR. DOUGLAS: Have you considered  
23 this?

24 MR. GROBE: The -- actually the  
25 adequate maintenance of all of the important systems

1 is a requirement. It's more than a consideration.  
2 We have a requirement in the Code of Federal  
3 Regulations that requires Licensees to have adequate  
4 maintenance programs, and part of that would be  
5 dealing with these kinds of issues, and, obviously,  
6 FirstEnergy did not appropriately deal with the --

7 MR. DOUGLAS: Okay, you're kind of  
8 beating around the bush a little bit and --

9 MR. GROBE: I thought you were --

10 MR. DOUGLAS: I really don't want  
11 that.

12 MR. GROBE: I thought you were  
13 going to save your tongue-lashing for FirstEnergy?  
14 (Laughter).

15 MR. DOUGLAS: You guys are pretty --  
16 pretty experienced at it. What I'm looking for is  
17 the pictures that they stuck in the paper of the  
18 head --

19 MR. GROBE: Uh huh.

20 MR. DOUGLAS: -- show very obviously  
21 the great degree of degradation of that head, and a  
22 decent preventive maintenance program of pictures  
23 available to your inspectors after their annual  
24 shutdown will tell them exactly what they have to do  
25 to have a good sound head to start the -- start the

1 process back up again.

2 MR. GROBE: Absolutely.

3 MR. DOUGLAS: This is what I'm  
4 after, a decent preventive maintenance program, and  
5 so far I've heard nothing, and I think that you guys  
6 should realize you have a strong moral obligation to  
7 the public for our safety to get a program like this  
8 established.

9 MR. GROBE: You're -- you're  
10 absolutely correct that the issues that occurred at  
11 Davis-Besse should not have occurred, and they should  
12 have been discovered through our inspection programs.

13 MR. DOUGLAS: It's an absolute  
14 disgrace that it did occur engineeringly, an absolute  
15 disgrace.

16 MR. DEAN: Mr. Douglas?

17 MR. DOUGLAS: Yes, I have one more  
18 question -- go ahead.

19 MR. DEAN: Let me help answer  
20 your question, at least vessel head specific  
21 inspection activities.

22 MR. DOUGLAS: Yeah.

23 MR. DEAN: What has transpired  
24 over the last couple of years as issues related to  
25 this phenomena of cracking of the nozzles has been

1 more prevalent and more known to the NRC, and as we  
2 learn each time a plant shuts down and they do an  
3 inspection we learn more. There were some bulletins  
4 that we issued over the last year. Bulletins are a  
5 device or a communication tool that the NRC uses to  
6 transmit information to the industry to tell them  
7 these are things because of the urgent nature of the  
8 issue that we want you to respond to us on, okay, and  
9 there's been several bulletins that have been issued  
10 by the NRC over the last two years dealing directly  
11 with the degradation mechanisms and cracking  
12 phenomena that have occurred.

13 MR. DOUGLAS: I fully understand the  
14 mechanics of what you're talking about, okay?

15 MR. DEAN: Okay. But what I  
16 wanted to share with you is that as a result of those  
17 bulletins, we have required Licensees to not only do  
18 visual inspections, bare metal visual inspections of  
19 the reactor vessel heads, but we're also requiring  
20 them now to do non-destructive examinations, which  
21 include techniques like using ultrasonic mechanisms  
22 or any current testing or liquid dye penetrant test  
23 of those penetrations of those nozzles to get even a  
24 better understanding of what is actually existing as  
25 opposed to just even doing a bare visual -- so it

1 goes beyond taking photographs, so we have reacted to  
2 that issue to require much more stringent inspections  
3 by Licensees.

4 MR. DOUGLAS: Okay, the pictures  
5 that were in the paper show a definite iron oxide  
6 degradation and contamination of the boric oxide,  
7 very obvious. This to me is the simplest, least  
8 expensive, and surest way of finding, do you have a  
9 stress crack in the well.

10 MR. GROBE: And as you --

11 MR. DOUGLAS: I do not know why you  
12 can't insist on an absolute binding photographic  
13 preventive maintenance procedure. It's simple.  
14 It's inexpensive, and it will do the job.

15 MR. GROBE: As Bill just  
16 mentioned, we've gone beyond that. What you  
17 observed in that photograph that was in the newspaper  
18 was after a crack had gone through the wall and was  
19 leaking.

20 MR. DOUGLAS: That's right, and I  
21 believe you have holes in the walls now to take  
22 pictures and that's what they're for.

23 MR. GROBE: What we have done is  
24 gone beyond that, and we're now expecting Licensees  
25 to use non-destructive examination to see cracks

1 before they go through the wall, before there is any  
2 leakage. The techniques that Bill was referring to  
3 are techniques that are used to look inside the metal  
4 to see when a crack is beginning, not once it goes  
5 through, so we have gone beyond -- you're absolutely  
6 correct. The problems at Davis-Besse are easily  
7 seen, and they were known to the Company and should  
8 have been addressed.

9 MR. DOUGLAS: Okay, every time  
10 they -- and the last question that I have is every  
11 time they get into more inspection of the head and  
12 more information is released, it gets to be worse and  
13 worse, and the last one said something about a  
14 paper-thin piece of stainless steel retaining 2000  
15 pounds.

16 MR. GROBE: Uh huh.

17 MR. DOUGLAS: And the nozzle wiggles  
18 with very little weld left in it.

19 Now, when are we going to hear the full  
20 details of the inspection and the conclusions that  
21 you guys have come to, and how -- definitely,  
22 concretely how are we going to prevent this? I  
23 don't want a reactor in my living room. Okay?

24 MR. GROBE: The -- your reading  
25 about the thin clad material that was left after the



1 carbon steel had corroded away has been known, and  
2 has been publicly available since last March.

3 MR. DOUGLAS: Okay, you have said  
4 that you have gone to much more than even  
5 photographic procedures, fine. That's great.

6 All right, what I am getting at is you have  
7 gone to -- you haven't got it down to a concrete hard  
8 regulatory rule if you got color dis -- degradation,  
9 you don't start up, fellows, until you repair the  
10 vessel. That's it.

11 MR. GROBE: I think actually those  
12 requirements already exist, and they existed at  
13 Davis-Besse, and they failed -- they failed to  
14 implement those requirements as you've --

15 MR. DOUGLAS: And who makes all  
16 these additional tests, you guys or them?

17 MR. GROBE: Well, we do  
18 inspections, but they're required to do these  
19 examinations, and they are required to fix these  
20 problems before they restart.

21 MR. DOUGLAS: And where they  
22 deliberately ignored all the evidence in the past,  
23 you expect them to come up and say, well, we're in  
24 bad shape, we got to go down and spend 50 million  
25 dollars on a weld job?

1           MR. GROBE:        I'm not going to speak  
2           for the Company, but I would imagine if you ask them  
3           that question, they would have much rather fixed it  
4           at the time, which would have not cost them much  
5           money than doing what they're doing now. The fact  
6           of the matter is they didn't follow the requirements,  
7           and they didn't do the right things, and that's what  
8           caused them to have --

9           MR. DOUGLAS:       Will we hear the full  
10          extent of the degradation of the head?

11          MR. GROBE:        Sure. I'd be glad to  
12          talk to you after the meeting and tell you it's  
13          available on the web site. It's been publicly  
14          available.

15          MR. DOUGLAS:       You've already done  
16          this?

17          MR. GROBE:        Yes.

18          MR. DOUGLAS:       Okay. But I do -- I  
19          certainly do request of you that you consider the  
20          photographic procedure and be sure that it gets stuck  
21          in the paper publicly, so that we can have some kind  
22          of confidence that this place isn't going to go to --  
23          you know where again.

24          MR. GROBE:        Right. We can do  
25          that.

1 MR. DOUGLAS: Okay?

2 MR. GROBE: Okay. Thank you, sir.

3 (Applause).

4 MR. WHITCOMB: Good evening,

5 gentlemen. My name is Howard Whitcomb, and I don't

6 think I could have asked for a better set-up, man.

7 Thank you, Mr. Douglas.

8 The recent findings of the NRC's Lessons

9 Learned Task Force clearly demonstrate that the

10 Nuclear Regulatory Commission can either -- either

11 can no longer function and safely execute its

12 responsibilities as an enforcement agency on behalf

13 of the public or it refuses to do so. The findings

14 of the Task Force attempt to provide a rationale that

15 the NRC's actions over the last decade rise to the

16 level of excusable neglect. Nothing could be

17 further from the truth. A more apparent conclusion

18 is that the task force has deliberately ignored the

19 realities of the relationship which has existed

20 between the Nuclear Regulatory Commission and

21 FirstEnergy Management over the last 15 years.

22 There have been numerous warning signs that the

23 Davis-Besse nuclear plant was in trouble. The NRC

24 deliberately ignored them. The relevant facts and

25 impressions follow. I invite you to challenge or

1 take issue with them if they do not represent the  
2 truth.

3 FACT: On June 12th, Mr. Howell, the  
4 team leader of the NRC's Lessons Learned Task Force  
5 stated that as part of their review, the team would  
6 review the allegation history pertaining to the  
7 Davis-Besse facility and determine if the NRC had  
8 appropriately dispositioned said allegations.

9 On October 10th, The Blade reported that  
10 quote, Managers of the NRC's Midwest regional office  
11 allowed themselves to become too distracted by  
12 activities at other plants to diagnose Davis-Besse's  
13 far-reaching problems.

14 IMPRESSION: There are only three possible  
15 outcomes regarding the Lessons Learned Task Force  
16 review of the allegation history at Davis-Besse.

