

February 4, 2002

MEMORANDUM TO: File

FROM: Robert M. Pulsifer, Project Manager, Section 2 **/RA/**
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

SUBJECT: VERMONT YANKEE NUCLEAR POWER STATION - 2.206 PETITION
CONFERENCE CALL TRANSCRIPT

On December 27, 2001, the Petition Review Board held a teleconference with Mr. Mulligan, the petitioner, regarding his 2.206 petition, dated November 30, 2001, as supplemented on December 3, 2001. The call was held for Mr. Mulligan to provide additional supporting information. Attached please find the transcript of that call.

Docket No. 50-271

Attachment: As stated

cc w/attach: See next page

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OFFICE	PDI-2/PM	PDI-2/LA	PDI-2/SC
NAME	RPulsifer	TClark	JClifford
DATE	01/22/02	01/17/02	01/28/02

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cc w/attach:

Mr. Michael Mulligan
P.O. Box 161
5 Woodlawn Lane
Hinsdale, NH 03451

Gautam Sen
Licensing Manager
Vermont Yankee Nuclear Power Corp.
185 Old Ferry Road
P.O. Box 7002
Brattleboro, VT 05302-7002

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Conference Call on
the 2.206 Petition on Vermont Yankee

Docket Number: 050-00271

Location: (telephone conference)

Date: Thursday, December 27, 2001

Work Order No.: NRC-165

Pages 1-24

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Washington, D.C. 20005
(202) 234-4433**

1 PARTICIPANTS:
2 HERBERT BERKOW, Office of Nuclear Reactor
3 Regulations. NRC
4 RALPH CARUSO, Reactor Systems Branch, NRC
5 JIM CLIFFORD, Office of Nuclear Reactor
6 Regulations, NRC
7 CRAIG HARBUCK, Technical Specifications Branch
8 RICHARD LOBEL, Office of Nuclear Reactor
9 Regulations, NRC
10 MICHAEL MULLIGAN, Petitioner
11 ROBERT PULSIFER, Vermont Yankee Project Manager
12 GAUTAM SEN, Licensing Manager, Vermont Yankee
13 RAM SUBBARATNAM, NRC Coordinator for the
14 2.206 Petition
15 GEORGE THOMAS, Reactor Systems Branch, NRC
16 ROBERT WANCZYK, Director of Regulatory Affairs,
17 Vermont Yankee
18
19
20
21
22
23
24
25

P-R-O-C-E-E-D-I-N-G-S

(2:30 p.m.)

MR. SUBBARATNAM: I will call the PRB on the line, please.

MR. SEN: Gautam Sen, Licensing Manager, Vermont Yankee.

MR. SUBBARATNAM: Wonderful. Is there anybody else with you on the line on the other side other than Vermont Yankee?

MR. SEN: I also have Bob Wanczyk, Director of Regulatory Affairs, Vermont Yankee.

MR. SUBBARATNAM: Okay, wonderful. This is the Petition Review Board of the Nuclear Regulatory Commission here. We're waiting for the Petitioner, Mr. Michael Mulligan.

(No response.)

MR. SUBBARATNAM: We'll stand by then.

(Pause.)

MR. SUBBARATNAM: Is the Petitioner, Mike Mulligan, on the line please?

(No response.)

MR. SUBBARATNAM: What all we have is the Licensee from Vermont Yankee, right?

MR. SEN: Yes.

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1 MR. SUBBARATNAM: We're waiting for Mr.
2 Mulligan. Hold on.

3 MR. SEN: Okay.

4 (Pause.)

5 MR. SUBBARATNAM: Is the Region on the
6 line please?

7 (No response.)

8 MR. SUBBARATNAM: Nope. Okay. Stand by.

9 (Pause.)

10 MR. SUBBARATNAM: Is that Mike Mulligan
11 joining us on the line?

12 MR. MULLIGAN: Yes, sir. How are you
13 doing?

14 MR. SUBBARATNAM: Fine. We're all
15 assembled up here. How are you doing?

16 MR. MULLIGAN: Oh, pretty good.

17 MR. SUBBARATNAM: Very good. I'm going to
18 turn this over to the Petition Review Board Chairman,
19 Suzy Black.

20 She will give a preamble and give you the
21 game rules of what they're going to do for this
22 afternoon, and we will take over from there. Here is
23 Suzy Black.

