November 29, 2001

Mr. Michael Mulligan
New England Coalition on Nuclear Pollution
5 Woodlawn Lane
Hinsdale, NH 03451

Dear Mr. Mulligan:

Your e-mail dated September 27, 2001, and addressed to Mr. Victor L. Dricks for Dr. William D. Travers, Executive Director for Operations, has been referred to the Office of Nuclear Reactor Regulation (NRR) pursuant to 10 CFR 2.206 of the Commission's regulations. A copy of your e-mail and all supplements are enclosed for completeness. Noting your request that the Nuclear Regulatory Commission (NRC) take enforcement action against the LaSalle County Station, Units 1 and 2, (LaSalle), the staff has processed your request following the guidance in Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions." You requested the following NRC enforcement-related actions:

1. Both units be immediately shutdown for a lengthy maintenance period to replace leaking safety/relief valves (S/RVs).

2. The NRC perform an immediate emergency inspection on the S/RV problems at LaSalle and an assessment of other similar large relief valves at other Exelon Generation Company, LLC, (Exelon, licensee) facilities.

3. The NRC perform a detailed inspection on the suppression pool temperature increases, in-leakage problems, and extended use of the residual heat removal (RHR) system in the suppression pool cooling (SPC) mode during this past summer.

As the basis for your request, supplemented by information you provided to Mr. William A. Macon, Jr., on October 3, 2001, you stated the following.

1. NRC Inspection Reports 00-12, 01-02 and 01-03 for LaSalle indicate multiple Unit 1 and Unit 2 S/RVs have excessive internal seat leakage. You further suggest that the NRC displays a "reckless indifference to safety" regarding S/RV leakage and other degraded components which create "unacceptable risks to the surrounding community."

2. NRC Inspection Report 00-11, which references a LaSalle policy directive (LOP-CM-03) that addresses frequent suppression pool cooling and mixing, indicates many years of living with degraded component problems and allowing suppression pool temperature increases up to the 105 °F limit. You further suggest that degraded plant operations are bumping past conservative safety limits and analysis, and that the NRC is being "deceptive" and "amoral" regarding its technical reviews of the industry's engineering analyses.

3. Operation of the RHR system in the SPC mode is not meant to facilitate normal commercial plant operations. Safety systems are designed to be maintained in a standby state and only run when absolutely necessary. The industry has declared that running these components excessively creates the condition which leads to excessive wear and increasing failures. You further suggest the NRC has become a "one way check valve for the industry" by permitting longer testing timeframes and reduced testing for the nuclear industry's benefit.

You addressed the NRC's petition review board (PRB) by teleconference on October 12, 2001, to clarify your petition. A transcript of the meeting is enclosed as a supplement to your petition. The results of that discussion have been considered in the PRB's determination regarding your request for immediate action and whether or not the petition meets the criteria for consideration under 10 CFR 2.206. The staff has concluded that your submittal does not meet the criteria for consideration under 10 CFR 2.206 because your petition presents no significant new information and only raises issues that have already been the subject of NRC staff review and evaluation on the LaSalle facility and other similar facilities (e.g., Quad Cities, Fitzpatrick).

Your petition, supplemented by information you provided to Mr. Macon on October 9, 2001, raises additional concerns about potential NRC misconduct. You state that the agency has ignored known problems with leaking S/RVs and RHR reliability at LaSalle and throughout the industry. The staff is treating these concerns as assertions of impropriety by NRC staff and has referred them to the Office of the Inspector General.

Although the staff has concluded that your submittal does not meet the criteria for consideration under 10 CFR 2.206, the staff has reviewed the relevant technical issues and has developed the following response to your concerns:

EVALUATION

LaSalle County Station, Units 1 and 2, currently operates in accordance with a set of improved technical specifications (TSs) based on NUREG 1433, Revision 1, "Standard Technical Specifications, General Electric Plants BWR/4," dated April 1995, NUREG-1434, Revision 1, "Standard Technical Specifications, General Electric Plants BWR/6," dated April 1995, and on guidance provided in the Commission's "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors," published on July 22, 1993 (58 FR 39132). These technical references, prepared by the NRC staff, have been extensively reviewed by the industry, professional organizations, academic institutions, and the public. The staff prepared the Safety Evaluation (SE) for the LaSalle improved TS conversion in accordance with these references and NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," dated July 1981. On March 30, 2001, the Commission issued Amendment 147 to Facility Operating License No. NPF-11 and Amendment No. 133 to Facility Operating License No. NPF-18 for the LaSalle County Station, Units 1 and 2, respectively. The licensee implemented the improved TS at LaSalle on May 1, 2001, which are currently the licensing basis under which NRC inspectors monitor plant activities, evaluate if NRC requirements are violated, and, if a violation is found, determine its effect on plant safety and risk. Excerpts from the LaSalle TS and bases are enclosed for reference to clarify the staff's evaluation of your safety concerns.

Safety/Relief Valves (S/RVs)

In your 10 CFR 2.206 petition and in previous communications with the staff regarding LaSalle and other facilities (e.g., Limerick, Prairie Island, Susquehanna), you have expressed concerns regarding the degradation of S/RVs, the amount of leakage which is considered to be acceptable for S/RVs and other large relief valves, and the surveillance testing interval which is acceptable to satisfy ASME Code requirements. The staff has responded to you on several occasions, most recently on September 14, 2001, in response to your June 21, 2001, concerns regarding leakage of large remotely controlled relief valves. The NRC staff considers some leakage to be acceptable without affecting plant operation or safety, and, in fact, all S/RVs may leak without necessarily rendering them mechanically inoperable and incapable of performing their safety functions in the event of a reactor overpressurization event. As long as TS Limiting Condition for Operation (LCO) 3.4.4 and Surveillance Requirement (SR) 3.4.4.1 are satisfied (see enclosed excerpts), no NRC enforcement-related action is warranted. The staff further considers that NRC requirements are being met to ensure S/RVs are monitored and maintained in a condition that ensures they will perform their safety functions.

Safety-related components such as S/RVs are within the scope of the Maintenance Rule (10 CFR 50.65). The Maintenance Rule requires that licensees monitor the performance or condition of components, such as S/RVs and other large relief valves, against licensee-established goals commensurate with safety, taking into account industry-wide operating experience. Licensees must take corrective action when these goals are not met. The NRC has determined that the Boiling Water Reactor (BWR) Owners Group and individual licensees at LaSalle and other facilities have significantly improved the performance of three-stage S/RVs and two-stage S/RVs as demonstrated by plant-specific operational experience and test data. The NRC staff does not believe there is a generic problem regarding the operability of S/RVs, despite known component degradation and leakage problems. These are maintenance issues which fall within the scope of the licensee's maintenance programs and corrective action programs, and not within the scope of direct NRC enforcement. The licensee has indicated that it plans to replace the current hard-seat S/RVs with soft-seat S/RVs during upcoming outages to fix the leakage problems, and the staff is satisfied that these planned corrective actions will be sufficient. The staff continues to monitor the S/RV leakage problems, but neither the NRC staff's evaluation, nor industry operational data, indicates that the currently installed S/RVs pose a risk-significant safety concern.

Suppression Pool Average Temperature

In your 10 CFR 2.206 petition you have expressed concerns regarding the licensee approaching TS limits on suppression pool temperatures. This is an operating issue which falls within the scope of the licensee's operating procedures, and not within the scope of direct NRC enforcement. As long as LCO 3.6.2.1 and SR 3.6.2.1.1 are satisfied, no NRC enforcement-related action is warranted. TS limits are not safety analysis limits, and approaching a TS limit is within the bounds of acceptable plant operation as long as the limit is not exceeded. NRC inspectors continue to monitor plant activities to ensure NRC requirements are met and plant procedures are followed. There has been no indication that these TS limits have been exceeded or plant procedures violated, nor has there been any other indication to suggest that the current safety analyses are nonconservative.

Residual Heat Removal (RHR) Suppression Pool Cooling

In your 10 CFR 2.206 petition, you express concerns regarding the degradation of the RHR system, excessive run times of the RHR subsystems, and the operation of safety systems such as RHR during regular plant operation rather than maintaining them in a standby state. Although there is no TS limit or other licensing restriction on run times for the RHR pumps at LaSalle, there are starting limitations on the pumps and they are required to be run quarterly (every 92 days) in accordance with the inservice testing (IST) program. The pumps are, in fact, designed for extended operation for use during the long term core cooling mode of operation. As long as LCO 3.6.2.3, SR 3.6.2.3.1 and SR 3.6.2.3.2 are satisfied, no NRC enforcement-related action is warranted. The staff considers that NRC requirements are being met to ensure RHR suppression pool cooling subsystems are monitored and maintained in a condition that ensures they will perform their safety functions.

Safety-related components such as RHR pumps and valves are within the scope of the Maintenance Rule (10 CFR 50.65). Licensees must take corrective action when licensee-established goals are not met. The NRC staff does not believe there is a generic problem regarding extended use of the RHR system in the SPC mode, as far as normal system reliability and operability are concerned. Concerns about excessive wear and increased risk of failures of RHR system components are maintenance issues which fall within the scope of the licensee's maintenance programs and corrective action programs, and not within the scope of direct NRC enforcement. The staff continues to monitor the safety system performance of RHR and other systems, but neither the NRC staff's evaluation, nor industry operational data, indicate that the currently demonstrated level of performance at LaSalle poses a risk-significant safety concern.

However, the NRC staff shares your concerns about extended use of the RHR system in the SPC mode and the potential for water hammer in the RHR system during a design basis loss of coolant accident (LOCA) coincident with a loss of offsite power (LOOP) while the system is aligned in this mode. This issue has been previously identified in NRC Information Notice (IN) 87-10, "Potential for Water Hammer During Restart of Residual Heat Removal Pumps," dated February 11, 1987, and Supplement 1, dated May 15, 1997. This supplement specifically addresses the increased use of RHR pumps in the SPC mode due to leaking S/RVs. The concern is that during a design basis LOCA coincident with a LOOP, the LOOP, subsequent valve realignment, and large elevation differences may allow portions of the RHR system to drain down to the suppression pool, leaving voids in the RHR piping. When the emergency diesel generators reenergize the emergency buses in response to the LOOP, the RHR pumps will start and possibly cause water hammer damage in the voided RHR loop.

In 1993, NRC inspectors expressed concerns that the licensee had not adequately addressed IN 87-10, and the licensee subsequently performed additional analysis and testing and concluded that the potential for severe water hammer was possible. As a result, Sargent and Lundy performed water hammer analysis EMD-067982, "Evaluation of Potential Water Hammer In Residual Heat Removal System," Revision 0, dated February 18, 1994. This report concluded that although a water hammer would occur, the RHR system would maintain its pressure boundary integrity, structural stability, and functional capability during the water hammer event. NRC inspectors noted that plastic deformation and ovalization of system piping as well as snubber failure were also predicted. These results were subsequently documented in the LaSalle updated final safety analysis report (UFSAR).

In December 1995, General Electric Report NEDC-32513, "Suppression Pool Cooling and Water Hammer," was issued to document the conclusion of a General Electric review of the generic water hammer issue. In that report, the following conclusions were documented:

> Operation of the RHR system in the SPC mode has been expected to be an infrequent occurrence during normal operation. As a result, the original LOCA design basis and supporting analysis only assumed initiation of the ECCS/LPCI [Emergency Core Cooling Systems/Low Pressure Coolant Injection] mode to be from a standby configuration.
>
> The frequency of occurrence of a LOOP/LOCA coincident with the RHR system being in the SPC mode is less than the probability of events considered in the design of BWRs (< 1.0×10^{-6} per year, per ANSI/ANS-52.1, "Nuclear Safety Criteria for the Design of Stationary Boiling Water Reactor Plants").

Although LOOP/LOCA occurrence during secondary modes of operation (such as SPC mode) may not have been included in the original design basis, the staff has determined that the increased use of SPC mode, possibly beyond the frequency defined as "short operational periods," would require analysis of the event and the corresponding draindown and water hammer. The LaSalle licensing basis contains no specific restrictions regarding the time in which RHR may be operated in the SPC mode and the 1994 water hammer analysis concludes that the RHR safety function will be maintained despite the potential for severe water hammer, which indicates that LaSalle has been operating within currently acceptable limits and analyses.

Due to the number of S/RVs leaking at both LaSalle units during the current operating cycles, and the expected increased use of RHR in the SPC mode during the summer months with elevated ultimate heat sink (UHS) temperatures, NRC inspectors began reviewing the LaSalle water hammer analysis during April/May 2001 and began an iterative series of discussions with the licensee. As late as September 17, 2001, prior to your petition on September 27, 2001, NRC Inspection Report 01-10 notes that the inspectors reviewed selected Operability Evaluations and Condition Reports related to the leaking S/RVs and a licensee management decision to operate one train of the Unit 1 RHR system continuously in the SPC mode, and identified this issue as an Unresolved Item (URI 50-373/2001010-02).

This unresolved item involves regulatory interpretations unrelated to the technical concerns raised in your petition. For example, the staff currently has a concern that the 1994 RHR water hammer analysis does not meet the criteria specified in Appendix F of Section III of the ASME Code. The licensee has commissioned an independent contractor to review the analysis and determine whether the analysis is reasonable to demonstrate system functionality. Additionally, the staff is reviewing the overall adequacy of the LaSalle water hammer analysis and the applicability of the recently revised 10 CFR 50.59 change control process to this issue.

These ongoing discussions primarily involve regulatory interpretations and do not involve any new technical issues which have not already been the subject of NRC staff review and evaluation (e.g., Fitzpatrick in 1996, Quad Cities in 1997). Your petition does not present any significant new information which may be relevant to these discussions. The staff continues to monitor the LaSalle water hammer analysis issue and will employ whatever regulatory actions are appropriate, including enforcement action if warranted.

CONCLUSION

Based on the above, the NRC staff has concluded that your submittal dated September 27, 2001, supplemented by information provided on October 3, 2001, does not meet the criteria for consideration under 10 CFR 2.206 because your petition presents no significant new information and only raises issues that have already been the subject of NRC staff review and evaluation on the LaSalle facility, other similar facilities (e.g., Prairie Island, Susquehanna, Limerick, Fitzpatrick, Quad Cities), and on a generic basis, for which the issues have been resolved and the resolutions are applicable to LaSalle. No NRC enforcement-related action is warranted based upon the information you have presented.