17 Either,

18 1. The Lessons Learned Task Force did not  
19 conduct a review.

20 2. The Lessons Learned Task Force members  
21 were not qualified or competent enough to determine  
22 whether the disposition of the past allegations had  
23 been performed in accordance with Federal law, or

24 3. The Lessons Learned Task Force after its  
25 review deliberately ignored the allegation history

1 and the NCR's prior dispositions at the Davis-Besse  
2 Nuclear Plant.

3 Unfortunately, there are too many facts that  
4 exist which point to the probability that this third  
5 action is what the NRC has chosen to take.

6 FACT: On September 30th, The New York  
7 Times published an article about the issuance of a  
8 certain 1987 Preventive Maintenance Program  
9 Assessment Report on June 20th, 1988. The  
10 significance of this 1987 Preventive Maintenance  
11 Program Report is that it contained very specific  
12 information regarding the existence of a serious  
13 cultural attitude which fostered an adverse  
14 environment unsupportive of nuclear safety values.

15 In 1987, the PM Program Assessment Report was  
16 issued by myself to the Vice President-Nuclear and to  
17 the Plant Manager.

18 Subsequent to the issues -- issuance of the  
19 1987 Preventive Maintenance Program Report, Toledo  
20 Edison Management told the NRC during a maintenance  
21 team inspection in September 1988 that the report was  
22 currently in draft form. This was not the truth.  
23 Toledo Edison Management did not accurately convey  
24 the truth regarding the issuance of the report and  
25 the events leading up to the authors' final days at

1 the facility. The NRC relied upon these statements  
2 as evidenced by its comments as contained in its own  
3 Inspection Report issued on December 16th, 1988. The  
4 NRC was subsequently notified of the material false  
5 statement in a number of allegations when the  
6 material false statement was discovered on or about  
7 December 1992.

8         FACT:     There were at least nine  
9 separate allegations alleging specific improprieties  
10 by Davis-Besse personnel during the period of time  
11 from January 1993 to present.

12         In a letter issued by you, Mr. Grobe, on  
13 November 3rd, 1997, you attempted to close a certain  
14 allegation which you claim had been previously  
15 investigated on several occasions and adequately  
16 dispositioned by your staff dating all the way back  
17 to January of 1993. This was attempted despite the  
18 objection of the originator of the allegation.

19         You made a similar report in a subsequent  
20 letter on February 16th, 1999.

21         IMPRESSION: The conclusions of the NRC staff  
22 were obviously incorrect, particularly in light of  
23 the recent discovery of the unprecedented degradation  
24 of the reactor vessel head at Davis-Besse and the  
25 resulting root cause findings. Furthermore, it is

1       inconceivable that a thorough review of the  
2       allegation history at Davis-Besse could possibly  
3       overlook the significant dispositional error on the  
4       part of the NRC. The failure of the Lessons Learned  
5       Task Force to identify and address this very obvious  
6       error supports the premise that it was deliberately  
7       ignored.

8             On July 16th in a handout distributed by  
9       FirstEnergy at a scheduled meeting, the graphic  
10       depicting an organizational chart of the Restart  
11       Overview Panel indicates Lou Storz as a member of  
12       that panel.

13            On September 18th, Mr. Eshelman further  
14       touted Mr. Storz's significant participation and  
15       stated that that's a panel made up of essentially  
16       very highly experienced individuals as well as  
17       community leaders. . . Lou Storz is on it.

18            FACT:     The NRC had knowledge of the  
19       history of Lou Storz at the Davis-Besse facility and  
20       the reprimand it issued for his distracting and  
21       disruptive behavior in the control room on New Years  
22       Eve 1986.

23            IMPRESSION: The failure of the NRC to  
24       forthrightly challenge the participation of Lou Storz  
25       on the current Restart Overview Panel is very

1 alarming and supports the premise that the NRC has  
2 deliberately chosen to ignore Mr. Storz's problematic  
3 history contrary to the preservation of the  
4 fundamental principles of reactor safety  
5 responsibilities. Lou Storz's behavior in the  
6 control room on New Year's Eve illustrates that he is  
7 clearly capable of placing reactor safety issues in a  
8 subservient role when production demands dictate.

9 In conclusion, the NRC is fully aware of the  
10 problematic history at Davis-Besse over the last 15  
11 years. It cannot now feign ignorance of the  
12 problems or blame events at other facilities as the  
13 basis for why aggressive action was not focused at  
14 Davis-Besse. The warning signs were either apparent  
15 or were presented to the staff through the  
16 established process. What the NRC's Lessons Learned  
17 Task Force failed to identify is that the established  
18 process failed to intervene and prevent the current  
19 management and material problems at Davis-Besse.  
20 What has again been demonstrated is that when the  
21 process fails, reactor safety is compromised.

22 Over the last several months, FirstEnergy has  
23 continued to conduct its affairs as it always has and  
24 the NRC has passively watched it occur. Davis-Besse  
25 management continues to violate quality assurance



1 requirements and generally accepted maintenance  
2 practices. The O350 Panel has passively watched as  
3 FirstEnergy conducts its business as normal. The  
4 superficial findings of the NRC's Lessons Learned  
5 Task Force clearly indicates that it is time for  
6 change, the actions or lack thereof, of the 0350  
7 Panel repeatedly demonstrate that FirstEnergy  
8 Management will continue to receive disparate and  
9 preferential treatment in comparison to the rest of  
10 the industry. FirstEnergy's deleterious actions  
11 over the last 15 years clearly deserve more, not  
12 less, critical treatment, particularly since  
13 FirstEnergy has conceded that at times they have  
14 placed production demands over reactor safety.

15         Unfortunately, it's very obvious that the NRC  
16 has accepted, even embraced, FirstEnergy's method of  
17 doing business without reservation. The  
18 effectiveness of the 0350 Panel is highly suspect.  
19 Mr. Grobe, as Chairman, you have very obvious  
20 conflict of interest. It is time for change. I  
21 demand that you remove yourself from the 0350 Panel.  
22 It is time to disband the 0350 Panel and insert an  
23 independent review team as envisioned and demanded by  
24 the 2-206 petition. As a resident of this  
25 community, I hold the public health, safety and

MARLENE S. ROGERS-LEWIS & ASSOC. REPORTERS  
(419) 929-0505  
(888) 799-3900

1 welfare above all else. It is time for change. It  
2 is time that the legislative branch of the Federal  
3 Government investigate the continued and sustained  
4 ability of the NRC to fulfill and execute its  
5 responsibilities in an independent and unbiased  
6 manner, and without alternative motive other than  
7 ensuring the public health, safety and welfare. It  
8 is clearly time for change. It is impossible to  
9 succeed without it. Thank you.

10 (Applause).

11 MR. GROBE: Let me respond in  
12 several ways. First, if you have questions or  
13 comments regarding the Lessons Learned Task Force  
14 report, the Lessons Learned Task Force will be here  
15 on November 6th and conduct a public meeting to  
16 discuss the results of their report, and it would be  
17 very appropriate for you to raise your questions to  
18 them.

19 Secondly, if you have questions or concerns  
20 regarding any member of the NRC, including myself, we  
21 have an Office of the Inspector General, who does  
22 investigations of the NRC staff, and you're more than  
23 welcome to contact them and provide whatever  
24 allegations you have to them, and they will be  
25 investigated.

1 Are there any other comments or questions?

2 (Indicating).

3 MR. GROBE: Yes, sir.

4 MR. DUSSEL: Yes, my name is Tim

5 Dussel, and I'm just a resident of the area, and I'm

6 not a public speaker. I'm very nervous about even

7 standing up here.

8 In the last few months I've read different

9 articles in The Blade, Plain Dealer and some of the

10 instances that have gone on here, and I cannot

11 believe what I have read and seen. You people sit

12 up there very educated, very proper, and look down at

13 us. Yeah, go ahead and smirk, that's okay.

14 MR. GROBE: No, I was just -- I

15 don't --

16 MR. DUSSEL: I would like to have

17 you read -- you know, I've looked at the Internet and

18 I'm not real Internet literate, but I've seen your

19 web site. I've read your meetings, and you can read

20 by the hour. It's the same thing as coming to the

21 meetings. You stand up there, and you talk, and you

22 talk, and you talk and say nothing. There's

23 questions that should be answered, and there is no

24 answers being given. What happened to all of the

25 upper management that was either supposedly fired or

1 moved from Davis-Besse?

2 MR. GROBE: What happened to the  
3 individuals?

4 MR. DUSSEL: Yes.

5 MR. GROBE: I don't know.

6 MR. DUSSEL: Are they moved to  
7 other nuclear power plants so they can try to blow  
8 them up so you people are not watching what they are  
9 doing? You guys are so busy supposedly is the reason  
10 you didn't inspect this place. Why weren't these  
11 people -- these people should be jailed.

12 (Applause).

13 MR. GROBE: I don't have an answer  
14 for you, but let me tell you what's going on, okay?

15 The -- and, first off, I wasn't smirking. I  
16 don't like this arrangement. I don't want to sit up  
17 here on the stage because I -- I feel uncomfortable  
18 because I am up higher than you are. If you were  
19 here this afternoon, you would have seen that we  
20 stood down right where you were. I was here last  
21 month as you guys sat here and I heard how --  
22 FirstEnergy sat here and talked about how they  
23 changed light fixtures.

24 MR. GROBE: Can I answer your  
25 question?

1 MR. DUSSEL: Yes, go ahead, please.

2 MR. GROBE: This is a wonderful  
3 facility, and it's the only one we have available.  
4 I don't want you to feel like we're looking down on  
5 you or anything like that because that's not the  
6 case.

