From: "Michael Mulligan" <steamshovel@adelphia.net>
To: "Victor L Dricks" <vld@nrc.gov>, "William Macon" <WAM1@nrc.gov>
Date: 11/30/01 3:29PM
Subject: Vermont Yankee 10 CFR 2.206

Mr. Dricks,

Would you pass this onto Dr.Travers? Mr. Macon, I hope it's OK sending this to you as a courtes, because it's a related issue.

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 on Vermont Yankee. We know both Exelon and your agency are aware of my 10 CFR 2.206 against the LaSalle nuclear plant. This Vermont Yankee petition is closely related to the LaSalle issues.

Is this an emergency request? In terms of the specific issues around Vermont Yankee's torus cooling, I don't think so. On the other hand, if this indicates a widespread abuse within your agency, then your regulatory scheme is only viewing a portion of the problem with the industry. With that, it is an emergency of the highest order.

Enforcement request:

1) That Vermont Yankee be fined $1.00.

2) That transparency and truth become the number one priority of Vermont Yankee, your agency, and the energy industry.

3) That all past and future license amendment which benefits a utility be expressed in risk terms- not in terms of less than insignificant safety enhancements, which can't be measured and is inflammatory in pushing an amendment through the system.

4) That Vermont Yankee would be prohibited from non safety use of safety equipment.

American Pulp and Paper

Attachment

EDO --G20010553

Back in summer of 1999, I discovered a small tissue manufacturer spilling logoon waste into the Ashuelot River just a few miles south of my hometown of Hinsdale, NH. Everyone in our area had known this place was polluting the river for decades. Everyone suspected that the state environmental (NHDES) regulator was corrupt. It was openly spilling many gallons of papermill logoon wastewater mess going into the river. At the time, the stream flows were at record lows.

I called the New Hampshire State environmental people. The front desk person didn't even know whom I should talk to. When she finally decided to send my call to a department, she said, I'm connecting you now. I then heard a click, click, and was disconnected. I was still polite as this point. I took me five additional disconnected calls to get through their disorganized phone system before I got the inspector. I was picking up intense troubling signals all over the place from the moment I first saw the scum entering the river.

As best I could, I explain the situation to the inspector. He said he would look into it. He was just about to end the phone conversation when I asked, well, when do you think you can inspect the plant. I again felt it strange that he didn't disclose an inspection date on his own. He said in a least three weeks. Shortly after that phone call, I got the NH State police interested, and later got pictures in the newspapers from this mess.

Again from the very first moment I'd first seen that leakage, I wondered about all the employees and state inspectors who had just walked past (bridge) the pollution (which could clearly be seen). I predicted at that moment, of the tremendous immovable political and regulatory structure, that this view of the pollution was showing me. I though the paper industry and this corporation must be going through some enormous stresses. I figured the State agency budget was stressed to the max and effectively disconnected from pollution concerns.

Many of you already know my spiel. I asked the state people, could you explain how the facility pollution is characterized scientifically. The official initially came back saying that according to their pollution permits, testing, and their documents, that there was no pollution. It shortly became apparent that this facility's national permit had expired after just a little digging. The state didn't initially volunteer this deficiency.

You wouldn't believe all the state and federal EPA officials about this I talked to through last few years. I asked for more investigations than tree growing in the state of NH. I gave them the typical; the inspector and the rest of you are corrupt, and are in bed with the corporations.

Out this rage of mine, we discovered that there was a national problem with late pollution permits. Just not enough money was the refrain. I asked the EPA inspector general to characterize pollution reporting. He came back with a report that many facilities of medium and small size are just not required to report pollution scientifically. They were only legally required to disclose only a small proportion of the pollution. On a national level we are all looking at our problems through devices of selectivity. If we can leverage our power, position, and self interest, then we will look through the binoculars from any position that benefits us even if we can;t make sence of what we see.

I asked all the officials repetitively; just what is the meaning of this pollution and the system than ignores it. The state inspector, their bosses, the department heads, the EPA, the EPA higher officials, the NH governors office, the assistant NH Attorney General, the NH Governor herself (when I showed her a recorded video of the pollution during one of her outing at this end of the state); they all came back with an overly bureaucratic answer like the locale inspector. Basically he explained it in terms of how the plant was situated within the spotty regulations and dismal state resources. As long as they were doing it according to regulations, even if the detection and collection method only gave a small proportion of the pollution, it was acceptable.