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1 CHAIRPERSON BLACK: Okay. My name is
2 Suzanne Black. I'm the Chairman of the Petition
3 Review Board. Why don't we introduce ourselves?

4 MR. LOBEL: Richard Lobel, Office of
5 Nuclear Reactor Regulations.

6 MR. BHACHU: Ujagar Bhachu --

7 MR. HARBUCK: Craig Harbuck, Technical
8 Specifications Branch.

9 MR. BERKOW: Herb Berkow, NRR.

10 MR. CLIFFORD: Jim Clifford, NRR.

11 MR. THOMAS: George Thomas, Reactor
12 Systems Branch.

13 MR. CARUSO: Ralph Caruso, Reactor Systems
14 Branch.

15 MR. PULSIFER: Bob Pulsifer, Vermont
16 Yankee Project Manager.

17 MR. SUBBARATNAM: This is Ram Subbaratnam,
18 the Agency coordinator for the 2.206 petition. How
19 about for the Vermont Yankee Licensee, please?

20 MR. SEN: Vermont Yankee Licensing
21 Manager, Gautam Sen, and Robert Wanczyk, Director,
22 Regulatory Affairs, from Vermont Yankee.

23 MR. SUBBARATNAM: And of course we have
24 Mr. Michael Mulligan, right?

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1 MR. MULLIGAN: That's right. It's just me
2 here.

3 MR. SUBBARATNAM: Okay.

4 CHAIRPERSON BLACK: Okay. Thank you. I
5 believe we had a conversation with you before, but
6 I'll go over a little bit of the ground rules.

7 The purpose of this is for the Licensee or
8 the Staff to request additional information where they
9 feel that the petition might have open issues, or
10 leave questions in our minds.

11 And also to provide you an opportunity to
12 give us any supplemental information that you think
13 would make the petition reach the threshold for review
14 under 2.206.

15 And before you start, although we have not
16 had a petition review board meeting on this, we have
17 read your letter, and it seems to me that you have
18 several issues, two of which deal with license
19 amendments that are either under review, or have been
20 approved.

21 And another one was about the issue of the
22 suppression pool cooling mode operation of the RHR
23 system, which we recently sent you a letter about. I
24 think Jim Clifford knows what the date of that letter
25 was.

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1 MR. PULSIFER: November 29th.

2 CHAIRPERSON BLACK: November 29th. And so
3 I have --

4 MR. MULLIGAN: I don't -- I have not
5 received that yet for some reason.

6 MR. PULSIFER: It was sent to 5 Woodlawn
7 Lane, in --

8 MR. SUBBARATNAM: Did not Bill Macon talk
9 to you or follow up with you after the letter?

10 MR. MULLIGAN: About the Vermont Yankee?

11 MR. SUBBARATNAM: No, on the letter.

12 MR. MULLIGAN: Right. You are right. I
13 thought it was the Vermont Yankee that we are talking
14 about.

15 MR. SUBBARATNAM: Yeah, the issues are
16 similar is what we are trying to say here.

17 CHAIRPERSON BLACK: Right. So even though
18 we have not had a petition review board meeting yet,
19 if we look at our management directive guidance, we
20 cannot take issues that have either been in our -- for
21 which another proceeding is another.

22 For example, for the two license
23 amendments, when they are noticed in the Federal
24 Register, you have a hearing right? And the comments
25 which you have in your letter would be more

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1 appropriate for you either commenting on the license,
2 or a license amendment, or reflecting a hearing.

3 And so those two issues, and then the
4 third one is suppression pool cooling, and we didn't
5 see anything different in this from the issue that we
6 just addressed on LaSalle.

7 And so one of the other criteria is that
8 it has to be something new, and not something for
9 which we have considered and taken action on in the
10 past.

11 So with that prelude, I think it is the
12 NRC's staff position at this point that the issues in
13 your letter would be answered via letter, as opposed
14 to go to the Director's decision process. We will
15 give you an opportunity for a limited amount of
16 additional information if you have that at this time.

17 MR. MULLIGAN: Well, one thing that I
18 would like to mention would be, of course, about our
19 boys overseas and stuff like that. I want to always
20 mention how I think they are doing an awesome job, and
21 I always want to keep that at the top of my mind.