Mr. Mulligan, please understand that if a violation of NRC requirements is found during NRC inspections or brought to the attention of the NRC by either plant personnel or other individuals, there are basically two mechanisms used by the NRC to address the problem based upon its effect on plant safety and risk. If the violation is of very low safety significance, it will be discussed in an inspection report with no formal enforcement action. The utility is expected to deal with the violation through its corrective action program, correcting the violation and taking steps to prevent a recurrence. If the NRC risk evaluation finds that the violation has a higher risk significance, a Notice of Violation will be issued to the licensee which may or may not involve a civil penalty. A Notice of Violation requires the licensee to respond formally to the NRC with its actions to correct the violation and what steps it will take to prevent the violation from occurring again. Both mechanisms involve a public process and all documentation is available for public review.

In summary, the NRC staff concludes that no violation of NRC requirements exists at the LaSalle County Station, Units 1 and 2, which warrants NRC enforcement-related action. Your concerns related to excessive leakage of S/RVs, suppression pool temperatures approaching

operational limits, and extended use of the RHR system in the SPC mode have been previously addressed and evaluated by the staff. The NRC, therefore, does not intend to review your concerns under the 10 CFR 2.206 petition process for the aforementioned reasons.

Thank you for bringing these issues to the attention of the NRC.

Sincerely,

/RA/

John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-373 and 50-374

Enclosures: As stated

cc w/Enclosures: See next page

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operational limits, and extended use of the RHR system in the SPC mode have been previously addressed and evaluated by the staff. The NRC, therefore, does not intend to review your concerns under the 10 CFR 2.206 petition process for the aforementioned reasons.

Thank you for bringing these issues to the attention of the NRC.

Sincerely,

/RA/

John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-373 and 50-374

Enclosures: As stated

cc w/Enclosures: See next page

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OFFICE	RGN-III	D:PD3	DD:DLPM	D:DLPM	
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DATE	11/05/01	11/29/01	11/28/01	11/29/01	

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EXCERPTS FROM THE LASALLE COUNTY STATION, UNITS 1 AND 2,

IMPROVED TECHNICAL SPECIFICATIONS (TS) AND BASES

Safety/Relief Valves (S/RVs)

TS Limiting Condition for Operation (LCO) 3.4.4, "Safety/Relief Valves (S/RVs)," states:

> The safety function of 17 S/RVs for Unit 1, and 12 S/RVs for Unit 2, shall be OPERABLE.

The bases for LCO 3.4.4 states:

> The safety function of 17 S/RVs for Unit 1 and 12 S/RVs for Unit 2 is required to be OPERABLE. The requirements of this LCO are applicable only to the capability of the S/RVs to mechanically open to relieve excess pressure when the lift setpoint is exceeded (safety mode). In Reference 2 [Updated Facility Safety Analysis Report (UFSAR), Section 5.2.2.1.3], an evaluation was performed to establish the parametric relationship between the peak vessel pressure and the number of OPERABLE S/RVs. The results show that with a minimum of 17 S/RVs for Unit 1 and 12 S/RVs for Unit 2 in the safety mode OPERABLE, the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code) limit of 1375 psig is not exceeded.
>
> The S/RV safety setpoints are established to ensure the ASME Code limit on peak reactor pressure is satisfied. The ASME Code specifications require the lowest safety valve be set at or below vessel design pressure (1250 psig) and the highest safety valve be set so the total accumulated pressure does not exceed 110% of the design pressure for overpressurization conditions. The transient evaluations in Reference 3 [UFSAR, Chapter 15] involving the safety mode are based on these setpoints, but also include the additional uncertainties of ± 3% of the nominal setpoint to account for potential setpoint drift to provide an added degree of conservatism.
>
> Operation with fewer valves OPERABLE than specified, or with setpoints outside the ASME limits, could result in a more severe reactor response to a transient than predicted, possibly resulting in the ASME Code limit on reactor pressure being exceeded.
>
> The S/RVs are required to be OPERABLE to limit peak pressure in the main steam lines and maintain reactor pressure within acceptable limits during events that cause rapid pressurization, so that the Minimum Critical Power Ratio (MCPR) is not exceeded.

Note: On May 3, 1999, the Commission issued Amendment 133 to Facility Operating License No. NPF-11 and Amendment No. 118 to Facility Operating License No. NPF-18 for the LaSalle

ENCLOSURE

County Station, Units 1 and 2, respectively, to reduce the number of S/RVs required to be operable from 17 to 12. Unit 2 implemented this TS change in November 2000. Unit 1 plans to implement this TS change in February 2002.

Surveillance Requirement (SR) 3.4.4.1 requires the safety function lift setpoints of the required S/RVs be verified in accordance with the facility's inservice testing (IST) program.

Suppression Pool Average Temperature

TS LCO 3.6.2.1, "Suppression Pool Average Temperature," states:

> Suppression pool average temperature shall be:
> a. ≤ 105 °F with THERMAL POWER > 1% Rated Thermal Power (RTP); and
> b. ≤ 110 °F with THERMAL POWER ≤ 1% RTP.

The bases for LCO 3.6.2.1 states:

> The postulated Design Basis Accident (DBA) against which the primary containment performance is evaluated is the entire spectrum of postulated pipe breaks within the primary containment. Inputs to the safety analyses include initial suppression pool water volume and suppression pool temperature (Reference 1 [UFSAR, Section 6.2] for Loss-of-Coolant-Accidents (LOCAs) and References 1 and 2 [LaSalle County Station Mark II Design Assessment Report, Section 6.2, June 1981] for the suppression pool temperature analyses required by Reference 3 [NUREG-0783]). An initial pool temperature of 105 °F is assumed for the Reference 1 analyses. Reactor shutdown at a pool temperature of 110 °F and vessel depressurization at a pool temperature of 120 °F are assumed for the Reference 1 and 2 analyses.
>
> Suppression pool average temperature satisfies Criteria 2 [Limiting conditions for operation] and 3 [Surveillance requirements] of 10 CFR 50.36(c)(2)(ii).
>
> A limitation on the suppression pool average temperature is required to assure that the primary containment conditions assumed for the safety analyses are met. This limitation subsequently ensures that peak primary containment pressures and temperatures do not exceed maximum allowable values during a postulated DBA or any transient resulting in heatup of the suppression pool. The LCO requirements are as follows.
>
> a. Average temperature ≤ 105 °F with THERMAL POWER > 1% RTP. This requirement ensures that licensing bases initial conditions are met. This requirement also ensures that the plant has testing flexibility, and was selected to provide margin below the 110 °F limit at which reactor shutdown is required.
>
> b. Average temperature ≤ 110 °F with THERMAL POWER ≤ 1% RTP. This requirement ensures that the plant will be shut down at > 110 °F. The pool is designed to absorb decay heat and sensible heat but could be heated beyond design limits by the steam generated if the reactor is not shut down.

> At 1% RTP, heat input is approximately equal to normal system heat losses.

SR 3.6.2.1.1 requires the suppression pool average temperature to be within the applicable limits and be verified every 24 hours AND every 5 minutes when performing testing that adds heat to the suppression pool.

Residual Heat Removal (RHR) Suppression Pool Cooling

TS LCO 3.6.2.3, "Residual Heat Removal (RHR) Suppression Pool Cooling," states:

> Two RHR suppression pool cooling subsystems shall be OPERABLE.

The bases for LCO 3.6.2.3 states:

> During a DBA, a minimum of one RHR suppression pool cooling subsystem is required to maintain the primary containment peak pressure and temperature below the design limits (Reference 1 [UFSAR, Section 6.2]). To ensure that these requirements are met, two RHR suppression pool cooling subsystems must be OPERABLE. Therefore, in the event of an accident, at least one subsystem is OPERABLE, assuming the worst case single active failure. An RHR suppression pool cooling subsystem is OPERABLE when the pump, a heat exchanger, and associated piping, valves, instrumentation, and controls are OPERABLE.

SR 3.6.2.3.1 requires each RHR suppression pool cooling subsystem manual and power operated valve in the flow path that is not locked, sealed, or otherwise secured in position, to be in the correct position or can be aligned to the correct position be verified every 31 days.

SR 3.6.2.3.2 requires each required RHR pump to develop a flow rate $\geq$ 7200 gpm through the associated heat exchanger while operating in the suppression pool cooling mode be verified in accordance with the facility's IST Program.

From: "Michael Mulligan" <steamshovel685@earthlink.net>
To: "Victor L Dricks" <vld@nrc.gov>
Date: 09/27/01 15:23
Subject: LaSalle 2.206

Mr. Dricks,

Would you pass this onto Dr.Travers?

thanks,

mike mulligan

Mr. William D Travers
Executive Director for Operations
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Travers:

I am requesting agency interest per the 10 CFR 2.206 process.

Many issues raise in the newest LaSalle inspection report raises very serious problems. You have a safety Diesel Generator that failed to startup for a test, and many safety components of both plants that are found to be in a degraded condition. The continued operation of both LaSalle Plants in this state of poor maintenance creates an unacceptable Risks to the surrounding community. Having six leaking safety relief valves between both plants raises particular risk in summer operations.

Request that both plants immediately shutdown and enter a lengthy maintenance period, or some such lesser requirement. Replace all leaking safety relief valves with a type of valve that will remain reliable and not leaking throughout plant operation.

Request the NRC perform an immediate emergency detailed inspection on the relief valve problems of both LaSalle plants and a assessment of other similar large relief valves at other Exelon facilities.

Request a detained inspection on the torus temperature and in-leakage problems this summer. Count the number of times the RHR system have been operated and the equipment run times of the RHR. Report on the interactions of the leaking relief valves, the torus, and the cooling ponds, throughout the summer. Create a detailed time line of the above. Report on any equipment failures during this time.

Fundamentally, safety systems operations for such systems as the RHR and torus cooling are not meant to facilitate normal commercial plant operations. These safety systems are not designed to be run because a upstream component(s) failed due to poor maintenance in an attempt to maintain regular commercial plant operation. These safety systems are designed to be maintained in a standby state and only run when absolutely needed.

The industry has declared that running these components excessively creates the condition which leads to excessive wear and increasing failures. In the past, the nuclear industry and the NEI have justified lengthening testing timeframes and reduced testing regimes for the industry's benefit, because of the excessive wear and increasing failures while performing surveillance's.

The NRC has become a one way check valve for the industry. Engineering, risk analysis, and failure prediction analyses, are increasingly being used for the industries benefit, but when these rationale judgements cost utilities money, the NRC selectively ignores the very same issues.

At the heart of this concern, is that Exelon is not maintaining the electric infrastructure in a robust condition. The grid reliability in the coming years will be reduced if the corporation doesn't maintain adequate investment that increases grid reliability.

mike mulligan

5 Wood lawn Lane

Hinsdale, NH

1-603-336-7179

From: William Macon
To: Mulligan, Michael
Date: 10/02/01 14:09
Subject: Re: LaSalle County Station 10 CFR 2.206 Petition

Mr. Mulligan,

Per conversation with you this morning, I am informing you that we will be holding a Petition Review Board (PRB) meeting next Friday, October 12, 2001, at 10:00 EST, to review your 10 CFR 2.206 petition regarding the LaSalle County Station. You have been informed of your opportunity to provide any relevant additional explanation and support for your request in advance of the PRB's evaluation, and you have indicated you would like to participate by teleconference. Since you choose to address the PRB by telephone and not attend in person, it is not considered a meeting and no public notice is necessary. We will conduct the teleconference on a recorded line through the NRC Headquarters Operations Center (301-816-5100 or 800-368-5642). The tape recording from the Operations Center will be converted to a printed transcript that will be treated as a supplement to your petition and sent to you and the same distribution as the original petition.

Please be advised that you will have up to 30 minutes to address the PRB concerning your petition, that you may request a reasonable number of associates be permitted to assist you, and that all discussions will become a public record. The PRB members and cognizant NRC technical staff may ask questions needed to clarify your request. The licensee (Exelon Generation Company, LLC) may also ask questions needed to clarify the issues raised by you. Any member of the public may attend (or listen in by telephone) as an observer. This public teleconference is separate from the closed PRB meeting which will follow, during which PRB members develop their recommendations with respect to your petition.

Based upon the PRB review of your petition and its recommendation, you should receive an acknowledgement letter by November 2, 2001, notifying you of the NRC decision regarding acceptance of your request for review as a 2.206 petition. If you have any questions about next week's PRB meeting or the 2.206 petition process, please contact me.

Bill Macon
Project Manager
NRR/DLPM/LPD3

U.S. Nuclear Regulatory Commission
ATTN: William A. Macon, Jr.
Mail Stop O-7D3
Washington, DC 20555-0001

Phone 301-415-3965
Fax 301-415-3061

CC: PETITION

From: Mike Mulligan <steamshovel685@earthlink.net>
To: William Macon <WAM1@nrc.gov>
Date: 10/02/01 16:07
Subject: 2.206 LaSalle Station

Mr. Cannon,

Could you add this as a support document for my 2.206 of LaSalle? It's from the Federal Reserve Bank of Chicago and the address of it is-
http://www.chicagofed.org/publications/fedletter/index.cfm

Prior to the Tele conference, could I talk to somebody in the NRC who is up to date, plus give me a briefing with the issue associated with the LaSalle plants?

Thanks,

mike mulligan
Hinsdale, NH

From: "Michael Mulligan" <steamshovel685@earthlink.net>
To: "William Macon" <WAM1@nrc.gov>
Date: 10/02/01 16:17
Subject: Re: LaSalle County Station 10 CFR 2.206 Petition

Mr. Cannon,

Here is another support document for my LaSalle 2.206. It comes from a letter I wrote to the NRC on 6/21 which is on Adams with an accession number of ML 012600377. It will give an idea of the questions I will ask. Could you copy it off your system?

Another question I will ask- how did the SRV leakage OE00-009 Revision 2: Unit 1 and Unit 2 Leaking Safety Relief Valves (SRVs) revised operability evaluation come about? When was it revised and why was it revised?

Thanks,

Mike mulligan
Hinsdale, NH

From: William Macon
To: Mulligan, Mike
Date: 10/03/01 09:00
Subject: Re: 2.206 LaSalle Station

Mr. Mulligan,

The Federal Reserve Bank of Chicago document you reference provides no relevant information regarding the specific concerns you have raised and will not be included in your 10 CFR 2.206 petition submitted on September 27, 2001. The electricity market issues raised in this reference are regulated by the Federal Energy Regulatory Commission (FERC), not the Nuclear Regulatory Commission (NRC).

I am investigating what the proper NRC protocol is for exchanging any information with you prior to your Petition Review Board (PRB) meeting on October 12, 2001. At the PRB meeting, you will be afforded the opportunity to clarify the concerns you specified in your petition. You do have the right to submit supplements to your petition which contain relevant allegations or sensitive information related to your concerns. If any additional information of a general nature may be included in your request prior to the PRB meeting as part of the 2.206 petition process, I will notify you.

The NRC appreciates your interest in this matter.