7 Secondly, you asked about the employees; we  
8 don't track employees. I'm not aware of any of the  
9 individuals that left FirstEnergy being employed at  
10 another nuclear plant, but they could be.

11 The last comment I'd like to provide in  
12 response to your first question is that we do have an  
13 ongoing investigation. Deliberate violations of  
14 regulations are criminal actions, and we have an  
15 ongoing investigation into that to determine whether  
16 or not these violations were simply oversights, or,  
17 if, in fact, they were deliberate violations for some  
18 ulterior motive, and if they were, those will be  
19 turned over to the Department of Justice and whatever  
20 action Department of Justice finds is appropriate,  
21 they will take, so you say we're doing nothing, and I  
22 appreciate that some of these things take time, and  
23 it doesn't appear that anything is happening, but  
24 there are several investigators. In fact, they're  
25 working today on site that are looking into this,

1 that aspect of your question. Is there another  
2 question I can answer?

3 MR. DUSSEL: Well, yes, you know,  
4 like this has went on for years -- years and years  
5 and the same way, you say there is all these  
6 investigations going on, but they are going forward  
7 right now putting this thing -- excuse me, putting  
8 this thing back together and who -- God only knows  
9 what they're doing. I read an article somewhere to  
10 the fact that the lid that they've got doesn't even  
11 have the same seal on it as the lid that they've  
12 taken off.

13 MR. GROBE: Well, I'm not sure --  
14 that's not correct information.

15 MR. DUSSEL: Okay.

16 MR. GROBE: The head that they  
17 purchased from the Midland -- the consumer's power  
18 company in Michigan is identical to the head that was  
19 removed from Davis-Besse and has the same type of  
20 seal.

21 MR. DUSSEL: The other question I  
22 have is we're sitting here talking about the reactor  
23 and of the -- all the nightmares we hear on the  
24 reactor. I mean, if you would take and look on the  
25 Toledo Blade web site and go backwards and read --

1       which I will give you. I'd like to have you read  
2       these backwards 'cause you tell me -- would you mind  
3       handing that to them, sir? I would like to have you  
4       read them backwards to the people for me, and you  
5       tell me what kind of decision the public should make  
6       of what is going on here. You tell me that it  
7       wouldn't scare you to death. You say you are  
8       nervous sitting up there in front of us. You can't  
9       believe how nervous I am of Davis-Besse sitting down  
10      away from me.

11                (Applause).

12           MR. DUSSEL:        That's not nervous,  
13      that's down right fear.

14           MR. GROBE:        I'm not sure what your  
15      question was. I understand --

16           MR. DUSSEL:        Would you mind reading  
17      them articles backwards to the people? That's just  
18      out of The Blade. That's not the Cleveland Plain  
19      Dealer. These articles here are articles that the  
20      common person can read, and this is the information  
21      that we are getting. I've been to your web site and  
22      all there is -- there's no answers. There's no  
23      nothing. It's just a bunch of talk. These are the  
24      articles that the people are reading and that's the  
25      reason people are scared. You can go backwards on

1 your -- on those articles, and you'll make one  
2 statement that this was safe, we don't believe this  
3 was going to happen. You go two articles farther  
4 up -- oh, we just discovered this. That reactor has  
5 been a complete nightmare. There is so many other  
6 things that hasn't been answered on this. The  
7 containment room, the filters that was filled with  
8 all the rust and so hap, how is the electronics and  
9 stuff on all this stuff in the containment room?

10 None of that kind of stuff is talked about. I sat  
11 here at the last meeting, and I heard them talk about  
12 how they're cutting a hole in the containment  
13 building and how they're going to put this cement  
14 back together and it's going to be just as good as  
15 new. I'm not an engineer here, but I have worked  
16 around concrete, and I have done construction work.  
17 There is no way that you're going to cut a hole in  
18 that, glue a patch back on it and tell me that that's  
19 just as strong as it was when it was originally  
20 built.

21 MR. GROBE: In fact, it is, and  
22 we've had inspectors that witness the welding. We've  
23 had inspectors --

24 MR. DUSSEL: We've had inspectors  
25 witness all this stuff? We've had inspectors



1 wondering if there was a crack in the reactor when  
2 there was a hole ate through it. You know the  
3 inspectors -- your word is not too good.

4 MR. GROBE: I'm not sure I'm going  
5 to be able to answer any of your questions, because  
6 I'm not sure that you're giving me a chance to answer  
7 any.

8 MR. DUSSEL: Okay.

9 MR. GROBE: But which of the  
10 questions that I haven't been able to answer because  
11 you have interrupted me would you like me to start  
12 with?

13 MR. DUSSEL: I would like you to  
14 answer the question on the containment building  
15 itself, the electronics and stuff inside.

16 MR. GROBE: Okay. The -- the  
17 activities that FirstEnergy have undertaken go far  
18 beyond just the rad monitor that you're referring to.  
19 That radiation monitor has been examined, but all the  
20 equipment inside containment has also been examined.  
21 I've had inspectors that have observing what the  
22 Licensee is doing. We've also conducted independent  
23 inspections. The reports of those inspections are  
24 available on that web site, and you can read them.  
25 I would suggest that you take some time and read some

1 of the reports, and I would call your attention to  
2 several that would be helpful. One is from May.  
3 It's the Augmented Inspect Routine report. That was  
4 our original findings of the inspection that occurred  
5 in March and April. The Augmented Inspection Team  
6 follow-up report, which was issued maybe about three  
7 weeks ago, the Containment Health Inspection report.  
8 These reports will provide you a comprehensive  
9 understanding of what's been going on at the plant  
10 and what the NRC has been doing to inspect those  
11 activities and what our findings are, and they'll  
12 give you information far beyond what you could read  
13 in the newspaper. If you're looking for  
14 information, the web site is an excellent place to  
15 go. If there's -- if you're not comfortable with  
16 the web site, we'll be glad to send you copies of all  
17 of these reports, so that you can have a more  
18 comprehensive understanding of what's going on than  
19 what you might read in The Toledo Blade.

20 MR. DUSSEL: Well, I would like to  
21 thank The Toledo Blade and the Cleveland Plain Dealer  
22 because that has basically been about the only place  
23 that you can really get any information where they  
24 actually say anything, and as far as the inspectors,  
25 you can sit and tell me how you're having this

1 inspected and that inspected, your past practices  
2 pretty well show what's going on. Thank you.

3 (Applause).

4 MR. GROBE: Yes, sir.

5 MR. FOWLER: John Fowler is my  
6 name. I'm an Oak Harbor resident.

7 A couple of things have surfaced this evening  
8 that leave me kind of wondering about the program and  
9 its totality. The inability to track people that may  
10 have purposely ignored safety requirements, is there  
11 some sort of a personnel reliability program like we  
12 have in the Defense Department --

13 MR. GROBE: No, you misunderstood  
14 what I said. We don't track where people work. If  
15 one of those individuals that was involved was -- is  
16 found to have deliberately violated our requirements  
17 we have an enforcement policy that deals with that on  
18 two levels. The first is the actions that we would  
19 take, which we refer to as civil enforcement. Those  
20 would be orders, and it's not uncommon that we issue  
21 orders prohibiting people from involvement in nuclear  
22 activities, and those people are tracked. More  
23 significantly, if they are found to have deliberately  
24 violated our requirements, the Department of Justice  
25 has the authority to prosecute them, and there is

1 criminal sanctions which include jail time and fines,  
2 so I don't want you to get any impression that  
3 deliberate violators of requirements are running  
4 willy-nilly around the industry, and we can't find  
5 them. That's not what I mean. What I was saying is  
6 we don't track where everybody works with the  
7 exception of licensed operators. We know where  
8 they're working because we license them, but all of  
9 the other workers of nuclear plants are free to go  
10 work wherever they want. If they are deliberate  
11 violators of requirements, then there are sanctions  
12 that are levied against them.

13 MR. FOWLER: If these violations  
14 were not deliberate and these individuals have moved  
15 on, it would appear they could be working in the  
16 nuclear power industry presently while your  
17 investigation is yet ongoing. They have not been  
18 temporarily decertified until the investigation is  
19 complete as would be done in the Defense Department.

20 MR. GROBE: That's correct.

21 MR. FOWLER: So they're on the  
22 loose out there?

23 MR. GROBE: Yes. We generally  
24 have a principal in the United States that you're  
25 innocent until proven guilty, so, yes, they are out

1       there. There is an investigation ongoing. I don't  
2       want to leave the impression that there is any  
3       conclusions that people deliberately violated  
4       requirements, but if they did, it will be a result of  
5       the investigation, and we'll provide the evidence for  
6       that.

7           MR. FOWLER:       Or even if it was  
8       inadvertent through sheer incompetence as opposed to  
9       deliberate intent?

10          MR. GROBE:       If the violations were  
11       associated with incompetence, I would expect that any  
12       future employer would find that out.

13          MR. FOWLER:       Has Davis-Besse been  
14       assessed any civil penalties to date regarding this  
15       reactor head incident?

16          MR. GROBE:       No.

17          MR. FOWLER:       And several years ago,  
18       there was an issue where above ground casts were  
19       approved by the NRC for storage at Davis-Besse.

20           Initially, I guess there were some local  
21       protests. I was relatively new to the area at the  
22       time, and there were some concerns, and they said,  
23       well, if the stainless steel liners for the casts  
24       are -- and correct me if I'm wrong, five-eighths of an  
25       inch thick, no problem, they're good to go, they're

1 blessed by the NRC, but the as delivered cast, if I  
2 recall correctly, only had liner thicknesses of about  
3 a half an inch, and then miraculously, oh, they're  
4 good to go, too, go ahead and put them into  
5 operation.