22 And that is that the kids and the men and
23 women are sacrificing for us, and trying to bring
24 world stability, and so I just want everybody to know
25 that I honor that.

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1 As far as the review, I am getting ready
2 to essentially institute another 2.206, and the
3 general justification for that would be if you look at
4 the Limerick Plant, and the recent inspection report
5 where they talk about the relief valve and one of
6 their two ends, the two Limerick 111 inspection
7 report, the two-end safety relief valve.

8 And that it might be more or less might be
9 more germane to the NRC than Vermont Yankee and stuff
10 like that. But the issue is that valve wasn't -- that
11 failure wasn't characterized.

12 And for 81 days, you know, the NRC didn't
13 step in, and didn't -- or as far as I can see in the
14 written inspection report, when the valve was failing
15 and stuff, and when they were using a new method to --
16 and it should not be forgotten that the pressure --
17 the measure -- the way of measuring leakage was a
18 pressure detection type of thing, and that failed.

19 And then they used this temperature
20 monitoring doohickey, and it went on for 81 days, and
21 it really didn't work and stuff. So the justification
22 for the NRC with LaSalle was that essentially this is
23 all controlled within the NRC's procedures, and rules,
24 and regulations.

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1 And this business with LaSalle and stuff
2 like that, I just want you to know that you might have
3 a bunch of rules and regulations, but you don't know
4 how to apply them to prevent -- you don't know how or
5 when to step in and prevent a failure like you had at
6 Limerick almost 9 months or 10 months ago.

7 And that is what I am really afraid of now
8 with Vermont Yankee and its current situation now and
9 stuff like that. You might have a bunch of rules and
10 regulations, and maintenance procedures, and stuff
11 like that, but whether you have the ability to act on
12 a failure -- well, a degradation before a failure, and
13 the challenge that it would bring to a control room is
14 quite amazing on stuff like that.

15 As far as -- and, again, this business
16 with Limerick, it is a -- well, there is a quote here
17 about thought to be overly conservative. I mean, the
18 NRC must have accepted that, and stuff like that, and
19 the utility said it, et cetera.

20 So the question is how much other things,
21 whether it is at LaSalle, or whether it is Vermont
22 Yankee.

23 CHAIRPERSON BLACK: So what you are saying
24 is that you don't agree with the last letter on
25 LaSalle, and you would like to perhaps come in with

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1 another LaSalle 2.206, which could be combined with
2 the Vermont Yankee issue, as well as the Limerick
3 issue?

4 MR. MULLIGAN: Well, there is a message
5 here that I am trying to explain, and to combine it
6 with the Vermont Yankee and stuff, I don't know if
7 that would do anything as far as with the Limerick
8 plant and stuff.

9 Other than that you have just mentioned
10 that this was keyed on the valve situation being
11 settled as far as the NRC and stuff, and I am just
12 saying that as far as we look at the Limerick relief
13 valve problem, and you look at how it was
14 uncharacterized, and how the failure was
15 uncharacterized for 81 days.

16 And when you look at how the NRC failed to
17 step in and control the situation, and so you sit back
18 and say -- well, the NRC basically said that all of
19 our procedures and maintenance rules, and stuff like
20 that, will fully cover the situation at LaSalle. And
21 what I am saying is that the Limerick events proves
22 that it isn't.

23 CHAIRPERSON BLACK: And so what you would
24 like us to do is get that inspection report and use
25 that information in our deliberations on whether we

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1 believe there is a new valve at issue and its future
2 effects.

3 MR. MULLIGAN: At LaSalle.

4 CHAIRPERSON BLACK: At LaSalle.

5 MR. MULLIGAN: I mean, I have gotten most
6 of it written and I am cleaning it up, and so I am
7 going to submit that within the next couple of days.

8 CHAIRPERSON BLACK: Well, how does that
9 relate to the Vermont Yankee situation? I mean, did
10 you want us to consider them together?

11 MR. MULLIGAN: Well, you could put it all
12 things together because they are all kind of related.

13 CHAIRPERSON BLACK: That is what it sounds
14 like. You are relating the Limerick, the LaSalle, and
15 the Vermont Yankee situation.