Bill Macon
Project Manager
NRR/DLPM/LPD3

U.S. Nuclear Regulatory Commission
ATTN: William A. Macon, Jr.
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CC: PETITION

From: "Michael Mulligan" <steamshovel685@earthlink.net>
To: "William Macon" <WAM1@nrc.gov>
Date: 10/03/01 10:45
Subject: Re: 2.206 LaSalle Station

Dear Mr. Macon,

Should I remove my last paragraph of the Sept 27 2.206. "Not relevant Regarding the specific concerns you have raised" of your email is rather Orwellian when you read my last paragraph of the 2.206.

Is the NRC saying that the Federal Reserve message of worrying about the Balkanization of mid west grid leading to under investment, and Exelon themselves telegraphing to the investor concerning recent problems with profits, that maintaining a 96% capacity factor of their nuclear fleet justifies profitability of the nuclear sector of their corporation? I though the 2.206 process was a relatively informal tool. Is the NRC saying that component breakdowns and the financial strategy that these plant's live under, is not never connected. I can understand why the NRC thinks like that- but are you telling me that it's inappropriate for me to think like that in this process and your process rules that defines my thinking.

You think its just general information my Limerick concerns with relief problems. That I was trying to get the NRC to fully characterize relief valve problems in the early spring, full disclosure, accurate standardized engineering evaluations and procedures throughout all the facilities, is just generalized information and not relevant.

Are you saying Exelon, the industry, and the public, will get no use through any of these two documents that I wish to add? I just wish Exelon and the NRC officials would just have the opportunity to read these documents prior to the meeting. To help stimulate thinking. I'm am working on one more and that will be it.

mike mulligan
Hinsdale, NH

From: "Michael Mulligan" <steamshovel685@earthlink.net>
To: "William Macon" <WAM1@nrc.gov>
Date: 10/03/01 15:03
Subject: "Does anybody really know what time it is"

Dera Mr. Cannon,

The following expands my concerns surrounding my Sept 27 2.206, and provdes somewhat, a timeline with the plant degradation at LaSalle. I ready now.

These are excerpts from the LaSalle Inspection Report 01-03 on page 6 and 7. This inspection report indicates that "multiple Unit 1 and Unit 2 Safety Relief Valves have internal seat leakage requiring operation of the Low Pressure Core Spray (LPCS)... Tne NRC inspector later goes on to explain "The subject of OC 324 has also been reviewed in several operability evaluations (OEs), including OE 00-12, which the inspectors documented their review of in NRC Inspection Report (IR) 50-373/01-02;50-374/01-02. A few paragrphs down the inspector futher explains "and OC 324 regarding multiple Unit 1 and Unit 2 safety relief valves which leak excessively were recently identified by licensee personnel and were reviewed for an aggregate impact".

Questions for the 2.206 and additional related concerns around the LaSalle SRV problems.

1) Why can't I find the "OE 00-12, which the inspectors documented their review of in NRC Inspection Report 50-373/01-02;50-374/01-02" in inspection report 01-02?

2) I am confused by the OE 00-12 documented prior to this inspection report as said by the inspector in IR 01-03, and the statement in operator workarounds of "Unit 1 and Unit 2 safety relief valves which leak excessively were recently identified by licensee personnel" per OC324. You tell me the OE-00-12 is in 01-02 which is many months old that is missing. Then you indicated that it was recently identified on IR 01-03. Does the NRC define these SRV problems in the word you used "recently" as prior to the summer of 2000.

3) You got to be kidding, IR 01-03 (2/11 thru 3/31) indicates that multiple reliefs are leaking in unit 2 with the plant coming out of an outage in the beginning of December 2000. You had a 19 day outage between Nov 10 and Nov. 29, 2000 with these reliefs almost emmediately leaking post outage. That is a reckless indifferance to safety that the NRC was silent too. Unit 2 has had three plant trips since the outage todate, why wasn't the degraded reliefs identified as "must be fixed prior to startup" on any of these plant trips or shutdowns.

4) Why wasn't the relief degradation identified as "adverse to quality" with the safety components.

The below issues come from past NRC inspection reports, which indicates it's a well know long term unresolved problem.

5) Per IR 00-11 of Sept 2000 section 1R15 part b of the suppression chamber water temperature determination- this makes the whole leaking relief problem very confusing to me. A LaSalle policy directive (LOP-CM-03) of "July 15, 2000 to addresses frequent suppression pool cooling and mixing, as due to relief valve leakage and increasing summer lake temperatures".

This indicates many years of living with degraded component problems. Does that allow pool temperature increases up to the 105 degree limit- which forces the pool mixing and cooling operation? Tell me you don't they make believe the temperature is 103 degrees, or better yet, you are allowed to go up to the make believe limit of 107 degrees. You all feel comfortable with hanging around the suppression pool LCO limit for an extended period of time. Either this rationale allows you to minimize RHR component run times or it allows full plant operations with pool temperatures of 107 degrees- two degree higher than the make believe LCO.

I get it now, the temperature detectors are 12 inches below normal water level with the LCO safety consideration actually asking for pool bulk average water temperature, but you didn't have enough money to provide the framework to continually measure bulk average temperature- instead depending on measuring just the top layer of water. The fudge facture becomes the two degrees. You mix the pool, and the average temperature then more closely detects bulk average temps.

The NRC is being deceptive with your fancy words of IR 00-11 section 1R15b, and amoral in the selective use of the "Assessment of bulk pool temp calculation methods and the Sargent and Lundy in plant SRV test". It's the kind of word games the NRC accepts from the utilities when the normal operating temperature upper range sits right on the containment analysis limit- it's because they initially didn't engineer an adequate containment cooling capacity, and they later become complacant with living with widespread degraded safety components. The NRC indicates deficiencies in nibbling around the corner with these problems; with not aggressively driving for the heart of clarity when confronted with degraded plant operations bumping past conservative safety limits and analysis.

Here is a nuclear safety philosophy I heard somewhere. That you never define engineering wise; the cooling capacity, the safety parameter limit, the engineering safety analysis (suppression pool and public radiological protections systems), in terms of a specific type of temperature measurement (average suppression bulk temperature(ASBT)), then instrument the control room up with measuring just the top layer (derivative) of suppression pool temperature. You can't define in a safety analysis parameter limit (ASBT), then control and protect the limit with some illusional derivative of the safety limit, which the operator's uses in the control room. If the engineering analysis defines the safety limit as average bulk temperature, then the operators should have immediate access to that exact parameter characterization without interpretations, and the two degree fudge factors.

Especially if you boys like to tumble and play- normal plant operation-right next to the safety analysis limit. Just to be clear, for at extended lengths of time this summer you were approaching the ulitimate heat sink limit and the supression pool limits. You see on these issues, the utilities and the NRC are crafting the exspectation with employees on making ethical choises. If the "powers that be" gets to play games around absolute clarity, and word games in search of profits, then the employees can do it to for their own interest. And what does it mean when the government plays clarity and word game to us?

6) Inspection Report 2000-06 which accesses plant summer operation indicates SRV leakage problems.

7) Are the SRV leakage and degradation issues related to the last power uprate issue?

8) In the most recent inspection report of 01-10, the NRC inappropriately defines the SRV issues within the framework of relatively current events. Nowhere is there a mention of the many OE's, OC's, CR's and all the different safety evaluations that has been used through the years in facilitating degraded plant operation. Your current regulatory scheme of expressing truths in the inspection reports provides very little clues to the public on how much utility and NRC interest were surrounding this through the years. You are intentionally stealing the historic record from us.

George Orwell said it best in a passage of his book "1984":

a.. "Who controls the past, controls the future: who controls the present controls the past."

Thanks,

mike mulligan

Hinsdale, NH

Excerts from an Inspection Report

1R16 Operator Workarounds

.. OC 324: Safety Relief Valve Internal Seat Leakage

This operator challenge identified that multiple Unit 1 and Unit 2 Safety Relief Valves have internal seat leakage requiring operation of the Low Pressure Core Spray (LPCS) system to mix the suppression pool and operation in the suppression pool cooling mode of the Residual Heat Removal (RHR) system to ensure that suppression pool temperature is maintained within design basis limits. The subject of OC 324 has also

been reviewed in several operability evaluations (OEs), including OE 00-12, which the inspectors documented their review of in NRC Inspection Report 50-373/01-02; 50-374/01-02. In addition, if an event occurs which requires that these systems inject into the reactor vessel, re-alignment of the RHR and LPCS systems into the injection mode would automatically occur...

.2 Operator Workarounds - Cumulative Effects Assessment

a. Inspection Scope

The inspectors reviewed the cumulative effects of all documented operator workarounds and operator challenges on reliability, availability, and potential for mis-operation of a system; the potential for increasing initiating event frequency or impact on multiple mitigating systems; and the ability of operators to respond in a correct and timely manner to plant transients and accidents.

The majority of documented OWAs and OCs reviewed had only a negligible potential impact on initiating event frequency, the functional capability of a mitigating system, or the potential to impact human reliability in responding to an event. Operator Challenge 322 regarding reactor water level control problems which have led to a number of plant transients, and OC 324 regarding multiple Unit 1 and Unit 2 safety relief valves which leak excessively were recently identified by licensee personnel and were reviewed for an aggregate impact since in the first case an initiating event frequency impact existed, and in the second case, the reliability of the RHR and LPCS systems could be impacted by the additional required operating time of these systems.

b. Findings

No findings of significance were identified.

1R19 Post-Maintenance Testing

a. Inspection Scope

The inspectors reviewed and observed post-maintenance testing activities involving risk significant equipment. During post-maintenance testing observations, the inspectors verified that the test was adequate for the scope of the maintenance work which had been performed, and that the testing acceptance criteria was clear and demonstrated operational readiness consistent with the design and licensing basis documents. The

From: William Macon
To: Mulligan, Michael
Date: 10/03/01 15:47
Subject: Re: 2.206 LaSalle Station

Mr. Mulligan,

I am aware of the issues you have raised, as well as your previous concerns regarding leaking Safety/Relief Valves (SRVs) that you identified on June 21, 2001, and that the NRC staff responded to you on September 14, 2001. I am not dismissing your concerns about electricity market issues, generic industry issues with SRVs and other components, or your interest in the activities of Exelon Generation Company and the rest of the industry. However, you submitted a 10 CFR 2.206 petition on September 27, 2001, requesting specific NRC enforcement-related actions against the LaSalle County Station based upon certain facts relevant to those requests. Unlike your previous letters to the NRC and the staff responses to you, you have chosen to invoke a formal, public process regarding NRC enforcement-related actions and we will comply with the rules of that process.

Pursuant to 10 CFR 2.206, the NRC recognizes your petition and will grant you the opportunity to clarify your concerns at a Petition Review Board (PRB) meeting on October 12, 2001, as previously communicated to you. At that time, the PRB members will consider your concerns and make their decision about the disposition of your petition. Matters not related to the NRC enforcement-related actions you have requested may be referred by the board to other NRC offices (e.g., the Inspector General) or to other Federal and state organizations (e.g., the Federal Energy Regulatory Commission) as appropriate. The additional information you provided in your second email to me today contains relevant facts related to your petition, and I shall include those for the PRB to review.

I respect the fact that you have credible concerns about nuclear safety and have thoroughly reviewed NRC inspection reports. However, the information you cite from our own reports has obviously been identified by the NRC staff, reviewed by the NRC staff, and actions taken as appropriate. You have the right to question the adequacy of NRC enforcement-related actions, and your concerns will be addressed at the PRB meeting. I would like to remind you that this is a public process and strongly suggest to you that you carefully consider the rhetoric you use which will be entered into the public record. The NRC staff will act professionally throughout this process, and we would expect the same from you please. Thank you.

The NRC appreciates your interest in this matter.

Bill Macon
Project Manager
NRR/DLPM/LPD3

U.S. Nuclear Regulatory Commission
ATTN: William A. Macon, Jr.
Mail Stop O-7D3
Washington, DC 20555-0001

Phone 301-415-3965

From: William Macon
To: Mulligan, Michael
Date: 10/04/01 14:55
Subject: Re: 10 CFR 2.206 Petition for LaSalle County Station

Mr. Mulligan,

I am notifying you that the NRC staff will not exchange non-administrative information with you (i.e., plant updates, technical information, etc.) about your September 27, 2001, petition prior to the Petition Review Board (PRB) meeting on October 12, 2001. You have raised a considerable number of concerns, and the PRB will listen to you and consider your entire petition at that meeting.

Most of your technical concerns about the LaSalle County Station appear to be related to the adequacy of NRC enforcement-related actions regarding Safety/Relief Valves and suppression pool temperature limits. In an attempt to clarify the licensing basis under which LaSalle currently operates and the NRC actively enforces, I am providing you excerpts from the LaSalle Technical Specifications (TS) which may improve your understanding of the issues prior to your participation in the PRB meeting. The LaSalle TS were converted to the Improved Technical Specifications (ITS) format based on NUREG-1433, Revision 1, and NUREG-1434, Revision 1, and amendments to the LaSalle operating licenses issued on March 30, 2001.

TS Limiting Condition for Operation (LCO) 3.4.4 "Safety/Relief Valves (S/RVs)" - The safety function of 17 S/RVs for Unit 1, and 12 S/RVs for Unit 2, shall be OPERABLE. Basis - The requirements of this LCO are applicable only to the capability of the S/RVs to mechanically open to relieve excess pressure when the lift setpoint is exceeded (safety mode). Please note that S/RV leakage does not render them inoperable (i.e., incapable of performing their safety-related function in the event of reactor coolant system over-pressurization), nor has there been any other indication to suggest that the S/RVs are mechanically inoperable.

TS LCO 3.6.2.1 "Suppression Pool Average Temperature" - Suppression pool average temperature shall be <= 105 DegF with THERMAL POWER > 1% Rated Thermal Power (RTP); and <= 110 DegF with THERMAL POWER <= 1% RTP. Basis - A limitation on the suppression pool average temperature is required to assure that the primary containment conditions assumed for the safety analyses are met. This limitation subsequently ensures that peak primary containment pressures during a postulated Design Basis Accident or any transient resulting in heatup of the suppression pool. The LCO requirements are as follows:

a. Average temperature <= 105 DegF with THERMAL POWER > 1% RTP. This requirement ensures that licensing bases initial conditions are met. This requirement also ensures that the plant has testing flexibility, and was selected to provide margin below the 110 DegF limit at which reactor shutdown is required. Please note that the 105 DegF TS limit provides an adequate 5 DegF margin to accommodate instrumentation uncertainties and other conservative assumptions in the safety analyses reviewed by and approved by the NRC technical staff. TS limits are not safety analysis limits, and approaching a TS limit is within the bounds of acceptable plant operation as long as the limit is not exceeded. There has been no indication that the TS limit has been exceeded, nor has there been any other indication to suggest that the current safety analyses are nonconservative.

b. Average temperature <= 110 DegF with THERMAL POWER <= 1% RTP. This requirement ensures that the plant will be shut down at > 110 DegF. The pool is designed to absorb decay heat and sensible heat but could be heated beyond design limits by the steam generated if the reactor is not shut down. At 1% RTP, heat input is approximately equal to normal system heat loss.