I asked what does it mean when a facility can't invest in the proper facility infrastructure that creates an efficiency business process, creates no pollution, and allows the workers an adequate lifestyle. Just what does it mean in the business world when CEO's are given bonuses of enormous proportions, simultaneously with them inflicting to their facilities an enormous resource squeeze. Many of these

economic sectors are cycling around in perpetual extreme price cycles, much like our intensifying weather of Global Warming extremes, with the price instability limiting employee incomes, and is an excuse not to invest in their facilities. They all looked at me bug-eyed.

They shutdown the small mill next to Hinsdale by the end of the last summer (2001). The state of NH prohibited the startup of this plant until the logoon is fixed. The parent company American Tissue (AT) went bankrupt shortly after that. A bunch of AT large papermills up north has been shutdown because of the bankruptcy.

They left millions of dollars of tax and utility bills unpaid that created enormous problem of the cities in the area. There was a rumor that the big mills up north had environment problems that provoked the mills into bankruptcy. The "LaSalle" bank of Illinois accused AT board and CEO with fraud. They were apparently fraudulently getting bank loans, making fraudulent statements, and misstating corporate profits to the tune of 140 million dollars. They have called in the Attorney General and a FBI investigation. American Tissue management has now been removed. Here are a few e-mails expressing my displeasures.

From: "Michael Mulligan" <steamshovel685@earthlink.net>

To: "Michael Mulligan" <steamshovel685@earthlink.net>; "Greg Coffey" <gfc@keenesentinel.com>; "Ducharme, Sharon" <sducharme@des.state.nh.us>

Cc: "Joy Hilton (E-mail)" <hilton.joy@epa.gov>; "Peter Roth (E-mail)" <proth@doj.state.nh.us>

Subject: Re:A New World.

Date: Thursday, September 20, 2001 11:17 AM

Dear Friends,

Yes indeed information is power. Many people accuse me of speaking in a language that has aspects of timelessness. What do you think? The corporatization and commodization of truth has effected us all. We are just going to have to create, by many magnitudes, increasing transparencies throughout government, corporations, businesses, and ourselves.

The stability of our world is in question now. Just think about how worldwide starvation and hopelessness will increase in the next few years. Will our anger define us, or will it be our love of another human being half way across the world have any meaning in our streets. A truth is, we don't even love many on our own streets. I know the protection of the innocent is the most important aspect and it will include military action. But we need so much more than that.

Speaking the truths within our own hearts outside the illusions of our simple corporate cultures is now a matter of world survival. If you don't

change, then the world won't. Please be the one who speaks!

mike mulligan

Hinsdale, NH

Airlines fought security changes

Despite warnings, companies wanted to avoid delays

By Walter V. Robinson, and Glen Johnson, Globe Staff, 9/20/2001

WASHINGTON - Despite recurrent warnings from official watchdog agencies and presidential commissions that airport security lapses could have catastrophic consequences, government efforts to remedy the problems have been frustrated repeatedly by cost-conscious airlines.

A new commission has now been empaneled to look at airport security after last week's devastating attacks with hijacked jetliners on New York and Washington.

But specialists wonder whether reform might be imperiled by the same political factors that have undermined security over the last two decades: Airlines that have successfully resisted many critical, sometimes costly security improvements; ineffectual federal oversight; and politicians of both parties who, like their constituents, have been more concerned about flight delays than terrorism...

Dear Mr. Roth and Company, 9/06/01

You see how corrupt this business was. I was the first person who turned

around and confronted this lawlessness. I count 2000 workers whose lives are in turmoil now. You see how they organized the financial facts to the benefit of the CEO and the executives- to maintain their compensation- while making the employees work like underfed dogs and live in a blizzard off uncertainly. I wonder how they influence the state officials.

The state officials through these years, up to, and including the governor's Office is in the same game of controlling information; just like American Tissue has been for their own benefit. The immoral control of information is how political power is maintained today. How to selectively release the partial truths is the game you play today within the proprietary game of the corporations, the sensitive data that the regulators collect, or the confidentially of the pretrial, during trail, and after trial, that the prosecutors demand. It allows all you people to go behind close doors and make deals for yourselves, your agencies, and your politics- and keeps the public innocent of your corruption. It drags on these corporate corruptions issues for years- until the public become immune to the initially wrong-doing.