6 What are you doing presently to ensure to us  
7 that the casts are safe at this point?

8 MR. GROBE: You're not going to be  
9 real happy with this answer. I have no knowledge of  
10 the specific activities with respect to dry casts at  
11 Davis-Besse. Those are not the activities we're  
12 looking into. I can get you in touch with the  
13 people that can answer that question.

14 MR. FOWLER: Well, I think from a  
15 community standpoint we've already found there is  
16 some problems with the NRC's activities with the  
17 reactor. Tell us about the casts. Are we safe in  
18 your opinion or --

19 MR. HOPKINS: Yes, in my opinion,  
20 the casts are safe. I have some knowledge of dry  
21 casts. I don't recall the Besse specifically, but  
22 if it's a manufacturer, I believe, that, yes, indeed,  
23 the manufacturer had approval to make these casts and  
24 the thickness was five-eighths inches, as I recall,  
25 and they were delivered with like one-half an inch,

1 as you stated, and re-doing engineering calculations  
2 to go back over that, the one-half inch was found to  
3 be acceptable, and we find them acceptable today.  
4 There is no danger from the casts at all, but it is  
5 true that some casts were manufactured, it didn't  
6 exactly meet what they were supposed to originally,  
7 but they are safe and that they are manufactured,  
8 they have a sufficient safety margin to perform their  
9 job.

10 MR. FOWLER: It's just from a local  
11 community standpoint and being in the downward hazard  
12 zone as we are, it wasn't explained early on when  
13 they said, okay, thicknesses of half an inch to an  
14 inch or inch great. It was five-eighths is okay.  
15 Half an inch shows up -- and, oh, half an inch is  
16 okay, and in the rule making process of the Federal  
17 Government there is always a strong bit of influence  
18 by the industry as well as legislatures.

19 Do you generally being seasoned inspectors  
20 and employees of the Nuclear Regulatory Commission,  
21 do you feel additional legislation is needed?

22 Do you need additional inspectors to be more  
23 efficient on site?

24 Is the program adequately funded and  
25 regulated?

1 MR. GROBE: You're asking huge  
2 questions. Let me --

3 MR. FOWLER: Something you may not  
4 be able to answer, I understand, because it's a  
5 public forum and being recorded.

6 MR. GROBE: Well, certainly we  
7 could do more inspections if we had more inspectors.  
8 We have two inspectors that are on site all the time.  
9 That's their full-time job. Scott's the Senior  
10 Resident Inspector at Davis-Besse. You might, in  
11 any given year, have about 15 inspections that are  
12 performed that range from one week in duration to  
13 three or four weeks in duration, and inspectors that  
14 come out of the regional office that travel to all  
15 the plants in the Midwest, but if we had more  
16 inspectors, we could certainly do more inspections.  
17 The -- I don't believe there is any further  
18 legislation that's necessary. There is no question  
19 that this issue should have been detected by the  
20 Company and certainly could have been detected by us.  
21 There was sufficient information there had we looked  
22 at it; we would have come to the conclusion that  
23 something inappropriate was going on. The fact of  
24 the matter is, we didn't come to that conclusion and  
25 that's why we have the Lessons Learned Task Force to



1 find out why that happened and whether or not we need  
2 to change our inspection program, what actions might  
3 be appropriate, and that report -- the executive  
4 summary of that report was made public through a  
5 press release and the entire report is available on  
6 the web site, and, like I said earlier, those folks  
7 will be out here November 6th to discuss with you the  
8 results of their evaluation of our performance, so  
9 nobody has taken this lightly. I understand your  
10 concern. We're looking at ourselves as hard as  
11 Davis-Besse is looking at themselves. We will learn  
12 and improve as a result of the Lessons Learned Task  
13 Force's activities and the actions we're going to  
14 take following that, and Davis-Besse is certainly  
15 learned a lot of things, and they are improving.  
16 I'm not sure what else I can say to you on that  
17 subject.

18 MR. FOWLER: Lastly, what about  
19 liability insurance on the part of FirstEnergy, what  
20 sort of -- and how is that even calculated?

21 Are there any requirements for an operating  
22 company such as FirstEnergy to maintain a certain  
23 amount of insurance?

24 MR. GROBE: Are you familiar with  
25 the Price-Anderson Act?

1 MR. FOWLER: No, no, I'm not.

2 MR. GROBE: Do we have anybody  
3 here that's an expert on Price-Anderson?

4 (No response).

5 MR. GROBE: There's a liability  
6 fund that was established under the Price-Anderson  
7 Act, and I have a very simplistic understanding of  
8 it, but if you have more questions, we can certainly  
9 get somebody in touch with you, but the way it works  
10 is that every Utility contributes to that fund, and  
11 that fund is available if there is a nuclear accident  
12 to deal with liability concerns, and that's about the  
13 extent of my knowledge. I don't get into the  
14 financial side of the business.

15 MR. FOWLER: Would you have some  
16 way to find out how much money is in that fund? I'm  
17 just kind of wondering.

18 MR. GROBE: I don't know.

19 MR. FOWLER: After the events of  
20 9/11, the airline industry basically said, hey, we're  
21 out of money, and the Federal Government said, gee  
22 whiz, the taxpayers will take care of it, and you're  
23 good to go, and I'd hate to see FirstEnergy get off  
24 the hook if something does happen.

25 MR. HOPKINS: As Jack said, there is

1 a law that requires insurance for all nuclear power  
2 plant operators called the Price-Anderson Act, and  
3 Davis-Besse pays a certain amount each year to belong  
4 to that, to be covered by the law, and we checked  
5 that they said -- checks in to be members of the law  
6 and everything else, and the coverage under  
7 Price-Anderson, I'm not sure of the exact amount, but  
8 I believe it's around one hundred million dollars  
9 that's available to pay in the case of a nuclear  
10 accident, I think it is.

11 MR. FOWLER: Total?

12 MR. HOPKINS: Total.

13 MR. FOWLER: But we already know  
14 from 9/11 that we place the dollar value of human  
15 life at 1.8 million dollars --

16 MR. HOPKINS: Well --

17 MR. FOWLER: -- plus the clean up  
18 cost for all this valuable farmland in Ottawa County,  
19 one hundred million dollars would be a drop in the  
20 bucket, gentlemen.

21 MR. HOPKINS: There has been much  
22 discussion over is that an appropriate amount or not.  
23 That is above me as far as what the Act covers, but  
24 that is what the Act covers, and, again, I believe  
25 that's an approximate amount. I'm not positive on

1 the total amount, but that rings true to me as to how  
2 much that is.

3 MR. FOWLER: So as a rhetorical  
4 question my earlier question may then be correct,  
5 perhaps some additional legislation should be  
6 considered by our elected representatives to better  
7 protect us in the event of this hundred million  
8 dollar check which seems like it has fallen short to  
9 me. Thank you.

10 (Applause).

11 MR. ARNOLD: Paul Gunther of the  
12 Nuclear Information and Resource Service was  
13 dismayed --

14 MR. DEAN: Would you please state  
15 your name first for our Reporter. Thank you.

16 MR. ARNOLD: Sam Arnold. Paul  
17 Gunther of the Nuclear Information and Resource  
18 Service was dismayed the Task Force didn't focus  
19 attention on Samuel Collins because he overlooked his  
20 own staff recommendation to shutdown Davis-Besse by  
21 December 31st.

22 My question is why Mr. Collins' actions were  
23 not investigated and what were his reasons for  
24 overruling his own staff?

25 MR. GROBE: The -- first I want to

1       thank you for coming forward. The Lessons Learned  
2       Task Force conducted a review of NRC activities and  
3       one of the activities they reviewed was the decision  
4       that was made last fall. Sam Collins was part of  
5       that decision-making process. We have a group of  
6       people that investigate us if we do something wrong,  
7       and they are called the Office of the Inspector  
8       General. They report to Congress, and the Office of  
9       the Inspector General is conducting an investigation  
10      of the NRC staff activities that led up to the  
11      decision that allowed Davis-Besse to operate for an  
12      additional month and a half last year, so it is under  
13      investigation. The Lessons Learned Task Force  
14      report was provided to them and that's something that  
15      they are considering as part of their investigation,  
16      so the answer to your question is, it is under  
17      investigation.

18           MR. ARNOLD:        Okay. My last  
19      question is --

20           MR. DEAN:         Yeah, the other thing,  
21      Sam, I wanted to mention was that, I think it's a  
22      misrepresentation to say that Mr. Collins overruled  
23      the staff. The decision that was made by the Agency  
24      was an agency decision that was made with full  
25      consideration of all of the individuals that had

1 knowledge of what was going on, the technical issue,  
2 a very complex technical issue, and there was a large  
3 number of staff and managers involved in the decision  
4 that made a recommendation to Mr. Collins. He did  
5 not overrule his staff.

6 MR. ARNOLD: Okay. The reason one  
7 of the inspections was not made was lack of equipment  
8 and personnel.

9 Why was there a lack of this -- of these  
10 things?

11 MR. GROBE: The reason that we  
12 didn't find this problem that occurred over the last  
13 four years, I don't want to give you a misimpression,  
14 it wasn't the lack of personnel. It was the fact  
15 that we didn't choose that activity to look at. The  
16 Utility has upwards of a thousand people working at  
17 the plant every day. We certainly don't have enough  
18 people, and I don't think you would want to pay  
19 enough to have so we would have enough people to be  
20 able to watch everything that's going on, so we have  
21 to choose what activities we're going to look at.  
22 We choose the activities based on what we think are  
23 the most important things that are going on.