Your concerns about the increased use of Residual Heat Removal (RHR) pumps in the suppression pool cooling mode of operation are also shared by the NRC staff. This issue has been previously identified in NRC Information Notice 87-10, Supplement 1, dated May 15, 1997, and recently reviewed by the NRC resident inspectors at LaSalle prior to your 2.206 petition. Discussions about this issue with the licensee are ongoing and the NRC fully intends to take appropriate enforcement-related actions if warranted.

If you have any new information or allegations to support your specific concerns regarding SR/V operability or suppression pool temperature limits or any other TS requirements which may possibly have been violated at the LaSalle County Station and warrants NRC enforcement-related actions, you have the right to submit that supplemental information for consideration by the PRB.

If you would like to provide any additional information about yourself (i.e., personal background, organization affiliation, etc.), I will include that information in my brief for the PRB members. If you intend to request any associates assist you in your presentation to the board, please let me know prior to the meeting so we can accommodate them. If you have any questions at all about the PRB meeting itself or the 10 CFR 2.206 petition process, please contact me.

Mr. Mulligan, the LaSalle Technical Specifications, NRC Information Notices, and other technical documents are publicly available, as you are aware. If you desire additional information about LaSalle, you should review these public documents prior to your PRB Meeting. Although I am responding to you this time out of professional courtesy with some objective information about LaSalle which is publicly available, I want to emphasize that the NRC staff is not going to exchange technical information or debate your various concerns with you prior to the PRB meeting. Please withhold your comments until then unless you do, in fact, have additional relevant information to supplement your original petition. Thank you.

The NRC appreciates your interest in this matter.

Bill Macon
Project Manager
NRR/DLPM/LPD3

U.S. Nuclear Regulatory Commission
ATTN: William A. Macon, Jr.
Mail Stop O-7D3
Washington, DC 20555-0001

Phone 301-415-3965
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From: "Michael Mulligan" <steamshovel685@earthlink.net>
To: "William Macon" <WAM1@nrc.gov>
Date: 10/04/01 19:02
Subject: Re: 2.206 LaSalle Station

Mr. Macon,

For clear and open communications:

If you want to talk about a fair process and professional conduct: As you know, in this, and many other issues I raised, I put the NRC in the likes of at least a Co-conspirator. With the NRC administrating the 2.206 process, it brings up the issue of, can the NRC judge themselves. Will the NRC protect Exelon to protect themselves, and that is a question any rational man can ask going into the process. Many have lost hope with any NRC enforcement actions. It also can be said that you play a direct oversite role of LaSalle and may be defensive in your new job. This whole thing is riddled with a conflict of interest. I knew of these limitations going into this and I accept the risk.
.
Per the http://www.nrc.gov/NRC/NUREGS/BR0200/R4/br0200.html, just below the "The Petition Process", it says "The 2.206 process provides a simple, effective mechanism for anyone to request enforcement action and obtain NRC's prompt, thorough, and objective evaluation of underlying safety issues". On page http://www.nrc.gov/NRC/NUREGS/BR0215/R1/br0215r1.html under the "Petions" category it says "when it receives a 2.206 petition and again 30 days in advance of an informal public hearing". I'm having trouble in your first paragraph of your Oct 3 response to me with the "you have chosen to invoke a formal, public process regarding NRC enforcement-related actions". I think you unintentionally mis-communicated the intent of 10 CFR 2.206 process to me. I worry that this "invoking a formal, process" and the NRC determination of relevance, is an early excuse to be exclusionary.

More clearly I have enter into the Petion process as a manner to fulfill my democratic responsibilities. It's my intention to educate the public on issues that may effect them, and if given the opportunity, to influence government itself on grid and safety issues. I will be respectful to the NRC enforcement process , but that isn't my priority.

My early discontent about this came from your Oct 2 response to me in characterizing my issues; which I thought needed raising, but you saying it' s not relevant. You were curt and excessively bureaucratic in addressing this to me without an explanation. You further insulted me with; you can go to FERC with it if you please, because the NRC is not interested. I appreciate that you will now talk to all the other agencies, if need be in this process. As far as my earlier concerns about the SRV, how will Exelon know what I have written on SRV'S? As far as the NRC communications to me about SRV's, you've not mentioned my response to the Sept 19 NRC letter-Sept

21(SRV and more). Again, If I have to go over these background issues in my 30 minutes, I'll just have too much territory to cover.

As an example, I challenged you on how the NRC defines the issue of relevance and your statement of "provides no relevant information regarding the specific concerns you have raised and will not be included in your 10 CFR 2.206 petition submitted on September 27, 2001". That "no" is very categorical. You have not explained anything about what this initial statement means. Your words are contradictory to what specific concerns I raised in the 2.206. This is unprofessional with you not addressing this specific concern. I am confused about how the NRC will address the generic SRV and the grid issues within the prehearing. I realize the NRC is aware already of these issues. Like I've said earlier, the Federal Reserve and the SRV was intended to stimulate thinking by the public, the board, and Exelon prior to the hearing. My focus next week will only be about the leaking relief valves, their impact on the facility, the employees, and the cooling ponds.

The question that is unfortunately coming into view; why is the NRC censuring from the public record the Chicago Federal Reserve Report and my earlier limerick issues around the SRV's, in this process? At the heart of these concerns, has the NRC become excessively driven into only responding to absolute double verified proof of declining performance, with the agency becoming blinded to the early subtle signs of facility and management declines. I suggest the reading the new book "Inviting Disaster" by James Chiles. There is a write up of the book in the Wall Street Journal on Oct 3, 2001.

The Nureg on merger and deregulation raises interesting issues. Doesn't it talk about the period right after, with a little time lag, with troubles and business unstability leading to safety problems: and shortages in meeting consumer and business demands? They talk about the NRC will have to spend some serious money in monitoring and providing a framework during and after dereg. We also know of the lengthy maintenance shutdown in the late 1990's of the LaSalle facility too. These guys should be the shinning example to the industry. I find the magnitude with component breakdowns astonishing in the shadow of your prior lengthy maintenance shutdown.

As you know, my visibility of what's going on at the LaSalle is severely restricted. You seem to have more faith in my initial facts than I. For the most part; I based it on only few paragraphs of the latest inspection report on the 2.206. I know just how thin the string is which I'm hanging on. I know how vulnerable we are when basing an issue on one's person take of a situation is too. And believe me, I know how they can craft a result by just selecting the data to submit that justified the outcome you want. To be clear, the facts I have are shallow because the industry and the NRC are so untransparent. I worry also because you seem to put my facts into an unidentified strict structure. I worry that the 2.206 will be kicked out,

because your definition of my facts, and my definition of the facts, are different. Just what is the NRC's definition on my facts in the 2.206? Put it another way, you could all refuse to give me any other information. Then you could define it as not having enough credible data to back up the issues. Is this the time I should ask for all relevant LaSalle and NRC documents on the SRV, suppression cooling, and the ultimate heat sink? I just don't know what information the pre-hearing needs to get the 2.206 onto the other side of the pre-hearing? Again the game seems to be with the NRC; we will act on objective-credible information and I believe you will, but then you all make it impossible to gather that information.

As far as your inspection oversite with LaSalle. Towards the end of LaSalle Inspection Report period, many NRC officials became aware of my concerns with the LaSalle cooling ponds, the brittle grid, and global warming. Within a few days of that, I wrote a letter to Chairman Meserve titled "Integrity". Let's not forget the memo to Dricks on Exelon Arrogance. You could make a connection that my interest about these drove the brief interest in Inspection Report 01-10 on the pond and SRV's. Thus I got concerns that the LaSalle degradations has not been internally driven.

You're Oct 3 response to me of "However, the information you cited from our own reports has obviously been identified by the NRC staff, reviewed by the NRC staff, and actions taken as appropriate" already indicates to me that the NRC has made a determination about my concerns before the pre-hearing. If you are speaking for the NRC, the NRC has telegraphed to me the idea that maybe, the NRC just could never managed this situation incorrectly. It doesn't look like an open mind to me and it creates doubts in my mind that NRC really believes in a governmental/public process that addresses the issues in an up front manner, being fair, and a official determination has not been made until all the fact are in. Those words of yours should have been spoken, if true, at the end of the process. The NRC has occasionally characterized in inspection reports the situations around the SRV's. Those action just might protect the agency from the accusation of a cover-up or just protect the NRC from accusations of being unaware of degradation are in the plant. This bureaucracy does not guaranty that the situation has been managed correctly by the agency. I have made know to the NRC in the recent past, my concerns about the management of Region III itself, which may have indications about how Inspection Reports are written up.

Thanks,

mike mulligan
Hinsdale, NH

P.S. 1) I wonder when you got first seriously interested in RHR run times surrounding the SRV?
2) Do you have a 1-800 number?

3) From today Oct: "Although I am responding to you this time out of professional courtesy with some objective information about LaSalle which is publicly available, I want to emphasize that the NRC staff is not going to exchange technical information or debate your various concerns with you prior to the PRB meeting. Please withhold your comments until then unless you do, in fact, have additional relevant information to supplement your original petition." Your use of the word "objective" is questionable, and that last sentence beginning with "please" was rude, unnecessary, and inflammatory.

4) The tone in the beginning and end your Oct 4 E-mail about sharing technical information, is disconnected and harsh, when looking at your Oct 3 response to my honest request about, just what data will I have access to prior to next week -"I am investigating what the proper NRC protocol is for exchanging any information with you prior to your Petition Review Board (PRB) meeting on October 12, 2001". I accept that you won't share the data-it is your unnecessarily authoritarian written demeanor that is a concern to me.

5) I've talked by phone and verbally to many employees of the NRC over the years. Do you have any objective information that I was less than polite, respectful and professional within the confines of any past issues- "The NRC staff will act professionally throughout this process, and we would expect the same from you please"(Oct 3). Disagree I will. Make my point understood you can count on it. Again you are being rude, unprofessional, demeaning, condescending, and trying to treat me in a child like manner.

A large part of your communication with me has been to place yourself, and the NRC, in a position of physiological superiority to me. The inforcer of rules, process, and power, and one the who misses the subtleties of life. Your authoritarian demeanor and disconnected responces to my inquiries, has inhibited my understanding and my effectiveness, with utilizing the 2.206 process. It goes further, in that it disrupts and disconnects the public from government.

5) Could you pass this to your supervisor?

From: "Michael Mulligan" <steamshovel685@earthlink.net>
To: "William Macon" <WAM1@nrc.gov>
Date: 10/04/01 21:31
Subject: ?

Mr. Macon,

I realize I'm probably just writing a note to myself for next week. We need no debate here.

1) <= 110 DegF with THERMAL POWER <= 1% RTP. Does the suppression pool limit really mean that the 110 degF limit only applies at less than or equal to 1% RTP, as stated in your e-mail.

2) Does TS positively identify the symptoms of SRV leakage? Does TS positively identify the symptoms of leakage and state clearly that leakage is a permissible situation? Can unit one continue to operate, even if all(17)SRV's show indication of leakage? What engineering study characterizes the full scope, with leakage, of potential component degradation and valve failures-which says leakage is harmless to the valve? Is the normally expected condition of the valve- that there is no leakage? Thus if leakage is an off normal situation, do you perform any additional testing that assure stability of the operability?

mike

From: William Macon
To: Mulligan, Michael
Date: 10/05/01 10:03
Subject: Re: 2.206 LaSalle Station

Mr. Mulligan,

Some comments in response to your 10/04/01 e-mail regarding your 2.206 petition and the petition process:

>>> "Michael Mulligan" <steamshovel685@earthlink.net> 10/04/01 19:00 >>>

>>> I'm having trouble in
your first paragraph of your Oct 3 response to me with the "you have chosen
to invoke a formal, public process regarding NRC enforcement-related
actions". I think you unintentionally mis-communicated the intent of 10 CFR
2.206 process to me.

There was no miscommunication. Your participation in next week's Petition Review Board (PRB) meeting will be on a recorded telephone line. The tape recording will be converted to a printed transcript and treated as a supplement to your petition. Your original petition, your supplemental e-mails, the PRB meeting transcript, and all formal NRC responses to your petition will be included in the documentation which will subsequently be available as a public record. The 2.206 petition process is, in fact, formal and public.

>>>> I will be respectful to the NRC
enforcement process , but that isn't my priority.

10 CFR 2.206 was established in 1975 to specifically permit any person to file a petition to request that the NRC take enforcement-related action. The NRC staff will not treat general opposition to nuclear power or a general assertion of a safety problem, without supporting facts, as a formal petition under 10 CFR 2.206. The staff will treat general requests as allegations or routine correspondence.

>>>> My early discontent about this came from your Oct 2 response to me in
characterizing my issues; which I thought needed raising, but you saying it'
s not relevant. You were curt and excessively bureaucratic in addressing
this to me without an explanation.
As an example, I challenged you on how the NRC defines the issue of
relevance and your statement of "provides no relevant information regarding
the specific concerns you have raised and will not be included in your 10
CFR 2.206 petition submitted on September 27, 2001". That "no" is very
categorical. You have not explained anything about what this initial
statement means. Your words are contradictory to what specific concerns I
raised in the 2.206.

See above. The NRC staff response to your 2.206 petition will address your specific concerns about NRC enforcement-related actions regarding the LaSalle County Station. The PRB will determine whether or not you should be offered or informed of an alternative process for responding to your other issues.

>>>> You're Oct 3 response to me of "However, the information you cited from our own reports has obviously been identified by the NRC staff, reviewed by the NRC staff, and actions taken as appropriate" already indicates to me that the NRC has made a determination about my concerns before the pre-hearing. If you are speaking for the NRC, the NRC has telegraphed to me the idea that maybe, the NRC just could never managed this situation incorrectly.

Absolutely no determination has been made in advance. The PRB will make its determination following its review of your petition and any supplemental information. You have the right to question the adequacy of any NRC enforcement-related actions. If you have information indicating NRC enforcement-related actions are warranted, the PRB will consider that information as part of your petition. All information that I personally have conveyed to you this week has been either administrative in nature regarding the 2.206 process or information that is already publicly available. I have attempted to focus your concerns within the bounds of the 2.206 process, so that they may be appropriately considered by the PRB for a formal NRC response to the issues you have raised.

If you have any other questions about your 2.206 petition or the petition process, contact me.

The NRC appreciates your interest in this matter.