I can hear you saying, mike, we were all so disorganized in the beginning; so confused, so under-funded and understaffed, so much work. That is your premeditated, engineered, and politically designed system that you depend on to make you non accountable to the people you serve. Many of you people were aware that your agencies were non functional, and many of you got promoted because you would play along with this game of dirty politics.

Who once asked; why did all the good people just sit back and do nothing? In many historical situations of the past we wondered; why was so much of population blinded. The future is asking you that now!

The truth is many of your state agencies are non-functional because of resource problems. Many vulnerable who have come to you in need, you have

deceptively turned away from your door and hidden this data. Hidden this shame! All to get elected or to get your piece of the pie, while your brothers and sisters suffers. Many innocent children you have placed at a life-long disadvantage because you don't have the guts to confront the truth. Lets be very clear, the resource problem, our tax situation, are all straw-dogs issues. You just don't have the courage to make life better for someone outside your class. It's only your self interest that moves and shakes you!

Remember I went to the state like a man asking them, just why is this place polluting like this? At best I got a cold shoulder and many times I got the back of their heads. Information is power today, and that saying has never been more truer, and you know it. You control it.

You have placed political power from the average "Joe" so far away, such that you are making government meaningless to the majority of people. Our vulnerable, the poor, the disadvantaged kids, the unstable families, the elderly, the disabled, are being distance from political power, are not being called back by system, and thus they have no ability to better their lives. These are the people who feel this most today, and I very much worry about them tomorrow. I worry about your conscience too.

mike mulligan

Hinsdale, NH

From: "Michael Mulligan" <steamshovel685@earthlink.net>

To: "Ducharme, Sharon" <sducharme@des.state.nh.us>

Cc: "Peter Roth (E-mail)" <proth@doj.state.nh.us>; "Joy Hilton (E-mail)" <hilton.joy@epa.gov>

Subject: A New World.

Date: Sunday, August 26, 2001 12:04 PM

Sharon,

Well, here we are in another pre drought in this area. Many stream flows are approaching records lows. On my first interaction with your agency in 1999, I questioned what would be the results of the low stream flows and the acceptable normal pollution and heat discharge into these rivers. My guess is that the La Nino is subsiding, and the El Nino is already on the up swing. My guess is that the next summer, or the following, we are going to be facing a historic drought. Will we be ready? Of course the great NE drought of 2002 might have just started.

I got an idea for you, just watch the trees. Many trees in our area are under tremendous pressure, multiple pests, global warming, and the weather extremes of the last few years. You ain't seen nothing yet if we get a couple of warm and dry winters in a row. I tell everyone I know to go take a walk in the woods, many walks, because in the near future all we will have is our memory to explain our great NE forest. There are places around where I live that looks like a war zone, with brown leaves, yellow pine needles.

If you need a sickening ride to get you thinking about our future, take I 91 North from Brattleboro VT (exit 3) to Putney VT. That's all you need to see.

Anyway the real reason why I'm writing is because I got another video of the Ashuelot river. I remember talking with one of your officials(NHDES) at the McCormick dam (Hinsdale, NH) with Gov. Shaheen in explaining the continuing run-off of the Lagoons: that the orange stuff we see is really just natural stuff and safe.

Yesterday I took a video of the stream in front of the mill. A large part of the stream bed has that milky white and orange look. It's covers a large part of the stream. It looks very displeasing. I wonder if Shaheen and Smith

would like their picture backgrounded with that. It stinks like sulfur too.

Don't you think for a moment I don't understand the implication of this. If the mill shuts down, just imagine how difficult the cleanup will become. I bet you the state will end up paying a lot of money on this, and the education of our children will suffer, and the poor will go without basic living standards, because state monies will have to be diverted.

You can tell the governor I know, always knew, about the complexity of the issues with America Tissue. We have the high value of the dollar and the competition of foreign imports with low-income wages. Then we got the American executives who buy out their competitors with borrowed money- then give themselves bonuses whether buying, selling, or going bankrupt.

If you ask the CEO's and bureaucrats they are always doing an extraordinary job, so they need a pay raise. Even if many hearts are broken along the way in the decline of their organization. Just separating the perpetrators from the victims becomes extraordinarily difficult. In many ways it's the system gone Frankenstein.