24 Prior to Davis-Besse, no corrosion like what  
25 occurred at Davis-Besse had ever occurred before in

1 the nuclear industry, so we didn't understand that  
2 that type of thing could occur. Had we understood  
3 that, we may have spent more time looking at  
4 activities regarding the reactor head. We didn't do  
5 that. It's -- as I said earlier in response to  
6 another gentleman's comment, if we had more  
7 inspectors, we could do more inspections. We may or  
8 may not have chosen that specific activity to look at  
9 and part of the Lessons Learned Task Force is to --  
10 part of their charter was to look at how we do our  
11 inspections, how we choose which activities we look  
12 at and provide us their thoughts on how we can  
13 improve in that area. Okay? Thank you.

14 (Applause).

15 MR. GROBE: Other questions or  
16 comments?

17 MR. LOCHBAUM: Dave Lochbaum with the  
18 Union of Concerned Scientists.

19 Jack, I don't want to take issue or debate  
20 the point, but I guess I would disagree with your  
21 conclusion that the Agency is not taking this issue  
22 lightly. The first time I met Mr. Dean was when he  
23 was on the EDO Staff back when the Commission was  
24 holding hearings on the problems at Millstone. The  
25 first time I met you was prior to a series of

1 Commission meetings on how D.C. Cook was going to be  
2 restarted. There hasn't been any Commission  
3 interest or hearings into Davis-Besse.

4 Kind of curious as to what's distracting  
5 those five that are keeping them from looking into  
6 what's going on at Davis-Besse?

7 MR. GROBE: There certainly has  
8 been a lot of interest among the commissioners.  
9 There hasn't been a Commission meeting, and you would  
10 have to ask the question of the Chairman why the  
11 Commission has chosen to not have a meeting on  
12 Davis-Besse yet. I don't have that answer. I have  
13 been responding to questions from the Commission and  
14 staff on a fairly regular basis. There is no lack  
15 of interest on the part of the Commissioners.

16 MR. LOCHBAUM: I guess from an  
17 observation point they held a lot of meetings on  
18 Millstone, held a lot of meetings on D.C. Cook, held  
19 zero meetings on Davis-Besse. I think that's  
20 consistent with what we saw in the Lessons Learned  
21 Task Force where the Agency just didn't give  
22 Davis-Besse a lot of attention and still does not  
23 give Davis-Besse a lot of attention.

24 MR. GROBE: Well, again, I don't  
25 want to speculate on what might be the reason that



1 they haven't had a meeting, a formal Commission  
2 meeting. As you recall, we had two meetings, two  
3 Commission meetings, on D.C. Cook. I don't know why  
4 they haven't chosen to schedule a meeting on  
5 Davis-Besse. Again, I'm not the right person to ask  
6 that question to.

7 MR. LOCHBAUM: Yeah, I was just  
8 pointing it out --

9 MR. GROBE: I don't think it's a  
10 lack of interest because I have been responding to a  
11 lot of questions.

12 MR. LOCHBAUM: Well, I think you  
13 probably responded to a lot of questions on D.C. Cook  
14 as well and still had Commission meetings where the  
15 public could understand what the Commission was  
16 doing.

17 MR. GROBE: David, you're asking  
18 the wrong guy.

19 MR. LOCHBAUM: The other guys aren't  
20 here.

21 MR. GROBE: Well, I'm sorry, I  
22 can't speak for --

23 MR. LOCHBAUM: I can't find these  
24 people, so you're the only people that show up, so  
25 I'm sorry that you have to take the question, but if

1 I can find any of the other ones, I would ask them,  
2 too.

3 As far as another point, it's the Lessons  
4 Learned Task Force, I know it's not directly related  
5 to the 0350 Panel, but in some ways it is. I looked  
6 at this Lessons Learned Task Force report, which is  
7 very thorough and very come complete and it's much  
8 better than the Lessons Learned Task Force report  
9 from 2000 on Indian Point, which in itself was better  
10 than the Lessons Learned Task Force in 1997 at  
11 Millstone, which was better than the Lessons Learned  
12 Task Force report on South Texas, so this Agency is  
13 getting very, very good at the Lessons Learned Task  
14 Force production, not so good at fixing the things  
15 that these Lessons Learned Task Force reports  
16 document. I think the goal should be not to become  
17 the best Agency in the world at producing a Lessons  
18 Learned Task Force report, but reducing the frequency  
19 from two years to let's start with four years at  
20 least at the front end. How that relates to you  
21 guys is that you're looking at 0350, you're looking  
22 at how the Company fixes things. Part of what the  
23 task that you have is they're not going to be able to  
24 fix everything. They're going to defer some thing  
25 until after restart, and you're going to audit that

1 to ensure that they make the right calls and what  
2 they do now and what they defer. The question from  
3 the Lessons Learned Task Force point of view is who's  
4 looking at those 50 odd recommendations to ensure  
5 that the ones that need to be done that affect the  
6 work that you're doing are done before Davis-Besse  
7 restarts?

8 MR. GROBE: I can -- I don't know  
9 exactly who's on the Senior Management Team that's  
10 looking at it, but it's being chaired by Carl  
11 Paperiello. Carl is one of the Deputy Executive  
12 Directors, and there's a number of other Senior  
13 Managers that are on the group that has 30 days from  
14 the date the Lessons Learned Task Force report to  
15 develop the action plan to address the  
16 recommendations, so I would expect mid November or so  
17 would be the -- will be when they publish their  
18 action plan for the Agency.

19 MR. LOCHBAUM: So there won't be any  
20 changes before this action plan gets developed in mid  
21 November then?

22 MR. GROBE: Well, that's -- I  
23 think -- I think you know that's a little bit of an  
24 exaggeration. There's been a lot of activity, and  
25 Bill just described a little bit of it with respect

1 to two bulletins that have been issued since  
2 Davis-Besse and there's been three or four --

3 MR. LOCHBAUM: No, that's on things  
4 that you're asking the industry to do differently.  
5 The Lessons Learned Task Force report was mainly  
6 focused on how the Agency does things differently.

7 Earlier today in response to Amy Ryder's  
8 question about what the NRC is doing, you said your  
9 inspections -- your inspectors are going to go in,  
10 look at the plant, and if it's not ready to restart,  
11 the inspection reports are going to require that  
12 those things get fixed, but your inspectors are going  
13 to be using the same inspection procedures they used  
14 last year.

15 MR. GROBE: No.

16 MR. LOCHBAUM: Yeah, you are.

17 MR. GROBE: The inspections that  
18 are done under 0350 are very unique and specialized  
19 inspections. Each one has a specifically tailored  
20 inspection plan for the specific activities that  
21 we're inspecting. It's -- it's not like a routine  
22 inspection program at all. Our routine inspection  
23 program might generate 2000 hours of inspection a  
24 year, something on that order. We've probably  
25 already expended in excess of that in the last few

1 months at Davis-Besse. This panel approves each  
2 inspection plan for each inspection that goes on at  
3 Davis-Besse today, so it's a very different and  
4 unique program specifically tailored for problems at  
5 Davis-Besse. It's not part of the routine  
6 inspection program at all.

7 MR. LOCHBAUM: I guess the  
8 question -- the follow-up question is why don't you  
9 use it all the time then? If this is foolproof why  
10 didn't you use it to avoid these situations rather  
11 than those inspection procedures that don't seem to  
12 work very well?

13 MR. GROBE: Well, as I'm sure you  
14 can appreciate this is very resource intense and very  
15 costly for us. As several people have asked about  
16 resources, we don't have enough resources to do this  
17 kind of inspection at every plant every day so we  
18 have to try to create a routine inspection program as  
19 best we can to cover all the bases and obviously we  
20 missed this one.

21 MR. LOCHBAUM: Speaking of resources,  
22 I had a meeting with Commissioner Merrifield  
23 recently. He invited me into his office.

24 MR. GROBE: I thought you  
25 couldn't find them. Come on, Dave.

1 MR. DEAN: Yeah, why didn't you  
2 ask him that question?

3 MR. LOCHBAUM: I did ask him that  
4 questions. He said it would be in the Lessons  
5 Learned Task Force report, so I guess he lied to me.  
6 I asked him the question about resources because we  
7 said you thought you didn't have enough resources and  
8 if you had more resources that would help you out.  
9 His answer was you have -- NRR has too many  
10 resources. You don't need more resources, so we're  
11 trying to help you out and get you more people to do  
12 those inspections you like and you got the people at  
13 the top saying there's probably too many of you, so  
14 who is right in that situation?

15 MR. GROBE: Well, my answer is  
16 always the Commissioner is right.

17 MR. LOCHBAUM: It was a trick  
18 question with a transcript, yes, and, lastly, if I  
19 understood some of the comments this evening, one of  
20 the NRC's goals, one of the NRC's only four goals is  
21 to improve public confidence, and, I guess, for the  
22 record, we'd like to add that the Union of Concerned  
23 Scientists has lost confidence in this Agency. As I  
24 heard some of the other people kind of express today,  
25 the decision that was made by whoever last year, and

1 I think it was Sam Collins, but whoever, was the  
2 worst decision I've ever seen you guys make -- ever.  
3 I don't see any excuse for what you did, and I -- I  
4 had a lot of confidence prior to that -- that  
5 decision. In the last year, it's gone, and I don't  
6 know what you can do to restore that, but something  
7 needs to happen because these people deserve it.  
8 Whether -- my group doesn't matter or not, but the  
9 people living near the plant need to have confidence  
10 in you as the regulator. Thanks.