Bill Macon
Project Manager
NRR/DLPM/LPD3

U.S. Nuclear Regulatory Commission
ATTN: William A. Macon, Jr.
Mail Stop O-7D3
Washington, DC 20555-0001

Phone 301-415-3965
Fax 301-415-3061

From: "Michael Mulligan" <steamshovel685@earthlink.net>
To: "William Macon" <WAM1@nrc.gov>
Date: 10/09/01 11:30
Subject: Potential Agency Misconduct, Coverup, and Request for Investigation.

Mr. Canon,

From Your Oct 4 E-mail:

"Your concerns about the increased use of Residual Heat Removal (RHR) pumps in the suppression pool cooling mode of operation are also shared by the NRC staff. This issue has been previously identified in NRC Information Notice 87-10, Supplement 1, dated May 15, 1997, and recently reviewed by the NRC resident inspectors at LaSalle prior to your 2.206 petition. Discussions about this issue with the licensee are ongoing and the NRC fully intends to take appropriate enforcement-related actions if warranted."

IR 01-03 speaks of looking at LPCI and RHR reliability and a positive finding "no comment". From IR-03, up to and including IR10, they remain silent on the component reliability issue. Within the degraded component issue, nothing much has changed over the last few months except a outside light has been shined, and that has motivated the NRC into activity. How come with the Leaking relief issue being over a year aged, and mentions of it within a "no commit" issue with the NRC inspections, that now it's an issue of enforcement investigation? With all the troubles with RHR reliability and SRV's in the in the industry, how coming there was no NRC actions prior to this? It's highly suspicious. You don't even include the date and tell us the motive of why you went to the utility with this recent issue?

I find it appalling neglectful in all of the serious past incidences with leaking SRV's, and their interactions with plant operation, that the NRC placed no clear controls on the industry. Is that how you maintain and increase capacity factor through the years? Are you kidding, Limerick has a prominent place in a past generic information notice about unintended consequence with leaking SRV's, an stuck open SRV and suppression pool cooling, then they had another stuck open relief on Feb 23, 2001. It is noticed that the risk on the Feb 23 event by Exelon is characterized as "not significant", while the Pairie Island (PI) D/G planned normal potential shutdown as the accepted by the NRC from PI, says "does involve some risk". What are we to make of the Susquehanna LER 01-05 with 6 of 8 SRV failing testing, and the historic record of deficiencies with SRV's in both Susquehanna and Limerick? Just what role does the change from plus of minus 1% to p/m 4% on the testing accuracy lead to less reporting of component problems. You would rather reduce the requirement of safety than to figure out a way to fix component problems!

I suspect NRC misconduct within the statement of "recently reviewed by the NRC resident inspectors at LaSalle prior to your 2.206 petition" and "enforcement related actions". It appears the NRC is using its regulatory scheme and enforcement structure as vehicle of agency protection, instead as a tool, which controls utility behavior. Also putting this within an enforcement issue, raises the issue of whether confidentiality, because of enforcement, will shield the utility and the NRC from scrutiny. The NRC rationale of "prior to your 2.206" inappropriately deflects agency accountability from the issue that the NRC had been intentionally sitting on the excessive run time of the RHR systems, and have not taken action on a known regulatory issues.

When confronted with exterior pressure, the agency comes up with the phony statement of "we already knew about that". Would you do that to a Exelon nuclear employee who was trying to blow the whistle on agency misconduct, in which the agency undermines his actions and protected activity, by abusing and distorting the regulatory scheme for the agency and utilities self interest? Is that the NRC's grand game, to use their power, position, and knowledge, to undermine, minimize, and distort employee positions who questions NRC inappropriate activity. Just how widespread is the NRC misconduct, which could be enormously chilling to all the employees in the industry, including the NRC employees themselves?

I request an investigation of this and wish to see the NRC documents, e-mails, or communications, and any other information that pertains to this. The issue is, the NRC appears to be taking credit for the potential enforcement action when if outside action wasn't pressured, the agency would have ignored this potential safety issue. Just like they similarly have done in the past throughout the industry for decades. The potential enforcement statement doesn't ask why this question wasn't effectively questioned in the past. Just as big as any of these issues; is the one about how poor these off normal and potential generic safety issues were lightly addressed in past LaSalle inspection reports. I'm not saying these questions weren't asked to LaSalle, I'm saying the rationale and timing of it is highly suspicious.

In many ways it's like wanting to take a bus trip to Chicago. You've bought the ticket-identified concerns with excessive run times of equipment and the hypocrisy of the current lengthening testing rationale. You've got on the bus-identified actual incidences at the plants. Except for decades you refused to get off the bus-provide a structure and consequences for utility overstepping. I can tell you the run times in licensing bases in excess normal operation and emergency operation is meaningless, and is a completely different than minimizing the operation of these components.

Like in the recent amendment request of Vermont Yankee and other plant justification for less testing. Why is there no mention that the testing time of the redundant components is fully within the licensing bases

assumptions of lifetime predicted component operations, and also within the current maintenance and testing regime, and thus no increase equipment operation within these limits ever decreases equipment reliability? You guys just pick these safety rationales to meet ends of campaign contributions.

I request technical help from the NRC on my 2.206 issues and the 2.206 process itself. I request the NRC to appoint a respected agency official that becomes my advocate on these issues. His primary job would be to be on my side and help me develop the issues around the 2.206.

mike mulligan
Hinsdale, NH

P.S.

Has there been any engineering study of; could the elevated temperature of discharge piping from the SRV in the drywell create excessive locale temperatures around sensitive safety equipment? With a loss of drywell cooling, would the heat load from the SRV tailpiece(s) put the plant in an unanalyzed condition? How fast would the DW heatup? How about the combination of a stuck open relief(s), and including heat load of the other relief's that are leaking, and a loss of drywell cooling? You might use a fudge factor like half (all) the relief's leaking at the same time. What combination would approach engineering limits? Would say, two or three relief's being stuck open at the same time create any engineering problems? Just what percentage of core power can be diverted to the suppression pool by the reliefs?

From: "Michael Mulligan" <steamshovel685@earthlink.net>
To: "Victor L Dricks" <vld@nrc.gov>, "William Macon" <WAM1@nrc.gov>
Date: 10/19/01 16:02
Subject: Potential Agency Misconduct, Coverup, and Request for Investigation.

Mr. Macon,

There is just no doubt that the issue of running LPCI components and safety systems to maintain normal commercial operations (torus or suppression cooling) that it is outside any operational safety considerations has become a generic issue. This has become a huge issue on how the NRC and the industry justifies torus cooling, with the justification of just maintaining commercial operations and the new rationale of reducing and lengthening out component testing. Because it creates equipment damages and reduces equipment reliability is the rationale.

I just became aware of the following issue. The gist of the message is to enhance the idea that the LaSalle was a very selective enforcement approach to excessive equipment run times.

As an example, Vermont Yankee runs its LPCI safety system and torus cooling for long periods of time in the summer (2001). They even did it in this relatively cool summer, which is not like the severe summer of 1999. I wonder how close they are to the predicted and total equipment operational time used in licensing and safety analysis? Where is in the safety and licensing analysis that allows running torus cooling in the high temperature peaks of summer, that it is a normal and expected regime for this safety system. What is most troubling at Vermont Yankee was that there was no leaking relief valves adding heat into the torus. Don't you think the initial plant designers would have made available another support system-non safety- such that it would remove the excessive heat from the torus, and save the LPCI and torus cooling for just safety reasons. I've got this from a NRC official, "you wouldn't believe how much RHR operations occurs as this, throughout the industry." The gist is, the public has no idea of the magnitude with safety equipment operations that is justified only for the continuation of normal commercial operation, and is not at all safety related. And when you put this next to the utility's justification with reducing surveillance's and assurances of redundancy (VY), this is public white-collar fraud at the highest level.

"This issue has been previously identified in NRC Information Notice 87-10, Supplement 1, dated May 15, 1997, and recently reviewed by the NRC resident inspectors at LaSalle prior to your 2.206 petition. Discussions about this issue with the licensee are ongoing and the NRC fully intends to take appropriate enforcement-related actions if warranted."

I never saw a more chilling use of federal regulatory resources. In effect you are selectively using the NRC enforcement scheme to punish LaSalle for a

wide known-within the NRC ranks- safety problem. It asked, does the NRC have sub level of regulatory structure, which is not disclosed to the public, but is understood by the inspectors and the utilities. Let me tell you there is nothing more destructive to the wide spread safety culture than a "two Tiered" regularity scheme.

And it was extraordinarily unfair to a person who is bringing a safety petition to the NRC. The NRC aim has been to imply, that component unreliability (run times) on a generic level has been monitored, controlled, understood, and characterized within the context of my issues, which is incorrect. That "maybe" LaSalle will be punished, "if warranted". Thus hinting in the end, that Exelon will be punished and the rest of the industry will be protected. In many ways the NRC has been acting in an extraordinarily self-interest and protective mode. So far Exelon and me had been shortchanged-who is left.

Back to Vermont Yankee. Why are there not enforcement actions pending against VY with running their Torus cooling because of plant mis-design; which are outside any safety needs, and the component operation are in total, generated by normal commercial plant operation and exterior environmental non-safety considerations. We don't have a small LOCA that is driving the equipment operation, and if they did, they would be shutdown within hours limiting the long term operation of equipment. If, as the NRC official has opinioned, that there are many plants torus and suppression cooling operation that are magnitudes worst than LaSalle and Vermont Yankee, what kind of enforcement action has been initiated against them. What is at issues is, you throw a bunch of old generic documents, and hard to understand regulations, inspection resources and bluff,-such that this communications is designed to hide broad problems within the industry. Your communications to date has been to hide, contain, control, and to limit- with not a means and a effort to understand the whole picture. You people know that you control the real-estate and the game is to make somebody prove what they can't see. You take advantage of it!

In the end you would want to know what the industry's total torus cooling and suppression cooling run times have been, and was that operations allowed within licensing bases, and all the crazy safety rationales of recent use. Don't think I'm just asking a technical question. I'm asking if your agency has a wide-ranging, and systemic problem with dealing in known safety problem. And an attempt by the agency to short circuit a fix, and minimize cost to the utilities. Are we talking about an NRC endemic and systemic safety culture problem with the NRC, really here?

Thanks,
mike mulligan
Hinsdale, NH

From: "Michael Mulligan" <steamshovel@adelphia.net>
To: "Victor L Dricks" <vld@nrc.gov>, "William Macon" <WAM1@nrc.gov>
Date: 10/29/01 10:06
Subject: Additional 2.206 on LaSalle

Mr Dricks

Would you again pass this onto Dr. Travers?

Thanks,

mike mulligan

Mr. William D Travers
Executive Director for Operations
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Travers:

I am again requesting agency interest per the 10 CFR 2.206 process. I initially requested through a 2.206 process on September 27, 200 that both LaSalle plants be immediately shutdown for a lengthy maintenance period or such lessor requirement. During the petition pre hearing of Oct 12, I danced around with giving these plants some small amount to time before shutdown to prepare for it, or maybe allowing the plants to shutdown sequentially in an attempt to minimize the cost to the rate payer and facilitate grid reliability.

Sadly, NRC special Inspection Report (IR 01-17 brings up additional information. This Inspection Report was completed on September 19, with it coming onto Adams Oct 26. I find it very troubling with the NRC or Exelon not bringing up the results of this inspection report to me either during the Oct 12 Tele-conference, or before hand.

I'm sure this was in accordance with all applicable rules and regulations. I guess you guys think that as long as you follow the rules, even if it leads up to a selective product, that you are you all are living up the expectations of the cost of our Democratic process, and our country's ideals.

The results of IR 010-17 indicated that I seriously under-estimated the trouble with the LaSalle facility and the NRC itself. I request that both LaSalle facilities be immediately shutdown for safety reasons. I consider this an emergency.

The corporation and the NRC should perform a large-scale investigation on the decline of these facilities, and the enormous amount of plant trips with unit 2. Even during the recent startup, there was another Plant trip. In addition to the prolonged maintenance period I earlier requested from LaSalle, I requested that all plant operators go under intense training before start-up. In

many ways I believe the NRC was in collusion with Exelon. I also request an independent investigation from outside the agency on the NRC interaction.

These events question if other Exelon nuclear assets have become infected. We are wondering if the high concentration of nuclear plants with Exelon has begun to destabilize the organization as a whole. The NRC itself in their evaluation on deregulation and mergers identified the short-term problems coming out of this type of reorganization.

I want you to know I am under enormous deficiencies within this 2.206 process because of the restriction of safety information. I have no idea if both LaSalle plants are running, or what recent problems these guys have had, with the lost of the NRC Internet site. What is most troubling on a national level, the NRC has not seemed it in powers to figure out a way to compensate for this loss transparency. The trouble is you can't differentiate me, or somebody else who is making a safety complaint, or legal process, from a terrorist who killed many people. We are all treated the same and that is a tragedy too.

Maybe it's to your advantage that the public is thought of as potential terrorist. Restricting safety information for security reasons has a huge potential to cover-up corruption. Witness the lack of transparency of our nuclear weapon production program during the cold war. It led to unbelievable contamination of our environment for national security reasons ($100 billions or more) and sacrificing employee safety to meet production goals. I hope you are not giving the electric grid traders back door information on the condition of the nuclear fleet.

Here are a few excerpts from the Exelon Internet site. Does these goals fit with the LaSalle County station? We are worrying about a 40 % of Exelon stock price in six months.

"EXELON"

There are six strategic focus areas in Exelon Nuclear management-Operational Execution, Production, Workforce Effectiveness, Cost Competitiveness, Asset Management, and Generation Growth and Business Development.

Operational Execution -- Excellent performance in all safety and operational aspects of nuclear plant performance.

Production -- High plant reliability and excellent outage performance, which result in high capacity factors and generation.

Workforce Effectiveness -- A culture focused on self-assessment, continuous improvement, and accountability, based on shared beliefs and behaviors.

Cost Competitiveness -- Cost of production below the market price of power and total cost to ensure superior shareholder return.

Asset Management -- Sound investment in plant and equipment to maximize value and return; effective planning and assessment to develop operating and maintenance strategies which sustain and enhance asset value.

Generation Growth and Business Development -- Growth in generation output through increased capacity, acquisitions, and other development projects.

With boldness, creativity, accountability, and commitment, Exelon Corporation strives to become the most recognized and admired utility services company in the world.

Press Kit

(Download Kit)
Who is Exelon?