There are three under-road culverts, which has running water thought them from the embankment. The one in the middle makes the stream bed milky- with the one on the outside not showing this condition. The one in the middle had a very slight milky tint to it. Surprisingly the stream bed color is very discolored compared to the water entering it. One wonders if there is an underground pipe in the area that was leaking.

mike mulligan

Hinsdale, NH

The Industry

Let's say you have two identical -redundant-cooling water systems that include pumps, valves, and instruments. Let's say that during normal testing you discover a major motor operated valve that doesn't work. You would generally have 7 days to get that valve repaired. Except, before 24 hours is over after discovering the fault, you would have to fully test the only remaining good cooling system. The idea is to discover any active faults in the remaining safety system right in the beginning so that you will have an

assurance that the remaining non-redundant safety would work in the next 7 days.

Actually, the powers that be in the 1970's wanted a penalty with safety components that failed. This was a response for the very early days, when plants didn't fix redundant safety devices in a timely fashion. Excessive regulations is always a response to unethical behavior of the regulated. The 7 day LCO and the "penalty" was a "backlash" to the utilities arrogance with maintaining safety. It's a sad fact that the reason the NRC went to the prescriptive mode of maintaining safety limits and regulation, was because of the utilities proclivity with them not being able to controlled their adolescent behavior with over-stepping ethical safety boundaries.

Typically a utility would take a reckless chance on reducing safety. Actually they would take many chances with many facilities had many hair-raising accidents. The utility lawyers would come back saying, well there was never anything in writing that prohibited us from not having degraded safety component. These utilities lawyers would say that we have a Constitution- and if you want to prohibit us from doing something, it has to be in writing and rule making. So the regulators got very prescriptive dogmatic. Of course in the background of these times, was the general feeling governmental mistrust.

Prescriptive regulation was not just about primitive engineering and safety analysis. It's was also about the American utilities ethos of always being at war with the government/ regulators, and their perceived right to push their plants as hard as they wished. Most of the utility CEO's got tyrannical powers from the politicians on how they managed the facilities and the employees. The almost absolute totalitarian powers of the CEO's was justified in many ways, because of us fighting a war against communism, with electricity being a major part of our war fighting economy of the times.

Nobody ever asks anymore, just what role did the utility CEO war making on the regulators and government play in creating the decades long destabilization of our grid system; the rationale for deregulation. Enron is the biggest pusher of this heroin. They specialized in back door dealing and lying, which destabilized many states out west with their only priority of making money. The collaspe of Enron has rattled the world. Many utilities have emulated the anti business and democratic practice of Enron. The new mega corporate game throughout country is; to squeeze resources to their regulated power assets and build merchant plants or unregulated facilities, such that they can benefit from self-generated electrical shortage. This is the way of Enron. Many of these utility CEO's will say that, it is their god given right to make money, anyway way they wished.

You have to ask just what role did the corporatized warfare, with the front lines being congress, the politics between the large power users and the utilities, create this deepening grid crisis. Within in this state of bureaucratic and corporatized warfare, which pits the anti government corporations and our business culture of extreme CEO theology of self-interest against society, as with all wars, truth was subverted in the name of winning.

So hear we sit. The utilities and large Electric Corporations have created a war against regulations, the NRC, and the public in the last decades. **The NRC is increasing looking at the nuclear plants in rose tinted glasses; fear has been engendered, budgets have been contained, an aging NRC and not many new bloods to respond to their potential new future.** In the last few years our country has been confront unprecedented energy sector unstability, with the CEO's benefits being an inverse of that or increasing.

Maybe our culture, our government, and us, have lost the ability to manage the big financial, regulatory, political, employee integrity, and corporate truth telling; our fundamental societal management infrastructures needed to create stability in planning, designing, building, and running these complex engineering projects that serves humanity. It is sure is something to think about.

HPCI and RCIC AOT

Increasing the Vermont Yankee HPCI and RCIC Allowed Outage Time from 7 days to 14 days begins raising serious issues (Technical Specification Proposed Change No.249. Here are some quotes from the request.

a.. The extension of AOT provides additional time to perform testing, maintenance, or make repairs without significantly affecting plant safety This increased flexibility in work scheduling may benefit system reliability because increased AOT will provide additional time for inspection, testing, maintenance and other quality-contributing activities.

a.. Although VY has taken a traditional approach in assessing the safety aspects of this change, because of the availability of the VY probabilistic risk model, VY has performed site-specific probabilistic safety assessment (PSA) calculations that support the increased AOT duration from 7 days to 14 days. The PSA model used included transient and internal event initiators and did not include external events and fire. This assessment goes beyond the traditional licensing basis analyses, and is presented here as supplemental risk insights to support the deterministic evaluation. The PSA evaluation determined that the conditional core damage probability for a 14-day AOT for the LIPCI and RCIC Systems is less than the threshold value of I E-063.