11 (Applause).

12 MR. GROBE: Any other questions?

13 Oh, excellent.

14 MS. SHAW: Hi, I'm Lori Shaw, and  
15 I'm the coach of the Circuit Breakers, the young  
16 gentleman who came down here, and they have sort of  
17 brought me in to all this. My question is, I heard  
18 you say about the welding that that was safe when the  
19 other gentleman -- and my question is, if the kids  
20 come back to me and ask, well, why is that safe, how  
21 did you decide that was safe? Has that been tested?  
22 Has that repair ever been done in another nuclear  
23 facility, and has there been any long-term follow-up  
24 with repairing a hole of the same magnitude with a  
25 plug?

1           MR. GROBE:        Yes, yes, no, yes,  
2           and no. You asked a lot of questions. Let me  
3           answer the last one first.

4           It is not uncommon to have to cut holes in  
5           containments, and it's been done at a number of  
6           plants. The containment has two access ports; one's  
7           a personal access port which is the size of a person,  
8           and the other one is called the equipment hatch, and  
9           it's about 20 feet in diameter roughly. There are  
10          times during the course of a plant's life when they  
11          may have to move a piece of equipment into  
12          containment that's bigger than that. This has  
13          occurred at a number of plants where they have to  
14          replace steam generators, and they cut a hole inside  
15          containment and move it in and then weld it up, and,  
16          specifically, about your questions on welding,  
17          welding is a very common process. Through the  
18          process of welding, it's not like gluing something  
19          together where -- it's a different kind of material  
20          between two pieces of material to glue it together  
21          with adhesive. Welding is actually creating the  
22          same kind of metal, so, in essence, you have a single  
23          piece of metal when you're done. Each welding  
24          procedure is developed specific for that welding job  
25          and these are tested and reviewed and approved. The



1 process that the welders go through is tested and  
2 reviewed and approved, and then after the weld is  
3 done, the weld is examined using what I refer to as  
4 non-destructive examination techniques. Essentially  
5 for this weld, it was like an x-ray. It's called a  
6 radiograph, and they actually look at the weld, the  
7 entire weld, using x-rays to make sure that the metal  
8 is good metal that they've put in, so the answer to  
9 your question is it's a carefully controlled process.  
10 It's reviewed and approved ahead of time. It results  
11 in a single piece of metal and it's radiographed to  
12 make sure it was done correctly, and I have  
13 inspectors that witnessed the radiography as well as  
14 reviewed the results of the radiography. These are  
15 people that are experts in doing that kind of thing.

16 MS. SHAW: Were the repairs done  
17 from damage similar as --

18 MR. GROBE: I'm sorry?

19 MS. SHAW: Were the hole plugs  
20 used in cases of damage similar to this that there  
21 was leaks and a hole and welding was used in that  
22 same case scenario?

23 MR. GROBE: Are you now talking  
24 about the reactor head?

25 MS. SHAW: Yes.

1           MR. GROBE:       That sort of damage  
2           has never occurred before. The Company originally  
3           was thinking about repairing the hole in the head  
4           instead of replacing the head, and that's a fairly  
5           complicated weld, and they decided not to do that.  
6           They decided to purchase a new one.

7           MS. SHAW:         Okay.

8           MR. GROBE:        There is one more  
9           thing, these guys are whispering in my ear while I  
10          was talking. After the -- all of the work is done  
11          at Davis-Besse just prior to restart, there's a  
12          special test that's called Integrated Leak Rate Test  
13          where they pressurize containment. They actually  
14          pump it up in inside and look for leaks, so that's an  
15          additional barrier margin of safety test that  
16          provides additional confidence that the containment  
17          is in good shape.

18          MS. SHAW:       Thank you.

19          MR. GROBE:       Yes, sir.

20          MR. YOUNG:       Richard Young. Good  
21          evening. We have the question of whether Mr.  
22          Strasma's comment earlier on the civil portion of the  
23          penalty phase will be awaiting all the violations to  
24          all be added up before an assessment is granted?

25          MR. GROBE:       The -- I'll talk a

1 little bit about our enforcement policy, and then  
2 I'll turn it over to Bill and he can talk about our  
3 normal routine oversight process. They're only very  
4 unusual circumstances when we use civil penalties,  
5 monetary fines. If a company is involved in  
6 discrimination or willful violations, or if there's a  
7 very significant event, like a significant  
8 overexposure, something like that, those activities  
9 are handled under our traditional enforcement or if  
10 there is deliberate violations, under our traditional  
11 enforcement policy which can result in fines. Other  
12 types of violations, normal violations, aren't  
13 handled under that enforcement policy, and Bill's an  
14 expert in that. I'll let him answer that.

15 MR. DEAN: And if you have our  
16 monthly newsletter, there's actually a pretty good --  
17 is that what you're referring to, our monthly  
18 newsletter?

19 MR. YOUNG: Well, because of the  
20 recent developments of the radiation findings that --  
21 I know it's a different characterization, a different  
22 problem entirely, but I didn't know if you intended  
23 to do the NCV notice at the end of the month.

24 MR. GROBE: Okay.

25 MR. DEAN: Yeah. If you get our

1 monthly newsletter and Vika will --

2 MR. YOUNG: I haven't got the  
3 latest one.

4 MR. DEAN: Okay, it has a  
5 description there, matter of fact, about of our  
6 enforcement policy, which will probably do better  
7 than what Jack and I are trying to do here tonight,  
8 but with respect to -- you're talking about the  
9 radiological issue?

10 MR. YOUNG: Yes.

11 MR. DEAN: First of all, when we  
12 have an inspection finding, we look to characterize  
13 the inspection finding in terms of its significance.  
14 In the case of a radiological event, we will be  
15 looking at exposure, did somebody receive exposure in  
16 excess of limits? If that were the case that  
17 results in the termination of a particular  
18 significance which then derives the Agency's  
19 response, additional inspection, perhaps confirmatory  
20 action letters, orders, violations will be issued.  
21 We reserve the right for civil penalties for, as Jack  
22 said, significant -- if there was a significant  
23 overexposure of an individual, so if that happens to  
24 be the case, this would maybe be something that we  
25 would consider not only for a violation, but may also

1 consider for civil penalty, if we do have a  
2 significant overexposure. That would be an example  
3 of where we would consider civil penalties.

4 MR. YOUNG: Okay. And my last  
5 question I have is a violation being the  
6 non-tolerance portion of the earlier violations, is  
7 that an automatic category one or again category is  
8 only for willful?

9 MR. DEAN: You mean severity  
10 level one?

11 MR. YOUNG: Severity level, I'm  
12 sorry, yes.

13 MR. DEAN: If you're talking  
14 about our prior enforcement policy --

15 MR. YOUNG: Of penalties, yes.

16 MR. GROBE: You've got a good tag  
17 team here because I'm pretty much an expert in our  
18 routine enforcement policy. If you have a  
19 deliberate violation, which I think was your  
20 question, there's a number of different  
21 considerations that go into the categorization of  
22 that violation. If it's a very low level  
23 individual, there may not be any fines, but there may  
24 be just action against that individual. At the other  
25 end of the spectrum, if it's a very high level

1 individual that was involved in that, there would not  
2 only be action against the individual, but there  
3 would likely be fines and possibly orders against the  
4 company, so there's a number of factors. The  
5 egregiousness of the violation, and I know it's  
6 difficult to think of different levels of  
7 egregiousness of willful violation, but one category  
8 of a willful violation is what we call careless  
9 disregard. If the individual was trained well to do  
10 their job and all of the information was there before  
11 them and they just didn't do it, we call that  
12 careless disregard, and that's a willful violation.  
13 That's the lowest level of types of willful  
14 violations and it goes up through a deliberate  
15 violation, which would be somebody did something for  
16 personal gain or for corporate profit where they  
17 deliberately, cognitively made a decision to violate  
18 requirements, so there is different levels of  
19 willfulness, and there is also different levels of  
20 individual as far as their responsibility in the  
21 organization and all of those factors go into  
22 consideration of how you apply the enforcement  
23 sanctions.

24 MR. YOUNG: And NCV notice is only  
25 after everything's done in totality, right? There's

1 no piecemeal in NCV letter -- not NCV. What's your  
2 regulatory violation letter called?

3 MR. GROBE: It won't be until  
4 after the investigation is complete --

5 MR. YOUNG: Okay.

6 MR. GROBE: -- that a decision is  
7 made on what sort of sanctions might be associated  
8 with the violations of Davis-Besse.

9 MR. YOUNG: Thank you very much.

10 MR. GROBE: Okay? Other  
11 questions?

12 MS. BARBOUR: Hi. My name is Emily  
13 Barbour, and I got here late, so you may have  
14 addressed this earlier, and I'm sorry if you have  
15 did.

16 Since I have been here I have heard a lot of  
17 talk about -- earlier a woman asked a question about  
18 safety, and what safe meant, and it was responded to  
19 with a lot of comments on how common processes were  
20 or how controlled the process was, and that doesn't  
21 necessarily mean safe to me, so I was wondering what  
22 safe actually means in terms of a nuclear power  
23 plant, and I was also wondering what guarantees you  
24 can give to the people here that the nuclear power  
25 plant will be safe, not just that the processes

1 involved will be done to the best that they can be,  
2 but that actually there is no threat anymore nor ever  
3 will be?