Our Goal
To be the most recognized and admired utility services company in the world.
Our Purpose
We will revolutionize the meaning, function and perception of utility service, and become an indispensable lifeline to America's homes and businesses.
Every day, we will energize more homes and businesses than anyone else providing them with even more affordable and useful services. Enhancing the standard of living for families, we will help promote the common good in every community in which we live and work. We will provide extraordinary opportunities for investors and for employees with diverse talents and background. We will be preferred by customers, respected by shareholders, admired by competitors and trusted by regulatory authorities.
Our Values
Boldness: To surprise competitors with our imagination and execution, and customers with our commitment and service.
Creativity: Develop new solutions to customers' needs across an ever-growing range of market opportunities.
Accountability: To make and meet far-reaching commitments to customers, shareholders, employees and the society we serve.
Commitment: We will develop our business and operate our facilities with the utmost dedication to the safety of our employees and neighbors, and to the continuing enhancement of our environment and diverse society.

I believe IR 01-17 is incomplete as witness by the missing explanation of the erroneous relief valve indication. It worries me that the inspection was completed on 9/11, which may indicate that the special investigation was rushed. At issue from IR 01-17;

Safety Relief Valves

a.. Safety relief position indication for three relief valves were erroneous (page 4). I wonder if these were the guys that were leaking for years? How come there is no discussion later on in the inspection report about why the erroneous indication? I find it very troubling with the inspection report not mentioning anything else more about this.
b.. Did exceeding vessel level of + 73 inches lead to the erroneous relief indication. How far up the steam lines did the water go?
c.. Were there any hotter than normal areas of the drywell during the loss of drywell cooling.

d.. I request that the drywell heatup after the loss of drywell cooling on Sept 3 be compared to predicted and past incidences of loss of drywell cooling. With all the past plant trips you, must have recently lost drywell cooling a time or two. The control operators opinioned that the heatup was to fast.

Suppression pool

a.. In 12 minutes suppression pool reached 105 degrees. At 109 degrees in 55 minutes from the 105 degrees. Two hour after the 109 degree @ 120 degrees. Who knows when unit 2 reached 140 degrees?

b.. What was the highest suppression pool temperature? At what suppression pool temperature would the containment designed max pressure be challenged during a LOCA? Estimate how far LaSalle was away from this when suppression pool temperature turned.

RCIC

a.. When LaSalle first opened the RCIC injection valve, was the water hammer really a dangerous leak past the injection check valves, which the RCIC suction check valves caught. Any indications of a hard time maintaining level at this time. The historic record indicates that there may be an intermittent failure of the RCIC injection check valves, hinge failure. Request that both RCIC suction and inspection valves be opened up for a safety inspection. Replace RCIC injection check valves with a type that is dependable and that doesn't create problems for operation. Permanently fix the so-called hydraulic locking problem.

b.. Does the NRC want LaSalle to assume that the mis-postioned check valves are OK? Why doesn't the NRC demand that they fix the god dam thing?\

c.. I request an investigation into if other plants have flow instabilities troubles with changing RCIC modes. Can't we have a smooth operation of these machines? If it was your $40,000 SUV'S, you can bet you would have a nice smooth running engine and transmission. With the RCIC check valves erratic indication and the RCIC flow instability, the NRC is scape-goating the operators with errors, instead of making Exelon fix maintenance problems.

CST Tank

a.. With RCIC in pressure control- recirc to the CST- this creates the potential with fuel damage to transfer a lot of contamination to the outside. That overfilling the CST because of hotwell level control is a lot more dangerous than you believe; to the tune of 45,000 gallon of very contaminated water.

Feed Pumps

a.. What are you guys nuts? In another "special inspection" with a blown fuse issue on April 6, you had one Turbine MFP that couldn't be restarted, a loss the Motor driven feed pump, and a unstable RCIC. In this recent plant trip you loss both turbine driven pumps. On 12/01/00 you had a plant trip due to operator error, poor design, and material deficiencies of the feed level and reactor level control. You've had a busy ten months!

b.. Within just a few months you had troubles with an extraordinary amount of reactor core cooling components. These fuse-blowing problems created an enormous risk to the community. And you are treating it as separate issues! In addition this time around you loss one side of RHR, and who knows how high the temperatures went in the suppression pool.

c.. Another extraordinary commonality between the April 6th and the Sept 3rd Plant trips. It leads to a loss of the Main Condenser and the high suppression temperatures. LaSalle allows

the feed system (what ever happens to be working that day) to fill the vessel to who knows how high. There is terrible control of vessel level after these plant trips!

d.. Let's not forget about the 12/01/00 plant trip. They blame it on the operators, and the poor material condition, design, of the feed water level and reactor control system

Nuclear Plant Operators

a.. The NRC speaks of an operational error with them not bypassing the MSIV B/P's. If the NRC forced Exelon into maintaining their fleet in a reliable condition, there would be less plant trips and the few that occurred would be simple, and the operators would not be inhumanely taxed. It is much easier to pick on a few individuals than to turn towards these large corporations, and demand accountability.

b.. It must be a habit between the corporation and the NRC. You guys live with these material deficiencies for decades. When A failure occurs, you always got the operators to blame. On the 12/01/00 plant trip the material condition of these important systems becomes apparent. I though both LaSalle plant had recently a prolonged safety shutdown. And you got this long-term problem with these components? What did you do during the last safety shutdown, suck your thumbs?

Thank you,

mike mulligan

Hinsdale, NH

16033387179

From: "Michael Mulligan" <steamshovel685@earthlink.net>
To: "Victor L Dricks" <vld@nrc.gov>, "William Macon" <WAM1@nrc.gov>
Date: 10/31/01 21:20
Subject: LaSalle

Mr. Dricks,

This is from the LaSalle Sept monthly report and the most recent NRC inspection report. It's totally amazing the contradiction between these two reports.

1) The inspection report never mentions that another shutdown occurred on Sept 9, although the closeout occurred on 9/19. This report is set-up to down play and fracture the actual serious condition of the LaSalle management in the public record.

2) The "several other issue" to be addressed in 2001-16 is not very professional, in not listing what they are.

3) The monthly says a scram occurred on Sept, 7 while the IR says Sept 6.

4) How come there was no mention of the erroneous safety relief valve indication on the LaSalle monthly? Isn't that a challenge!

5) How come the Monthly never says the scram of Sept 6 or7 was a operator error, as in the inspection report?

6) On Adam, in the initial heading it declares its the LaSalle monthly, while really it's the LaSalle and Clinton monthly.

7) Did I get that right; three special inspections sence the turn of the year?

8) Have you ever seen this amount of failed fuses in the last few years at another facility. Is it employee sabotage? I can make the case that NRC and Exelon is scapegoating the employees for material degradions of the facility, and a employee(s) is trying to get even in responce to this mismatch of power and deception. Is somebody screaming for help?

mike mulligan

Hinsdale, NH

Monthly SUMMARY:

LaSalle Unit 2 operated at full power during September 2001, with the exception of the following:

September 3, 2001(1728) - The unit was manually scramed due to the loss of feedwater control caused by a failed fuse in a bus undervoltage relay circuit. The unit was taken critical at 1810 hours on September 5, 2001. On September 7, 2001 at 0023 hours the unit was manually scramed from 75 percent power due to feedwater heater isolation because the heater lineup could not pass adequate condensate flow to maintain heater level control. The unit was taken critical at 0018 hours on September 8, 2001. The unit was manually shutdown at 0508 hours on September 9, 2001 due to a failed fuse in the Main Turbine EHC system. The unit was taken critical at 2114 hours on September 9, 2001. The unit returned to full power at 1810 hours on September 11, 2001. Total duration of the shutdown from the initial scram to full power was 192 hours and 42 minutes.

. UNIQUE REPORTING REQUIREMENTS FOR UNIT TWO

1. Challenges other than routine surveillance testing to
Safety/Relief Valve Operations-Six of the thirteen SRVs were
manually lifted during the September 3, 2001 scram recovery.
Total SRV leakage has remained constant.

2. Major Changes to Radioactive Waste Treatment Systems-None

AmerGen _____
An Exelon/British Energy Company Clinton Power Station

R.R. 3 Box 228
Clinton, IL 61727-9351
Phone: 217 935-8881

. Also noteworthy were the

number and frequency of material condition issues that have occurred at the LaSalle Station. The corrective actions implemented after the April 6, 2001,scram, that also resulted in a special inspection, do not appear to have been completely effective, particularly with respect to limiting human performance errors and improving plant materiel condition. This is further supported by the occurrence of another scram on September 6, 2001, which was the result of a human performance error on the part of a control room operator. Correction of these persistent and repetitive problems will necessitate your careful attention, particularly to the effectiveness of any proposed corrective actions. The September 6, 2001, scram will be addressed in a routine inspection report. Also, several issues in this report, including the RCIC outboard check valve position indication problems were evaluated as part of the Problem Identification and Resolution Inspection and will be documented in Inspection Report 2001-16.

From: "Michael Mulligan" <steamshovel@adelphia.net>
To: "Victor L Dricks" <vld@nrc.gov>, "William Macon" <WAM1@nrc.gov>
Date: 11/06/01 09:06
Subject: Addition to the Oct 29 2.206

Dear Mr. Dricks and Mr. Macon.

I was looking for information from the senior LaSalle resident inspector (Nov 5) and Mr. Macon today about certain LaSalle situations. I was basically asking about any recent events concerning the LaSalle facility, and had some questions about prior unit 2 fuse failures.

These officials both basically told me that we had a string of 2.206 process going on and they would prefer that we not talk about the situations of the LaSalle facilities at this present time. These guys didn't want our discussions to create a conflict with the 2.206 process. The officials were very pleasant to me on the phone, even while not answering my question about the plant, and returned a phone message left by me answered by the NRC in a timely manner. They were up-front and direct with me, and I appreciated that.

So I now request that this letter please be attached to the Oct 29 2001 2.206 and answered according to the 2.206 process. If you can't do that with this letter, then I request that both LaSalle plants be shutdown. That all meggered fuses be replaced with new fuses and a method needs to be figured out with testing new fuses. If the meggering is not at fault, then the quality of replacement fuses becomes the issue.

In the shutdown, I request all plant fuses be replaced with a type of fuse that is proved reliable. I request that before start-up, the turbine feed pump component management systems be upgraded with a modern system of component control. I request that the reactor level control and the feed control system be replaced with a modern reliable system.

In many recent communications with the NRC, the issue comes up about where is my proof on the issues. I tell people, its behind the proprietary secretes of the corporation and monopoly of the NRC, in the flavor of how they characterize events at these sites. I tell them that what you see from these facilities has become nothing but the combined needs of regulator and the power of the corperator, with the public needs way in the background. What you're seeing in the regulatory view is these needs expressed, and very no third party having a say, or a see. Thus, proofs and absolute facts are needed by the outsiders, who have no ability to collect and intrepid the initial facts. While guessing and no proofs becomes normalized in a large scale on the operational management of a nuclear facility, and excepted by the NRC, because the internals players are confident of their control of the information, the territory, and time itself. I tell you, what does it mean if a government internalizes this kind of game.

On the turbine driven feed pump plant scram on June 22, 2000 (LER-00-03-00), issues not raised in the LaSalle LER and the NRC inspection report raise very serious issues with us. We are appalled with the very shallow investigation and the very limited maintenance investigation of the turbine operational failure.

We are talking about fundamental maintenance care and upkeep of large safety components, which provided cooling water to the reactor core and a operational failure of the component may created situations that could trip the plant. Indeed it did create a scram.

The LER and the next inspection report (IR-00-06) discusses that turbine high-pressure oil wear products got lodged into the relief valve creating the conditions which caused the control valve to closure, and the resultant scram. We find it amazing that there was no discussion of what caused the large wear products in this very important safety pump control oil. Most amazingly they didn't even find the proof that the particle was lodged in the relief. You had wear products large enough to get stuck into the relief or pressure regulator and no worries about were it came from in the inspection report or the LER? Why wasn't the pump torn apart to find out were the products was coming from? Why no evaluation of what the wear products consisted of. Was it a bearing?

To tell you the truth, this story has components of the LaSalle unit not being able to identify what actually cause the turbine trip. In the end, the filter might have been useful, but not questioning were the wear products came from is unprofessional at the least. This missing question is for utility and the NRC itself. Did they just stick that filter in so they have a problem that appeared fixed, and allow a startup?

LER -01-001 raises even more questions. Here are excerpts from the LER:

a.. While the lead was taped, it made contact with a screw on the rear of the cam (evidence of an electrical arc was found on the screw). The most probable cause for the lead contacting the screw is inadequate taping of the lead. This caused a short circuit in the feedwater control logic, which caused fuse 2C34A-F7 to blow.
Can you believe how much wiggle room there is in that statement "the most probable cause for the lead contacting the screw is inadequate taping? This fault is very convenient. Nowhere does LaSalle or the NRC say that the lead and the tape had arcing indications. Did they have proof that there was arcing between the lead and the screw? Why couldn't the screw have been arc-marked in some past incidence? Pictures! Did the NRC get to see the actual taped lead? Was there any testing while the plant was shutdown, such that the lead was made to come intentionally in contact with the cam screw, so that the identical conditions of the plant trip would be reproduced? So that there was a comprehensive attempt to accurately identify the component failure. The LER and the NRC inspection report make's no attempt other than to guess, and get a quick startup. You've gotten yourself into a mindset of not questioning things.

Other LaSalle fuse failure problems make me ask about this potential scenario. I was trying to get an understanding about this from the NRC officials today. With the recent blown fuses, could a troubled employee have figured out a way to intentionally create a fuse failure while the fuse was in the component? Could an employee have a blown fuse in his pocket? Then go into undetected one of these components that "was" to be tripped. Quickly remove the good fuse causing the component trip and replace it with the blown fuse in his pocket. The idea of this employee would not be to damage the facility. He would just be trying to send a message to plant management.

There is just a suspicious string of fuse failures that so far remain unexplainable. If I had known that the cabinets were in view of employees at all times, then I wouldn't be asking these question in a written form. Could the troubled employee put melted fuses in the new fuse bin? Have you proof that meggering creates blown fuse with the typically types of meggering equipment, and no extraordinary effort to make a fuse blow. After all these years with meggering fuses, I just can't believe this problem has just showed up. Any prior documents that identified new fuses which have been blown before installation? Has meggering created similar blown fuses in the industry? Could meggering damage a fuse but not create an opening, thus creating an industry wide problem with fuses that are damaged. Could this degradation create a potential to unnecessarily trip a plant or fail a safety component in a time of need outside the engineered parameters the safety fuse was designed for

I find this totally amazing if you take the megger story seriously, that this situation has not been analyzed for a generic concern. Was meggering new fuses in a procedure? Were the employee meggering when it wasn't in a procedure? Was LaSalle meggering fuses throughout their history according to procedure, and the blown fuse issue just showed up. Was there definitive testing and proof that meggering damaged the fuses, such that there was proof of the potential failure mode made before the LaSalle statement or failure rationale. Having the fuse vender characterize the fuse damage brings up conflict of interest issues. You need somebody to independently evaluate this. This enormous corporation probably provides a large amount of business to the fuse vender, and thus, this question's the independent results of such evaluations. Why couldn't the vender bring back results within days?