Issues:

1.. Generally, the plant was initially designed for a yearly maintenance period and the design of safety redundancy was a function of that. The original allowed outage time and plant designed redundancy was set up only so that a component breakdown should be repaired during the AOT. Simple Component breakdowns discovered during testing was also expected to be repaired during this timeframe. Plant redundancy was not designed for a prolonged maintenance period. Major maintenance was expected to be accomplished during the yearly shutdown, or during a short-term shutdown of a plant. Does anybody remember when the plants could have a liberal off the grid operational safety regime and still make money?

2.. Vermont Yankee admits there is some degree of addition risk assumed by the public. If the extended maintenance period were accomplished when the plant was shutdown-no steam- there would be no additional risk incurred.

3.. Major component maintenance is increasing being preformed during plant operations, which usually makes one side of the redundant not available for accident operations. It's not just one additional week of downtime for a component. It is an enormous increasing amount of time a plant sits with at least one redundant component disconnected from an accident during plant operations. More plant accidents are showing up with safety components not available for accident operations because of maintenance at power. I wonder what the percentage increase is for the industry with components sitting in a LCO statement (not available)?

4.. This is what VY is trying to say in the increasing HPCI and RCIC AOT time. That the additional week, based on the predicted amount of time a unit sits in the second week of a LCO, is only a minutely small percentage of the time compared to the plant's total operational time. An accident during this minute timeframe is highly unlikely.

5.. You need to remember that "additional time to perform testing".

6.. Why do they use as a reference, a document that is 25 years old; which was written 4 years before Three Mile Island. (Memorandum from R.L. Baer (NRC) to V. Stello, Jr. (NRC), 'Recommended Interim Revisions to LCOs for ECCS Components," December 1, 1975.). Are we going back to the good old days of Stello!

7.. How come in the AOT 10 CFR 50.92 declaration, there, was no direct mention that HPCI and RCIC safety components would not be available for accident mitigation for an additional week.

8.. HPCI and RCIC license amendment increase on AOT speaks in terms; that the additional component down time compared to the component availability during reactor operations is very small. While the testing of redundant components per the license amendment brags that the reduced testing of safety components allows the components to be more operationally available. Nowhere does license amendment 248 characterizes just how miniscule the percentage of the down time percentage is to the reactor operational times.

Throughout this comparison of license amendment 248, 249, and torus cooling in Vermont Yankee Inspection Report 01-08, you will see the industry's extraordinary selective and targeted safety rationales. These unconstrained selective truth telling are use to extract operational benefits and create public deception.

Surveillance Testing of Redundant Safety Components

Typically in the past with Vermont Yankee before they removed a redundant safety system from potential accident service, they would operationally test the remaining redundant system. You will notice Vermont Yankee never detailed the defects discovered and documented (and undocumented) from the supposed excessive operational testing at the plant within their operational histories. **These documented safety rationales that change the plant licensing characterization are selectively structured to gain a specific result, and the NRC uncritically accepted this corruption.** Excerpts from license amendment:

a.. Need for Change -The proposed change eliminates unnecessary testing of redundant equipment and provides for the increased availability of safety systems, recognizing that equipment trains may be incapable of performing their safety function when removed from service to perform surveillance testing. The changes will reduce excessive testing that could result in undue and premature component wear. Alternate testing can increase the probability of equipment failure, as well as increasing the potential for human error in (1)lining up the system for testing; (2) operating the system to demonstrate operability; and (3) returning the system or subsystem to service in the proper configuration. Testing during Limiting Conditions for Operation may result in operation with a loss of safety function and can also unnecessarily burden operations due to the urgency and importance of meeting surveillance requirements. Therefore, because these requirements result in unnecessary hardships or loss of safety function without a compensating increase in the level of quality or safety, such testing should be discontinued.