16 MR. MULLIGAN: Right.

17 CHAIRPERSON BLACK: So perhaps if we
18 suggest that you structure your letter between Vermont
19 and LaSalle, and look at that, and look at the
20 Limerick inspection report, and consider the three.
21 And that, along with the letter that we have before us
22 currently.

23 MR. MULLIGAN: Do you understand what I am
24 getting at with the lateness amendment and essentially

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1 with the summertime torus cooling? Do you kind of
2 understand the gist of that?

3 CHAIRPERSON BLACK: Well, I understand
4 that you disagree with -- it seems like you disagree
5 with -- well, like with this amendment, to just
6 provide further reductions, and that still meet the
7 safety requirements.

8 And as far as cooling, we believe that the
9 operation of that equipment as it currently is being
10 used to keep the plant under the limits, the safety
11 limits, is prematurely wearing out these -- well, to
12 making them less reliable for accident.

13 MR. MULLIGAN: All right. When you sit
14 there and you look at the latest license amendment --
15 let's see -- 248, you know, I would like to in effect
16 wonder how the NRC's opinion of the wording of that
17 license amendment and stuff, and then you go down in
18 there and you see a whole bunch of -- well, like for
19 example, it goes on down and starts talking about how
20 the license amendment would reduce wear on the
21 equipment and stuff.

22 CHAIRPERSON BLACK: I can see your point.
23 You are saying that they use the justification that
24 they don't want to operate the equipment to justify

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1 less surveillance testing, and at the same time they
2 are using the equipment more for normal operations.

3 MR. MULLIGAN: Well, is it normal
4 operations?

5 CHAIRPERSON BLACK: Well, it is not --
6 well, I don't know if the term normal means anything
7 to you, but we use it for a purpose that is not an
8 stipulated purpose.

9 MR. MULLIGAN: Right. And so the question
10 at the heart of this for the NRC or at least for me
11 for the NRC is if you tend to allow these facilities
12 to analyze these situations separately, whether it is
13 a benefit or it is going to cost the utility money and
14 stuff like that.

15 And so on this business with this license
16 amendment, you sit there and it sounds like you allow
17 the utility to -- well, like the equipment that is
18 running, and I imagine that the amount of time that is
19 being saved with the equipment not running in this
20 latest amendment is (inaudible) basis method of
21 looking at it is extraordinary minute.

22 But it only runs for -- I don't know,
23 maybe less than an hour, or whatever it is. I don't
24 know how much the time adds up, but --

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1 CHAIRPERSON BLACK: And I am not sure
2 whether that was really part of the basis for our
3 accepting the first amendment. It might have just
4 been additional information that they provided, but we
5 didn't rely on that.

6 MR. MULLIGAN: Well, it is a question of
7 whether you are allowing these utilities to talk on
8 both sides, and also the NRC is allowing this without
9 questioning it.

10 And you are really talking to the public
11 with those documents and stuff, and so here you are
12 saying we really don't go by what the wording is now
13 and stuff like that. But that is how you are
14 expressing what you are doing to the public.

15 And it is really amazing how contradictory
16 it is, and how you allow the utilities to come up with
17 these broad categories of how it is going -- you know,
18 how it is going to enhance safety, but then you don't
19 talk about it in any kind of risk-informed kind of
20 way.

21 And the way that I would see it is that
22 with the amount of time that this equipment is being
23 run and stuff like that, compared to the amount of
24 time that it is needed for an accident, is minute.

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1 And so a risk-informed way of looking at
2 it, you would say it is -- well, to me it would look
3 like it is insignificant. And then on the other side,
4 what you are going to do with Vermont Yankee, is that
5 you are going to say -- or with LaSalle, you are going
6 to say being risk-informed and all that sort of thing,
7 that it is making accidents a lot worse or something
8 like that is not significant.

9 And so we are going to allow them to
10 continue to operate the way they already are. So it
11 is kind of a broader question than whether Vermont
12 Yankee is using that equipment inappropriately during
13 the summer.

14 It is a question of, well, how does the
15 NRC allow the presentation of all these ways of
16 finding risk and stuff, and is there a connection with
17 -- well, if it is a benefit, do you allow them to
18 express one way, and if it is a cost to you, do you
19 allow them to express it another way, and it is really
20 going to the public.