Aren't we talking about the philosophical attributes of nuclear safety here? Has LaSalle or the NRC informed other utilities of this very serious failure mode, which may create a common mode failure across the industry? By putting it into a process and waiting many months, you feel comfortable with all the potential degraded fuses in operational systems within the industry

If you want my guess, since everyone else seems to be in the guessing game, you've had a lot of intermittent electrical failures and unexplained plant trips. You've normalized these types of unexplained plant trips. You've become so insensitive to the repeated shaky failure justifications, that the next ones become more distance to reality than the last one.

I find it totally neglectful that you suspect megger damage to the all the fuses and you have not removed all meggered fuses from the plant. I find it amazing you started up the plant without the megger evaluation ability to cause damage not being fully characterized. You think that if you follow some prolonged process, that in itself will keep the public safe. This is a most extraordinary shortcoming for the NRC. I find it amazing that the NRC didn't make a determination on the characterization with fuse megger damage in just a few days of this event; either discounting it or disseminate it as a warning to the industry within another few days You've certainly got me worried.

Do you believe more in safety, or in a process that is accurately complated?

mike mulligan

Hinsdale, NH

1 UNITED STATES

2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4

5 ----------x

6 IN THE MATTER OF: :

7 EXELON GENERATION COMPANY, LLC : Docket Nos.

8 LASALLE COUNTY STATION : 50-373 & 50-374

9 10 CFR 2.206 PETITION :

10 ----------x

11

12

13 Friday, October 12, 2001

14

15 The above-entitled meeting was conducted

16 at 10:00 a.m.

17 APPEARANCES:

18 RAM SUBBARATNAM

19 SUZANNE BLACK

20 LEDYARD (TAD) MARSH

21 WILLIAM MACON

22 DOUGLAS PICKETT

23 JOSEPH COLACCINO

24 MOHAMMAD RAZZAQUE

1 APPEARANCES - (Continued):
2 DAVID TERAO
3 DONNA SKAY
4 MICHAEL MULLIGAN
5 JEFF BENJAMIN
6 KEN AINGER
7 GEORGE PAPANIC
8 KEN RIEMER
9 JEFF HAROLD
10 BRUCE BURGESS
11 ERIC DUNCAN
12 GEORGE WILSON
13 CHIP PARDEE
14 MARK SCHIAVONI
15 DANNY BOST
16 BILL RIFFER
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P-R-O-C-E-E-D-I-N-G-S

10:00 a.m.

MR. SUBBARATNAM: Now that the Petitioner is also on the line, this is Ram Subbaratnam, the Agency Coordinator for 2.206 Petitions. Assembled here in headquarters are Petition Review Board Members. I'm going to have a go around the room introducing people up here, and the regional also will do the same thing, the Petitioner will also do. Right now, I'm going around the room here. I am Ram Subbaratnam, the Agency Coordinator for 2.206.

MR. MARSH: My name is Tad Marsh. I'm the Acting Deputy Director for the Division of Reactor Projects in Headquarters.

MS. BLACK: My name is Suzanne Black, and I'm with NRR.

MR. MACON: I am Bill Macon. I am the Project Manager for LaSalle County Station.

MR. COLACCINO: I'm Joe Colaccino. I'm from the Mechanical and Civil Engineering Branch.

MR. TERAO: David Terao, Mechanical and Civil Engineering Branch.

MR. RAZZAQUE: This is Mohammad Razzaque, Reactor Systems Branch.

MR. PICKETT: This is Doug Pickett, from the Division of Reactor Projects.

MS. SKAY: Donna Skay, the Back-Up 2.206 Coordinator.

MR. SUBBARATNAM: Okay.

Now we are done with people up here in Headquarters, would the licensee identify, please?

MR. BENJAMIN: Here in the Exelon Generation Company Warrenville Office is Jeff Benjamin, the Vice President of Licensing and Regulatory Affairs, Ken Ainger, the Acting Licensing Director for the Midwest Regional Operating Group, and George Papanic, LaSalle Licensing Engineer.

MR. SUBBARATNAM: Wonderful, will the Petitioner identify himself, please?

MR. MULLIGAN: I'm Mike Mulligan, and I work — I'm a Trustee of the New England Coalition on Nuclear Pollution.

MR. SUBBARATNAM: Mike, is there anybody else with you who would like to speak on your behalf or speak along with you?

MR. MULLIGAN: No, and there's nobody on the line or in this room besides me.

MR. SUBBARATNAM: Wonderful.

How about the Region identify, please?

MR. REIMER: This is Ken Reimer, DRP Project Engineer, and Jeff Harold, a DRP Reactor Engineer.

MR. BURGESS: And, you also have Bruce Burgess, the Branch Chief for LaSalle.

MR. SUBBARATNAM: Wonderful.

Is there any other gentlemen on this line, please?

MR. RIFFER: Yes, down at LaSalle we have Chip Pardee, the site Vice President, Mark Schiavoni, the Plant Manager, Danny Bost, who is the Site Engineering Director, and Bill Rifer, the Reg Assurance Manager.

MR. SUBBARATNAM: Wonderful. I think we've covered everybody on this line.

MR. DUNCAN: One more at LaSalle also, Eric Duncan and George Wilson, the Resident Inspectors, are on the line.

MR. SUBBARATNAM: Okay, wonderful.

I want to let Bill Macon, he's going to be the Petition Manager, he being the Project Manager for the plant. He also comes in as the Petition Manager for the thing, and I want to ask him to give a little bit introduction, then we will come back to the Chairman, Tad Marsh, who will kind of give us a little

bit of an outline about the game rules for this meeting today.

Bill?

MR. MACON: Okay. I'm just going to recite what was in the original petition dated September 27, 2001. Petitioner requested that both LaSalle plants immediately shut down and enter a lengthy maintenance period or some such lesser requirement. Replace all leaking safety relief valves with a type of valve that will remain reliable and not leaking throughout plant operation.

The second request is for the NRC to perform an immediate emergency detailed inspection on the relief valve problems at both LaSalle plants, and an assessment of other similar large relief valves at other Exelon facilities.

And, a third request requests detailed inspection on the torus - and in this case the suppression pool - for LaSalle, temperature and in-leakage problems this summer, count the number of times the residual heat removal system has been operated and the equipment run times for the RHR system. Report on the interactions of the weakened relief valves, the torus, and the cooling ponds throughout the summer, and also to create a detailed

time line of the above and report on any equipment failures during this time.

As I understand it, those were the enforcement-related actions that the Petitioner has requested as for the 2.206 Petition process.

MR. SUBBARATNAM: Okay. I will let Tad Marsh give a little bit of an introduction about the purpose of the meeting, what we should do, and we should not do, and so on.

MR. MARSH: Okay. Well, first, let me thank everybody for gathering. There's a lot of folks here, and we are all very, very interested in your thoughts, Mr. Mulligan.

The main part of this part of the meeting, this is a two-part meeting, the main point of this first part is for you, Mr. Mulligan, to describe to us in your own terms your concerns, what you are requesting, and the bases for them. We would like to interact with you here, in the sense of getting any other information that we may need to help us come to a judgment about your petition. So, the first part will be for you, sir, to describe to us your thoughts and your concerns, and any kind of follow-up questions we may have here.

The point of this first part of the meeting is not to come to any conclusions from an agency standpoint. All we want to do in this part of the meeting is to make sure we understand your concerns so we can then go on.

After that part of the meeting, we will go into a closed portion, with just the NRC representatives, and we'll make some decisions about how to proceed. Because we are under a 2.206 process, we will be responding to you, Mr. Mulligan, regardless of how we decide to proceed, so you can expect some correspondence from us in that regard.

Any questions before we turn it over to you, sir, anybody from the Region or from the Licensee like to ask any questions or get any clarifications?

MR. BENJAMIN: None from the Licensee.

MR. MARSH: Okay, thank you.

MR. SUBBARATNAM: Mr. Mulligan, do you want to add, amplify and explain a little bit more on what has been wrote, I mean, I read about what is in your petition, do you want to amplify something?

MR. MARSH: Well, let me recouch it, if I can. I would like you to describe it, if you can, in the terms that you'd best like to use, rather than amplify it I'd like you to go ahead and describe what

you are asking, so we are all kind of on the same sheet of music, if you wouldn't mind, sir.

MR. MULLIGAN: Well, I put it in terms of, to begin with, you know, I'm sitting here in an amazing situation, you look at the world and stuff like that, when you consider all the intentions that are here today on the phone and stuff like that it's quite amazing, and we live in an amazing country, where here I can talk to, you know, huge corporations and all these government officials and stuff like that. You know, I feel unbelievably privileged in order to do this, you know, and I realize a sense that this country is an amazing country, and democracy, and openness, and transparency is absolutely vital to, you know, the working of the country.

Anyway, you know, the general gist is, well, what is the meaning of, you have, I don't know, between, what, you've 17 reliefs in one plant, and I forget how many in the other plant and stuff like that, and the question is, what does that really mean and stuff. I mean, how much degradation, how much unreliability, how much, you know, I mean just really define the situation where, you know, you can talk about — this has talked about a couple — well, six components, and stuff like that, is that really the

1 whole story or is there things going on behind — even
2 more degradation, and that's kind of the problem that
3 I sense, that if an action comes up and stuff like
4 that, and you have multiple components that are
5 degraded, and especially when the system kind of
6 acknowledges it and more or less puts it in a
7 bureaucracy and doesn't really confront the
8 degradation as far as stopping it and not living with
9 it. It's kind of, more or less, I know we sit in a
10 lot of regulations and rules and stuff like that, but
11 there's more to it than just regulations and rules and
12 stuff. I mean, it's just obvious that these
13 components weren't designed to leak, or shouldn't have
14 been — you know, everyone knows a relief valve is
15 really not designed to leak, or shouldn't leak, and
16 stuff, and then you run into these problems where you
17 sit up there close to limits, whether it's ultimate
18 heat sink, or whether it's the torus itself, and
19 stuff, and you say, well, you know, it's not one limit
20 you are sitting close to, it's actually two limits, or
21 safety — you guys, I know what a safety limit is, but
22 I'm saying as far as an operational safety limit and
23 stuff is, as far as the operator, and protecting the
24 community and stuff like that, it's a lot more
25 important than sitting at the 105 degree suppression

temperature limit and stuff like that. You know, there should be a whole lot of — many degrees difference between — you know, I don't know what kind of — you know, there should be like ten degrees difference between an operational limit and where you normally sit and stuff like that. You know, how do you quantify it, or how do you say, well, everybody has got to, you know, do it and stuff like that, you know, I'm not quite sure how to do it.

But, I do know that the further away in a safe direction you sit from any kind of a limit is the way you are the safest, and it's intuitive, and I can't understand why all of a sudden we come up and we sit on these limits and play around and stuff like that.

MR. MARSH: Okay.

Any clarifying questions or thoughts here? Dave? Okay, Bruce?

MR. MULLIGAN: Yeah, I'm at a little bit of a disadvantage in that the NRC internet has been shut down for the last couple of days and stuff like that. I would have been a little bit better prepared, I think, if that wasn't the case.

But, anyway —

1 MR. MARSH: Can you help me understand what
2 you would have used, so that I understand what you
3 mean?
4 MR. MULLIGAN: Well, I would have — there
5 was — I've gotten inspection report 1-03, and I got
6 the recent one, 1-10, I know that there was inspection
7 reports that I identified of last year that kind of
8 said that this thing has been going on for a long
9 time, I would have wanted to look at that some more,
10 and I would have also looked at some of the generic
11 stuff on safety — I mean, I've already looked at it,
12 but in the last two days I would have looked at it a
13 lot more carefully, and stuff like that.
14 MR. MARSH: Okay. I'm sure you understand
15 what's going on in terms of the internet, why we are
16 being extra cautious about material that we put —
17 make publicly available regarding plant locations, how
18 they operate, and things of that sort.
19 MR. MULLIGAN: How they operate, but wait,
20 how they operate, is that part of this security?
21 MR. MARSH: There's a lot of things that
22 are — that we're concerned about. We want to be very
23 cautious about the kind of information we have on the
24 internet. The whole country is being cautious about
25 what's on the internet.

MR. MULLIGAN: Is that why you shut down the — was it — is it an upgrading issue or is it a security issue?

MR. MARSH: I'm really not sure, I know a couple weeks ago we were very concerned about information that was on the web, and I don't know what's going on today or yesterday. Is anybody familiar with it? Is the whole web shut down, or is it just some information taken off?

Mr. Mulligan, do you know, is the whole web shut down? The whole thing is shut down?

MR. TERAO: The whole thing is shut down, and with security concerns, to remove information that we thought would be sensitive, particularly in light of a terrorist attack.

MR. MARSH: Right.

So, there's kind of where we are. Thanks, Bruce.

MR. MULLIGAN: I just — you know, as a — and, more or less, things I've noticed sitting next to these relief problems and stuff, that kind of raises issues to me as far as like I mentioned diesel generator in the last inspection report not starting up. I also noticed in the past there was an issue with a zero diesel generator and its cooling pump failing

1 and stuff like that. I don't know what the zero
2 diesel generator is.
3 MR. MARSH: Right.
4 MR. MULLIGAN: And, stuff like that, other
5 than there was another component failure, and I
6 noticed that sitting next to — like I was saying, the
7 relief problem on 1-03, the NRC talks a lot about
8 long-term water level control problems, and,
9 basically, on 01-10, you talk about it also on stuff
10 like that.
11 MR. MARSH: Right.
12 MR. MULLIGAN: There's been issues with,
13 let's see, the keepfill system that hasn't been —
14 that had long-term problems, and I don't know what
15 this 01-10 talks about with the RHR pressure, the low
16 discharge pressure. And again, the last two things,
17 essentially, are kind of related to RHR and stuff like
18 that, and it's the problem of, you know, basically,
19 where you operate these systems when you really don't
20 need to, because you are kind of allowing degradation
21 to go on, and you have to compensate by operating
22 these systems you end up running into unintended
23 consequences and stuff like that. And, I think the
24 low discharge pressure in the keepfill system show
25 symptoms of that, it's more or less minor and stuff

1 like that, but that's the kind of a message, is that
2 the longer you run these systems the more you
3 challenge them and you challenge the operators, and it
4 ends up being problems with unintended effects and
5 stuff like that, that that's a real concern.
6 And, the same thing with this — I mean,
7 another, you know, besides this relief business, is
8 this water level stuff, I mean, and that's what I get
9 to as far as wondering, does LaSalle need to shut down
10 for long-term maintenance. I know a couple years ago,
11 I'm not too familiar with it, but they were shut down
12 for a while for maintenance issues, and in the shadow
13 of that it's kind of amazing, when I was looking over
14 these inspection reports and stuff like that, and I
15 seen the level of problems with components and stuff
16 like that, that's kind of not the relief itself that
17 brought me to the 2.206, it's the idea of all these
18 things going on together, and in many ways people
19 being confident of just putting these things in an
20 inspection report and stuff like that, and just living
21 with them and not reacting to them and preventing
22 them. This is a big problem to me, and a big problem
23 to the people that, you know, are in the Coalition and
24 stuff like that.