4 MR. GROBE: That's a pretty high  
5 standard. I think the question had to do with  
6 welding, is that the earlier --

7 MS. BARBOUR: Yeah, that was the  
8 earlier question.

9 MR. GROBE: You don't want me to  
10 go into that, do you?

11 MS. BARBOUR: Okay.

12 MR. GROBE: Yes?

13 MS. BARBOUR: I was just wondering  
14 what safe means in -- I mean, nuclear power is a big  
15 complex process, so --

16 MR. GROBE: I'm going to answer  
17 this with a couple generalities and then some  
18 specific technical information, and you can tell me  
19 when to stop. Each of us define safe differently in  
20 day to day life. You know, we all drive down the  
21 street and there's a risk associated with that. We  
22 all do things day in and day out which have risks  
23 associated with them, and we make those judgments all  
24 the time. Some of us talk on a cell phone when we  
25 drive. Well, that's more risky than two hands on the



1 wheel, and we make that judgment that we feel that  
2 that's safe, and somebody else may feel that that's  
3 unsafe. Someone else may feel that you talking on  
4 the cell phone makes me unsafe, so, I mean, each of  
5 us define safe differently. Within the context of  
6 nuclear power we talk about safety in terms of core  
7 damage frequency, and let me tell you what that  
8 means. It's the probability of an accident  
9 occurring that could damage the reactor core, and  
10 that doesn't mean release radioactive materials  
11 because there is many barriers to releasing  
12 radioactive materials. The first barrier is the  
13 nuclear fuel itself, so we talk about safety in terms  
14 of what is the probability that the first barrier to  
15 the release of radioactive materials could be  
16 damaged, and generally we're talking about  
17 probabilities in the range of 1 in 100,000 to 1 in a  
18 million per year, so that means if a reactor operates  
19 for a whole year, the risk of having that first  
20 barrier breached is on the order of 1 in a million.  
21 That's how we talk about safety. A normal operating  
22 reactor in the United States has a core damage  
23 probability of somewhere between 10 to the minus five  
24 which is one in 100,000 to 10 to the minus 6th which  
25 is one in a million, and some violations increase

1 that risk and as the risk increases our response to  
2 the violation increases, so we're right now trying to  
3 determine what this risk significance is or was of  
4 what happened at Davis-Besse, and that's a very  
5 complicated problem because it's a very unusual  
6 situation to have a roughly six inch diameter hole  
7 99% of the way through the reactor head, so it's a  
8 very difficult thing to do, but we're in the process  
9 of trying to calculate what that risk significance  
10 was.

11 Now, like I said, I first answered your  
12 question -- was kind of general; second answer was  
13 very technical. I'm not sure I'm answering your  
14 question fully, but if -- do you have additional  
15 questions? Have I hit it -- the mark?

16 MS. BARBOUR: All right. You're  
17 doing an all right job.

18 MR. GROBE: Okay. Okay. Do you  
19 have other questions?

20 MS. BARBOUR: Not at the moment.

21 MR. GROBE: Okay. Thanks.

22 MS. LUEKE: Hello, Donna Lueke.

23 I had a couple of questions about what  
24 happens to the information from these public  
25 meetings?

1 MR. GROBE: What happens to the  
2 transcript?

3 MS. LUEKE: Yeah.

4 MR. GROBE: It takes us about  
5 three or four weeks, but -- in about three or four  
6 weeks it will show up on our web site, so it will be  
7 available for anybody who's interested that wasn't  
8 able to attend the meeting, they can review the  
9 transcript.

10 MS. LUEKE: I guess last time we  
11 checked was about a month ago, but at that time the  
12 notes from August were still not on the web site.

13 MR. GROBE: Well, I'm certain they  
14 are now.

15 MS. LUEKE: Okay.

16 MR. GROBE: Our last meetings --  
17 this is October, our last meetings in September, the  
18 afternoon meeting is up on the web site. The  
19 evening meeting was supposed to go up today.

20 MS. LUEKE: Okay.

21 MR. GROBE: So it takes us about a  
22 month and -- you know, most of it is the skin wearing  
23 off the fingertips of the transcriber to put it on  
24 paper.

25 MS. LUEKE: Who reviews those

1 minutes?

2 MR. GROBE: We review them to make  
3 sure that they are reasonably accurate before we put  
4 them up on the web site, and then whoever wants to  
5 review them, reviews them.

6 MS. LUEKE: As far as the content  
7 of those, do you come to some sort of report about  
8 that or just read them over or --

9 MR. GROBE: We're making --

10 MS. LUEKE: What happens with the  
11 information that we discuss here is what I want to  
12 know.

13 MR. GROBE: We're making the  
14 transcripts available as a service to the public --

15 MS. LUEKE: Uh huh.

16 MR. GROBE: -- for those people  
17 that aren't able to come to the meetings. There was  
18 a lot of concern, for example, whether we should  
19 conduct all these meetings -- the afternoon meetings  
20 in the evening and decided that that wasn't the best  
21 way to proceed from a business prospective, but there  
22 were people that wanted to see what was going on in  
23 the afternoon, so we decided to transcribe all of the  
24 meetings so that somebody who's interested in the  
25 contents of the afternoon meetings but couldn't

1 attend could actually find out, so the slides from  
2 those meetings are available on the web site. That's  
3 generally before the meeting happens, and the  
4 transcripts are available about three or four weeks  
5 after the meeting happens.

6 MS. LUEKE: Okay. I just wondered  
7 because it took so long to get those minutes up and  
8 then also I filled out the comment card from last  
9 time and asked for someone to contact me and that  
10 never happened, and I went on the web site, and, you  
11 know, that -- there wasn't a response there, either,  
12 so my personal experience as just a local citizen has  
13 been that --

14 MR. GROBE: It hasn't been that  
15 good, it sounds.

16 MS. LUEKE: No.

17 MR. GROBE: Well, talk to  
18 Viktoria.

19 MS. LUEKE: Okay.

20 MR. GROBE: And any one us will  
21 call you with whatever questions you have. I don't  
22 believe -- somehow we didn't get that comment card,  
23 and they might be in somebody's office and just  
24 didn't get to us yet, and I apologize for that.

25 MS. LUEKE: 'cause I think that

1 from what I've seen, you are fairly good at  
2 communicating with what happens in the meetings with  
3 FirstEnergy. We're getting that information, that's  
4 being delivered, and your web site seems and your  
5 newsletter -- so those kinds of -- the information  
6 flow to the community seems to be reasonably good;  
7 however, I'm not sure about the feedback from the  
8 community to you, how that's happening, and if it's  
9 being taken in in any way.

10 MR. GROBE: Oh, absolutely.  
11 We're getting tremendous feedback, and we have gotten  
12 tremendous feedback tonight from the community. I  
13 have seen a lot of the feedback forms that people  
14 send in, so I know that they are eventually getting  
15 to my desk. I don't know why yours got misplaced.

16 MS. LUEKE: Well, I'm not too  
17 concerned about that one thing, but I guess most of  
18 your time is spent talking with the Licensees, right?

19 MR. GROBE: (Nod indicating).

20 MS. LUEKE: And amongst each other  
21 with your own management teams and inspectors and  
22 all.

23 MR. GROBE: Uh huh.

24 MS. LUEKE: Is -- outside of the  
25 problem-solving area, is there any regular system

1 where people like citizens groups or the Union of  
2 Concerned Scientists or Ohio Citizens Actions or news  
3 media or those kind of forces are a part of your  
4 decision-making is what concerns me --

5 MR. GROBE: Sure.

6 MS. LUEKE: -- because otherwise  
7 the loop is too closed just between the -- and  
8 naturally if you're spending all your time with the  
9 people that are, you know, operating the power  
10 plants, those are the people that you're going to  
11 listen to.

12 MR. GROBE: Sure.

13 MS. LUEKE: So I just think that  
14 there's a structural problem with the communications  
15 as I've seen it.

16 MR. GROBE: Let me just tell you  
17 what we do have, and it seems to work pretty good,  
18 but we could always improve it. You talk about the  
19 Union of Concerned Scientists, we're talking to Dave  
20 Lochbaum all the time. I mean, he's very actively  
21 engaged with us both electronically as well as  
22 face-to-face, I receive E-mails from David all the  
23 time, so there is a lot of interface between us and  
24 the national level of public interest groups. All  
25 of our routine inspection reports for every reactor

1 is available on the web site.

2 In addition to that, for each reactor there's  
3 a specific spot on the NRC web site that gives you  
4 information regarding the current performance  
5 indicators for that plant, the current inspection  
6 findings and then you can delve into that, if you can  
7 click onto various windows and it will get you back  
8 into various documents as well as you can search --  
9 we have an electronic database for all of our  
10 documents. It's called ADAMS, Agency Document  
11 Management System, ADAMS -- I think that's what it  
12 is, and you can search and find all the inspection  
13 reports for whatever plants you're interested in.

14 In addition to that, we conduct -- I'll say  
15 routine public meetings on each plant. For a very  
16 good performing plant that has no events, no problem,  
17 that routine public meeting might only be once a  
18 year, and we might get three or four people that come  
19 to those types of meetings. Obviously, for a plant  
20 like Davis-Besse we're conducting multiple public  
21 meetings per month, and we're getting a lot of  
22 interest and a lot of feedback, so depending on where  
23 the plant is, we provide what we hope is good access  
24 to the public to what we're doing, and if it's not  
25 enough, you know, we're willing to do more, but



1 that's why we're here. We're trying to do that, to  
2 provide the public access to us and to what we're  
3 doing.