21 CHAIRPERSON BLACK: Well, I understand
22 that issue, and if I didn't make it clear at the
23 beginning, I apologize. But the purpose of this
24 conference is not for us to answer the questions, but
25 just to get additional information.

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1 It is kind of like a one-way street, and
2 then when we deliberate, we will answer the type of
3 information that you are bringing up either through a
4 Director's decision or a letter.

5 MR. MULLIGAN: Well, just to be clear, the
6 last time I went with LaSalle, and a couple of
7 citizens completely misconstrued my questions, and
8 turned it around, and so that is the concern that I
9 have.

10 CHAIRPERSON BLACK: Okay. Well, that's
11 within the letter that we sent you on November 29th.

12 MR. MULLIGAN: Yes, and my position was
13 belittled and stuff, and the next couple of days when
14 I get that sent out to you and stuff like that, it
15 will be explained in the letter and stuff like that.

16 So I just want you to know that already I
17 have gotten -- well, if the response will follow along
18 with the rules and regulations, but there was
19 (inaudible) in the way that some of that stuff was
20 explained to me, and the distortions in it.

21 CHAIRPERSON BLACK: Well, I certainly
22 apologize to that. We certainly didn't mean to insult
23 you, and we will take another look at this letter, and
24 we will consider the comments that you are going to

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1 send us on this letter. And perhaps we can explain it
2 more clearly.

3 MR. MULLIGAN: Okay.

4 MR. SUBBARATNAM: And, of course, Mr.
5 Mulligan, you realize that the conversation that we
6 are having right now will also be transcribed and the
7 hard copy of the draft will be available in a couple
8 of days in time, and that will add quite a bit more
9 lines of what you have missed in the previous
10 (inaudible).

11 MR. MULLIGAN: Now, talking to -- I forget
12 what his name is. Who is that guy that I was talking
13 to?

14 MR. SUBBARATNAM: Bill Macon?

15 MR. MULLIGAN: Mr. Macon, yes. You know,
16 he essentially -- well, I got an e-mail, and he says,
17 well, the matter is closed, and stuff like that, and
18 then -- and so the way that he kind of hinted that he
19 didn't want to hear any more from me.

20 And I will admit that he wanted that he --
21 that he would have had we had been able to set up some
22 time to talk about it. But his e-mail was -- you
23 know, basically the issue was closed.

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1 MR. SUBBARATNAM: But he probably meant it
2 was closed with respect to LaSalle, but you have the
3 right to reopen it at any time if you like.

4 MR. MULLIGAN: Again, he wasn't -- again,
5 you know, I kind of asked for a lot of help and stuff
6 like that, and what I got from or with the last part
7 of this again was kind of a brush off, saying that it
8 is over with. It is an over with type of thing.

9 I didn't really get an explanation of what
10 I can do next or anything like that, and if I agree
11 with what was said, or stuff like that. So again
12 there was a tone there of not trying to understand
13 what I was getting at.

14 MR. SUBBARATNAM: The notice is not open
15 and if you have more information, we have to receive
16 it and we will look at it, and you will write
17 everything that you need in your supplement that you
18 are going to submit to us, and we will also make a
19 decision based on the same material that we have
20 already got among the (inaudible).

21 MR. MULLIGAN: So it is not going to be
22 accepted as a Vermont Yankee --

23 MR. SUBBARATNAM: No.

24 MR. MULLIGAN: Or it is not going to go to
25 the petition board I should say?

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1 CHAIRPERSON BLACK: It will go to the
2 petition board and the board will meet after this
3 telephone call, and we will call you back with the
4 decision and give you another opportunity to comment
5 on the course of action that the NRC decides to take.

6 If you would like for us to wait until you
7 send us a letter on LaSalle, perhaps it would be more
8 advantageous if we could look at that with this one,
9 because it seems to be the same issue.

10 MR. MULLIGAN: Well, just -- I mean, I
11 don't know if you would necessarily -- I mean, if you
12 could wait or not, but again it is a question over
13 there you look at the recent inspection part of
14 Limerick, and what I am going to base the additional
15 to this LaSalle 2.206 on is essentially saying because
16 of the Limerick issue, basically the NRC said we have
17 a whole bunch of rules and regulations, and
18 maintenance rules, and all that sort of stuff, and
19 these are the things that will prevent a relief or
20 torus cooling type of accident.