I'm sure that, you know, the public in the area of Lasalle wouldn't be comfortable with the attitude of living with degraded and leaking components.

MR. MARSH: Okay.

Let's see, any other clarifying pieces of information we need, Bruce, the Region, or the residents?

MR. RIEMER: I think the Region is comfortable with the concerns.

MR. MARSH: Okay.

MR. RIEMER: We clearly understand Mr. Mulligan's issues.

MR. MARSH: Okay.

Does the Licensee have any information they would like, in order to understand?

MR. BENJAMIN: No, we don't have any comments to make.

MR. MARSH: Okay, thanks.

Okay, any other thoughts, questions? Okay.

MR. SUBBARATNAM: Okay, Mike, all what we have heard over the last ten to 15 minutes will be transcribed in the minutes, and that also will be

appended to the original petition. I mean, we will be in touch with you.

MR. MULLIGAN: Does anybody have any questions, I'm wondering, about where this — the addendum I added, as far as wondering about torus cooling and two degree temperature and stuff? Are you guys going to go all over that?

MR. MARSH: Let's make sure we have everything, okay, that he's referring to. Do we have what he's referring to? Okay, so we have the addendum that's there? Okay. I just wanted to make sure we've got what you are referring to.

Bruce, do you have that, the Region, too?

MR. BURGESS: Yes, we do.

MR. MARSH: Okay.

Okay, Mr. Mulligan, it sounds like we have what you are referring to, and that's going to be part of our considerations.

MR. MULLIGAN: And, I would kind of say that the words of immediate shut down were kind of not necessarily what I wanted, although if you guys find problems more than I can see than, of course, that would be so. But, it would kind of more or less, you know, as everybody knows, I don't have a lot of information and stuff like that, and so the question

1 would be, you know, to gather information and to make
2 another assessment, so it's not really an immediate
3 shut down, although after assessing what's going on
4 some more, you know, I'd more or less kick it into a
5 higher level. Do you know what I'm saying? I'm not
6 categorically asking for an immediate shut down, I'm
7 asking for more or less information to figure out
8 what's going on. Do I make sense?
9 MR. SUBBARATNAM: Hold a minute, Mike.
10 Mike, here is Suzie Black, she wants to
11 say some thoughts on this.
12 MS. BLACK: As I understand how you
13 clarified your petition, you think if the staff
14 believes immediate shut down is necessary then that's
15 the action that you would request, but if we believe
16 that there are problems but not that rise to the need
17 to shut the plant down immediately you would consider
18 that as an alternative request, is that correct, Mr.
19 Mulligan?
20 MR. MULLIGAN: I would — well, as far as
21 my petition, I would say that as far as what the staff
22 feels, if there's any additional information type of
23 thing, I mean, as far as me having to having some of
24 this information and, more or less, making a judgment,
25 or making, you know, letting my feelings be known

about this additional — in other words, I realize I don't have all of the information and stuff.

MR. MARSH: You are referring to the other inspection reports?

MR. MULLIGAN: Well, you know, inspection reports?

MR. MARSH: Is that what you mean by other information that you feel you don't have?

MR. MULLIGAN: Well, you know, the reality is that these inspectors can only see so much, and so, you know, these inspectors only see a portion of what's going on and stuff like that, so who knows what additional — what other information? My experience tells me that there's a lot that goes on at these facilities that individuals miss, and also inspectors miss and stuff.

MR. MARSH: I just wanted to clarify for you and for us whether you were requesting more information as part of this 2.206, or as a replacement for the 2.206, or whether you were saying that whatever information we have is what we should use in coming to the judgment regarding your request for immediate or whatever is appropriate shut down. I wanted to clarify if there is additional information request embedded in your 2.206.

1 MR. MULLIGAN: Yes, there is.
2 MR. MARSH: Okay.
3 Help us understand what it is that you are
4 requesting in terms of information.
5 MR. MULLIGAN: Well, I don't know how much,
6 I don't know — an example, I don't know what the
7 limits, how many valves, I mean, could conceivably all
8 of them be leaking? Is there any limits on how may
9 valves can leak? Is there any — is there any limits
10 on the amount of leakage? Is there any way of
11 knowing, I know that it's very hard, it's very
12 difficult to measure the leakage coming out of these
13 valves and stuff like that. So, you know, I don't
14 know a lot of the different engineering evaluations.
15 I haven't seen them, as far as the stuff related to
16 that two degree temperature business and all that sort
17 of stuff. I don't have any of the internal discussions
18 and the different reports and stuff like that, I don't
19 know if I can get that. I would like to take a look
20 at it, to see what I can say about it and stuff like
21 that.
22 So, in one of the e-mails I did mention
23 about asking about, you know, what kind of documents
24 can I ask for, to sort of figure out what's going on
25 here.

1 MR. MARSH: Okay.
2 And, did you not get a response in terms
3 of that request for what you can ask for?
4 MR. MULLIGAN: I did not get a response,
5 and it was to the Project Manager over there.
6 MR. MARSH: Okay, Bill Macon, he's right
7 here. Okay.
8 I just want to separate, you know, an
9 information request from a 2.206 petition, because the
10 2.206 petition is requesting an action, an enforcement
11 action, as opposed to an information request, which,
12 you know, is another vehicle, if you will.
13 But, you are not saying that you are
14 changing in any way your petition, is that right, or
15 what are you saying?
16 MR. MULLIGAN: Right.
17 MR. MARSH: Okay, I just want to be clear
18 about that.
19 MR. MULLIGAN: You know, if I'm allowed to
20 have it, to ask for more information, I don't
21 necessarily — it wouldn't give me heartburn to let
22 this go on for a couple weeks or so if I have an
23 opportunity to look at more information and to get a
24 broader understanding of the different interactions
25 between the ultimate — the pond and the suppression

1 pool, you know what I'm saying? In other words, that
2 immediate is kind of, you know, not within hours, you
3 know, a couple weeks, or whatever, to give time to
4 look at this if I'm given the opportunity.
5 MR. MARSH: Right.
6 MR. SUBBARATNAM: Mike, you can definitely
7 ask for information, that's not to supplement your
8 petition, but I wanted to tell you that the moment
9 your petition comes in it kind of starts the clock,
10 and then we have the 2.206 milestones, and targets to
11 achieve, that's all explained here, but otherwise
12 nothing limits you from adding up, or even mailing
13 another petition, and so on and so on, so that's sort
14 of difficult — when your petition came in that
15 already started up a clock, and we are going on the
16 clock.
17 MR. MULLIGAN: I understand that.
18 MR. MARSH: But, you can, of course,
19 request anything that you want, you want, and that
20 would either supplement or be an adjunct to what
21 you've already requested.
22 But, you know, as we said, we are on a
23 clock, we have to — unless you withdraw the 2.206
24 we've got to keep going on that clock. We want to be
25 timely in these petitions. We don't want to, you

1 know, have it be dragged out unnecessarily. So, we
2 need to proceed. Okay? Okay?
3 MR. MULLIGAN: Right, and I understand I
4 have to make a stance, and I have to make a statement
5 in order for people to respond to it and stuff, and I
6 mean I said what I've wrote about, you know, stands.
7 I'm just trying to get you, you know, my general
8 feelings on, you know, trying to figure out the system
9 and figure out, you know, how to get more information
10 besides the inspection reports and stuff like that.
11 MR. MARSH: Okay.
12 Well, we've got your petition, and we've
13 got your clarifying comments, and we understand that
14 you may want more information regarding other matters
15 about performance of other pieces of equipment. But,
16 your petition still stands.
17 MR. MULLIGAN: Yes.
18 MR. MARSH: Okay.
19 And, we need to act on that, so we are
20 going to continue to act on that.
21 MR. MULLIGAN: What evidence, what evidence
22 on this do you look at, you look at for what's in my
23 2.206 and what you, yourself, have observed, is that
24 kind of — or, do you just look at my stuff and say,

1 well, how much information does he have, and we base
2 our actions —
3 MR. MARSH: No. We would make a decision
4 based on, not only what you have said, but what
5 information there is we have available regarding — go
6 ahead if you want to summarize that.
7 MR. SUBBARATNAM: Mike, I don't know
8 whether we forgot to mention it to you, on the same
9 external web, when it comes back on line, there is
10 information which kind of will put the whole thing
11 verbatim, how we would internally process this, your
12 petition. It's called MD 8.11. When the web comes
13 back on line, I will probably walk you through then,
14 that would give you a full description about what the
15 process is and how we'll be processing that. I'm
16 sorry that we kind of forgot to direct you to that.
17 MS. BLACK: I think we ought to mail him a
18 copy.
19 MR. MARSH: Yes.
20 MR. SUBBARATNAM: We will probably mail you
21 a copy if you need that. Can I do that for you?
22 MR. MULLIGAN: Yes, sir.
23 MR. SUBBARATNAM: I will do that.
24 MS. BLACK: And, point him to pages 11 and
25 12.

1 MR. SUBBARATNAM: Yes, Suzie says page 11
2 and 12 kind of gives you a walkthrough of what kind of
3 gets done.
4 MR. MARSH: Why don't you go ahead and read
5 that so he sees what we are going to do.
6 MR. SUBBARATNAM: Yes. What pages was
7 that? It clearly tells you what are all the
8 acceptance criteria for something on a petition for
9 review on a 2.206. There are three bullets up there
10 that says, — "The petition contains a request for
11 enforcement-related action, such as issuing an order,
12 modifying, suspending, or revoking a license, issuing
13 a notice of violation, et cetera." The second bullet
14 is, "The facts that constitutes the basis for taking
15 that particular action as specified. The petitioner
16 must provide some element of support beyond that
17 assertion. The supporting facts must be credible and
18 sufficient to warrant further inquiry," and then
19 there's a third bullet that says, "There is no NRC
20 proceeding available in which the petitioner is or
21 could be a party and through which the petitioner's
22 concerns could be addressed. If there is a proceeding
23 available, for example, if a petitioner raises an
24 issue that he or she has raised or could raise in an
25 ongoing licensing proceeding, the staff will inform

the petitioner of the ongoing proceeding, and will not consider it under 2.206. This is intended to avoid duplication in responding."

Then, page 11 kind of gives you the details of the rejection criteria and so on. I will mail you a copy of it to you. That should go to your address up there in your petition?

MR. MULLIGAN: Uh-huh.

MR. SUBBARATNAM: Shall I mail it down to — it says 5 Woodlawn Lane, Hinsdale, New Hampshire.

MR. MULLIGAN: Right, well, P.O. Box 161.

MR. SUBBARATNAM: P.O. Box 161. Okay. Good.

MR. MULLIGAN: Could I kind of, more or less, immediate would be, you know, to give, you know, the plant a couple of weeks to plan for a shut down, that type of thing, and it doesn’t necessarily mean both plants at the same time, it could be sequentially, of some nature like that, you know, to kind of, more or less, it gives them some opportunity to plan for it and that type of thing. That’s the only thing additionally I’d like to, you know, add.

MS. BLACK: This is Suzanne Black. Let me explain a little bit about when the immediate actions are requested. What happens is, the staff evaluates

1 the immediate action request prior to actually
2 developing the petition response, and if we agree that
3 there's a large enough safety issue to require an
4 immediate shut down of the plant we would do that, but
5 separate from that we will –if the petition is
6 accepted for review we would look into these facts and
7 make a director's decision that either granted the
8 request to shut the plant down or denied that request.
9 And so, there could be either an immediate
10 shut down, if we agree that there is an immediate
11 problem, or there could be an order ordering the plant
12 to take certain corrective actions which would require
13 a shut down.
14 MR. MULLIGAN: Okay.
15 And, everybody is going to look briefly —
16 look at the different engineering analysis, like for
17 the torus, and the ultimate heat sink, and make sure
18 that the analysis measures up to an adequate margin of
19 safety for those types of things? I imagine they've
20 got enough people there that you must have done it
21 anyways, you know, all the —
22 MS. BLACK: I can't answer for the Region
23 about what they've looked at in their sections, but if
24 this is accepted as a 2.206, and it has additional
25 information that the staff needs to evaluate, we would

do that separately here at headquarters, perhaps, with regional help. But, if your letter is not put in the 2.206 process, and it's either handled as an allegation or a general corrective action, we will still provide an answer and it would explain how much detail was looked at into these issues that you've raised.

MR. MULLIGAN: So, another example would be the generic — potential generic issues of leaking relief valves. I know that that's been addressed in the past, but it doesn't seem to have put any controls or very many controls, it's kind of informational and very little, you know, controls and stuff like that. And, you know, an example, if they are going to allow continued leakage that it would be these — it would be systems available to measure the amount of leakage and different studies done.

MS. BLACK: What we would do is, we would give you — provide the information on the staff position on that, whether we believe that the issues that you raised have been addressed in the past and provide our rationale of why we think that the resolution that we have currently is adequate, or it may lead to additional generic actions, too.

MR. MULLIGAN: Okay.

1 MR. SUBBARATNAM: Mr. Mulligan, I'm looking
2 at your address, I see your post office box is 161,
3 did you say that?
4 MR. MULLIGAN: Yes, sir.
5 MR. SUBBARATNAM: And then, what would be
6 your zip code at New Hampshire, I don't have it here.
7 MR. MULLIGAN: 03451.
8 MS. BLACK: 03451. Okay.
9 MR. SUBBARATNAM: All right.
10 I think that's all that you kind of want
11 to add on to this, we can go ahead with the closed
12 meeting.
13 MR. MULLIGAN: Thank you very much.
14 MR. SUBBARATNAM: We thank you very much
15 for your time, sir.
16 MR. MARSH: Thank you.
17 Okay, let's see, I guess we're going to
18 excuse the Lasalle folks as well.
19 MR. RIFFER: This is LaSalle signing off.
20 MR. MARSH: Okay, we'll be signing off from
21 Warrenville. We've got to break off and then get back
22 on.
23 MR. MULLIGAN: And then, I'm leaving, is
24 that right?
25 MR. SUBBARATNAM: Yes, sir.

1 MR. MARSH: Yes, you are, thank you.
2 We are all going to leave and then come
3 back on again.
4 (Whereupon, the meeting was adjourned.)
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