4 MS. LUEKE: I guess it still  
5 concerns me because there aren't many Mr. Lochbaum's  
6 out there. Not too many of us have that kind of an  
7 understanding, and I have devoted a lot of effort to  
8 try and understand what's happening to us around here  
9 since -- but like with most of the residents around  
10 here, it only came to my attention when there was a  
11 problem.

12 I guess I'd submit that there -- just as  
13 there was a root cause, you found one of the root  
14 causes of FirstEnergy's Davis-Besse problems to be  
15 their corporate culture, and the problems of  
16 communication that were caused by that -- that's  
17 correct, right? One of the root causes was --

18 MR. GROBE: Yes.

19 MS. LUEKE: I'd submit that maybe  
20 that there is a similar root cause in the NRC  
21 structure because you spend the majority of your time  
22 amongst each other and with the Licensees of the  
23 plant, and I guess -- and I am sure that at times it  
24 seems like you're under assault from all those other  
25 factors from the citizens groups and for those of us

1 that are upset so that your contact with the public  
2 maybe is too limited to crisis situations. In order  
3 for you to have a -- a meeting once a year, the three  
4 or four people, I don't think is enough to balance  
5 the natural prejudice that you're going to have by  
6 spending all your time, and I'm just throwing that  
7 out there. I don't have an answer for it.

8 MR. GROBE: Well, let me -- I  
9 think your comment is very good, and let me respond  
10 to it a little bit and see if anybody else has any  
11 comments. We refer to that as a loss of  
12 objectivity.

13 MS. LUEKE: Yeah.

14 MR. GROBE: And we specifically --

15 MS. LUEKE: That's what I've  
16 heard.

17 MR. GROBE: It's something that's  
18 of great concern to us. For example, once upon a  
19 time many years ago I was a Resident Inspector, and  
20 for the Resident Inspector Program, we're very  
21 concerned about that because they're literally  
22 working at the plant every day.

23 MS. LUEKE: Yeah.

24 MR. GROBE: So we have specific  
25 procedures in place that we move Resident Inspectors

1 every -- not more than seven years and oftentimes  
2 it's much more frequent than that, but we don't allow  
3 an individual to stay at one plant longer than seven  
4 years. Most of the Resident Inspectors move much  
5 more often than that. That's because of that exact  
6 concern.

7 In addition to that, in each of our  
8 performance appraisals, our objectivity is evaluated  
9 every year by our supervisor, and so this is not an  
10 issue that's lost from us. I can understand your  
11 perception that maybe there was a loss of objectivity  
12 and the decision that was made, but, you know, that  
13 that's something that was evaluated by Lessons  
14 Learned Task Force and will be evaluated to much  
15 greater detail by the Office of the Inspector  
16 General. Vika, did you have something?

17 MS. MITLYNG: Yeah, I want to --

18 MR. GROBE: Come to the  
19 microphone, please.

20 MS. MITLYNG: I'm the Public Affairs  
21 Officer --

22 MR. GROBE: You got to get closer,  
23 Vika.

24 MS. MITLYNG: I'm the Public Affairs  
25 Officer with the Nuclear Regulatory Commission, and I

1 think that your comments are really important. The  
2 Public Affairs Office is the interface, supposed to  
3 be the interface, between you and these factors, the  
4 staff, the management of the Commission, and I  
5 personally sit in my office eight, nine, ten hours a  
6 day. I talk to the media. I talk to citizens,  
7 local citizens, who call me and say, hey, you know,  
8 we're thinking of buying a condo near Davis-Besse,  
9 should I? And I try to provide as much information  
10 as I have, and I'm not a nuclear scientist. I'm not  
11 an engineer. I'm a Reporter, and so I really try to  
12 understand the issues that the Commission deal with  
13 and bring them to people who have interests, and we  
14 have put together the monthly newsletter where we try  
15 as much as we can to describe what we are doing to  
16 address the concerns of people who live in this area  
17 which are very understandable to me. I have two  
18 kids myself and I, you know, I really know where  
19 you're coming from, so if you have any suggestions or  
20 questions, any of you out here, please call the  
21 Public Affairs office in Region 3. You can talk to  
22 me any time. Take down my number, it's  
23 630-829-9662. My colleague is Jan Strasma. His  
24 number is 829-9663, and we will try to answer  
25 whatever questions and provide you with information

1 that you need.

2 MS. LUEKE: Thank you. I think  
3 that was very helpful to me because I know that for  
4 myself and for many of the people that have come here  
5 to make comments that it takes a certain leap to get  
6 here because to become even informed about all this  
7 is quite complicated and takes a commitment of time  
8 and most of us have other -- other things that we do,  
9 and also because our neighbors, our friends work at  
10 Davis-Besse, and it's an important part of the area,  
11 and so for us to ask these difficult questions, I  
12 think for every person that asks a tough question, I  
13 think you have to realize that there are an awful lot  
14 of people that aren't asking questions. I'm sure  
15 Communications 101, that's a known thing, but I think  
16 in this case, it's even more so because people are  
17 afraid, and they'd much rather believe that  
18 everything is okay, and that's why it's been so hard  
19 to lose faith in those that we thought were  
20 protecting us, and I just have one more question, if  
21 I may.

22 MR. GROBE: Sure.

23 MS. LUEKE: When I was here a  
24 couple months ago, we were talking and -- about how  
25 bad this was, and we still don't know how bad this

1 was. I'm assuming there are still things to be found  
2 out, but at that time you said that this wasn't  
3 really that bad as far as nuclear power plant  
4 occurrences were concerned, that there were worse out  
5 there, and with the facts that have come up since  
6 that time in the last few months, have you changed  
7 your perception of how bad it was here, and how  
8 serious this case is?

9 MR. GROBE: I really can't recall  
10 what you're talking about, but it could have been the  
11 context of the fact that we described multiple  
12 barriers to release and even this one barrier wasn't  
13 breached, it was very seriously degraded. Was that  
14 maybe the context of the prior conversation?

15 MS. LUEKE: That's why I wished I  
16 had the --

17 MR. GROBE: Yeah.

18 MS. LUEKE: -- meetings' notes,  
19 but I don't know for sure.

20 MR. GROBE: Let me just start off  
21 with a different kind of comment on a different tack.

22 As David has indicated he's known me for  
23 quite a few years. It's very difficult for me to be  
24 associated with an organization that people don't  
25 trust. I have been working in this business for a

1 long time. I think I do a good job of it, and I  
2 think you should be able to trust us. I think the  
3 work that we're doing at Davis-Besse deserves your  
4 trust under this 0350 Panel, and I think if the plant  
5 is returned to operation, it will only be returned to  
6 operation if it's safe. The situation occurred at  
7 Davis-Besse, the specific situation of the reactor  
8 head was a symptom of a much broader problem at  
9 Davis-Besse. The Company described it as a focus on  
10 production over safety, and it had ramifications in  
11 many areas of the plant. The Company's found a  
12 number of problems with a variety of systems at the  
13 plant that they were not aware of, so I'm not sure  
14 if -- you asked a question; is this problem bigger  
15 than with we originally thought? Yes. The head  
16 itself was a significant issue because a very great  
17 amount of margin -- whenever you design a piece of  
18 equipment, when an engineer designs it, he says I  
19 need this much, so I'm going to design it to have  
20 this much -- excuse me, this much, and that way I  
21 have all this design margin. Well, all of that  
22 margin was eaten up literally in the corrosion and  
23 that's very significant. An accident didn't occur,  
24 so that's the good news. The bad news is the  
25 situation existed, and the Company is getting their

1 arms around the full significance of this as far as  
2 other problems and other areas of the plant. If you  
3 have the opportunity to review the slides or  
4 transcripts of the afternoon meetings, or if you can  
5 come to one of them, I think they're upwards of  
6 24,000 specific work activities that they have to  
7 accomplish to fix the problems that they've  
8 identified prior to restart, so that just gives you a  
9 sense of the number of issues. Many of those  
10 problems are very small problems, so there's a bunch  
11 of them, so that I think just to give you a context  
12 of the number of things that they're finding that  
13 aren't what they expected to find.

14 MS. LUEKE: That's not very  
15 comforting, I'm sure you know.

16 MR. GROBE: Well, it's not very  
17 comforting looking back. I guess the -- somebody  
18 earlier, the young lady in the back row asked what  
19 safe was. Well, there wasn't an accident, that's  
20 the good news. The risk of plant is much higher  
21 than what it should have been. We haven't finished  
22 calculating that. I'm not sure we're going to be  
23 able to precisely calculate what the risk was by the  
24 time we get done, but we're going to be able to get a  
25 context of what the increased risk was, so the plant



1 was less safe than what it should have been. Was it  
2 unsafe? Well, there wasn't an accident, so -- it's  
3 difficult to, you know, put that all into context.  
4 It certainly is not acceptable, performance of the  
5 plant was not acceptable.

6 MS. LUEKE: Okay. Thank you.

7 MR. GROBE: Uh huh.

8 (Brief pause).

9 MR. GROBE: Well, it looks like we  
10 have run out of energy.

11 I certainly appreciate all the comments that  
12 we've received tonight, and I encourage you to come  
13 again. If you can come in the afternoon, you can  
14 hear FirstEnergy give their presentation. If you  
15 can't come, that information is available on the web  
16 site. Avail yourself of that, call Vika at any time  
17 or her counterpart, Jan Strasma, and if she can't  
18 answer your question, she'll certainly get to me and  
19 between the two of us, we should be able to answer  
20 any questions you might have. Thank you very much.  
21 Oh, fill out the feedback forms, please. Thank you.

22 THEREUPON, the hearing was adjourned.

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 80 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 16th day of October, 2002 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      , 2002.

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

My commission expires 4/29/04