21 And I am saying that is the Limerick
22 inspection reports.

23 MR. SUBBARATNAM: Mr. Mulligan, which
24 Limerick report are you talking about to the Board?
25 Are you talking about --

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1 CHAIRPERSON BLACK: It says here 111.

2 MR. SUBBARATNAM: 111?

3 MR. MULLIGAN: Yes.

4 MR. SUBBARATNAM: Rule 111. Okay.

5 MR. MULLIGAN: Do you understand what I am
6 saying? That you had a whole bunch of rules and
7 regulations and the ability of intervene and you
8 didn't. Everybody allowed the valve to fail.

9 MR. SUBBARATNAM: Okay.

10 MR. MULLIGAN: And if you sit there and
11 say -- if you use that justification for LaSalle in
12 this, and you say, well, maybe the rules and
13 regulations, you might have a whole bunch of them, and
14 if you use the right one it would prevent it.

15 But as it was used in my opinion, you will
16 not prevent a serious accident in the future, and that
17 is my concern.

18 CHAIRPERSON BLACK: Okay. Well, we will
19 look at this inspection report before the Petition
20 Review Board meets, and take your comments that you
21 just make into consideration.

22 But having not read the details behind
23 that inspection report, we will just take your
24 comments and consider them after we have looked at
25 that inspection report.

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1 MR. SUBBARATNAM: Mr. Mulligan, when do
2 you think you are going to send us the supplemental
3 information? Is it going to be sent to us this week
4 or early next week, or is it going to be probably
5 another week before we get this information from you?

6 MR. MULLIGAN: How about tomorrow morning?

7 MR. SUBBARATNAM: That would be fine. Do
8 you plan on sending another e-mail to Bob Pulsifer?

9 MR. MULLIGAN: Excuse me?

10 CHAIRPERSON BLACK: Would you send it by
11 e-mail directly?

12 MR. MULLIGAN: Yes.

13 CHAIRPERSON BLACK: Okay. That would be
14 good.

15 MR. MULLIGAN: Yes.

16 MR. SUBBARATNAM: Okay.

17 CHAIRPERSON BLACK: Then perhaps we can
18 meet either tomorrow or early next week.

19 MR. SUBBARATNAM: Yes.

20 MR. MULLIGAN: Can I make one more comment
21 about Vermont Yankee?

22 CHAIRPERSON BLACK: Sure.

23 MR. MULLIGAN: Well, actually about the
24 NRC. On the Vermont Yankee inspection report -- I am

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1 trying to figure out which inspection report I am
2 talking about so that you guys will have an idea.

3 MR. BERKOW: Is it 01-08?

4 MR. MULLIGAN: Yes, that's it. Exactly.
5 You know, it seems that the NRC didn't make an attempt
6 to explain why there was an operator error, and why
7 they were using torus cooling.

8 It basically said the reason that it
9 failed -- and they really didn't go into the -- you
10 know, didn't give any kind of background, and of
11 course as everybody knows, and as the inspection
12 knows, and the Vermont Yankee knows, but the public
13 rally has no idea, and they have no -- they don't have
14 any background on why are they using that, why are
15 they using torus cooling.

16 Is it because they were testing HPCI or
17 RCIC or was it some other type of problem with the
18 river or the environmental temperatures in the
19 building, and stuff like that.

20 So again the NRC doesn't really give any
21 clues to the public of why they are using that
22 equipment, and so nobody can really challenge the NRC
23 or Vermont Yankee if they don't have any kind of
24 specialized training to figure out what is going on
25 and stuff like that.

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1 So I wanted to make that issue, and I
2 wanted to say that. I don't think the inspector gave
3 enough background and information on what they were
4 using for our score.

5 MR. SUBBARATNAM: Okay. Mr. Mulligan, we
6 will wait for your e-mail from you tomorrow morning,
7 and then we will probably regroup, and the Panel will
8 reconvene and review the points.

9 MR. MULLIGAN: Okay. Thank you.

10 MR. SUBBARATNAM: Thank you for your time,
11 Mr. Mulligan.

12 MR. MULLIGAN: Thank you, sir.

13 MR. SUBBARATNAM: All right.

14 (Whereupon, the conference call was
15 concluded.)

16