The benefits and drawbacks of alternate train testing have been extensively studied by the nuclear power industry. The benefits of alternate testing primarily relate to the decreased potential for an undetected failure. The drawbacks include:

a.. Increased system unavailability during testing
b.. Increased system unavailability due to repair of demand-related and test-related failures
c.. Reduced reliability due to degradation from testing
d.. Increased potential of plant transients initiated from surveillance testing
e.. Increased potential for plant shutdown due to transients resulting from surveillance testing
f.. Diversion of operations and maintenance personnel for testing
g.. Potential increase in occupational radiation exposure from surveillance testing

Why are the drawbacks not given a fair airing?

10 CFR 50.92

a.. Will the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

a.. Because changing surveillance test requirements does not change the probability of accident precursors, this proposed change does not affect the probability of an accident previously evaluated. Since other periodic and post-maintenance surveillance requirements ensure that the operability of systems and components is maintained, there is no significant increase in the consequences of accidents previously evaluated.

a.. Furthermore, the removal of the additional surveillance testing from the Technical Specifications would result in a decrease in the probability of equipment failure because the excessive testing causes unnecessary wear on the safety-related equipment and unnecessary challenges to safety systems. Reduced testing may also eliminate the potential for human error associated with system alignments and misdirection of attention from monitoring and directing plant operations.

a.. Will the proposed changes involve a significant reduction in a margin of safety?

a.. The proposed change will not decrease operability requirements, nor reduce the equipment required during various plant conditions. An acceptable level of testing exists in other Technical Specification requirements to demonstrate system and component operability. There are no changes to system or component operability requirements; therefore, systems and components will be available to provide existing margins of safety. The same systems and components with the same performance levels assumed in safety analyses will still be available to mitigate consequences of postulated accidents.

Issues

1.. Why is not the extraordinary minute safety system test time (not available for accidents) saved from this licensed amendment; relative to the total amount of operational time, are not clearly explained in terms of how limited the decrease in risk would be? We are talking about a exceedingly small fraction of time the components are not being able to be used while in surveillance.

2.. Why are not the safety benefits, as an example like a reduction component non-availability, not discussed in terms of being risk informed. VY would have to term the benefits as "less" than insignificant. In terms of being risk informed, VY would have to express that amendment changes of having absolutely no safety benefit to the public. It would at best be a clear benefit to the utility.

3.. VY expresses (with the NRC approval) in these amendments, a simple promotional list of supposed safety enhancement rationales. It basically is a limited list of categories, and none of them are quantified in any risk informed characterization. You know for a fact the NRC is going to respond to this 2.206 saying the running of torus cooling within risk informed, the operation and degradation of equipment would create an insignificant increase of risk. We are talking about creating a two tired characterization of expressing risk; one that the utility uses for a benefit, and the other that they use when its going to cost them money, or cross an industry theology.

Inspection Report 01-08

This Inspection Report is of interest because of a NRC identified violation during torus cooling. It occurred during the heart of the summer. The operation of torus cooling uses many huge electrical breakers, switches, large pumps and large motor operated valves which cycle. Matter of fact, we believe the excessive operation of torus cooling through the years led to the premature wear and failure of the RHR 65A/B-the heat exchanger bypass valves (LER 99-06).

Clearly Vermont Yankee is deficiently designed for the extremes of Global Warming summer operation, from either elevated interior and exterior environmental temperatures. In addition, the servicewater cooling temperature during the extremes of summer, run right next to the operational and safety limits. We got the plant running right next to two safety limits; torus water and service water limits.

Vermont Yankee's torus water during the summer receives heat from multiple sources. If the outside temperature is higher than the torus water, then this environment condition raises the torus water temperature. Core heat also gets conducted through reactor structure components into the torus water. Pipelines that carry life steam may also raise reactor support structure temperatures and the air surrounding the torus itself. Remember VY uses the service water to remove this excess heat, with the river (or cooling towers) itself sitting at its high temperature limit.

For long periods of time during past summers, Vermont Yankee needed to run torus cooling for extended periods of time. This safety system operation transfers the excessive heat from the torus water into the service water. This abnormal operation is needed to maintain torus temperature less than initial than

safety design temperature limits. The deficient plant design forces the prohibited operation of these safety systems, which impacts the reliable of safety components.

Operating torus cooling only facilitates normal commercial plant operations. Poor containment design; either excessive (not planned for) environmental factors adding heat to the torus water or an inadequate torus water capacity (pressure suppression capacity), forces the improper operation of these safety components. Torus cooling is only designed to be operated for accident situations, shutdown cooling, and testing. The heat sources raise torus water temperatures, with the design water temperature limit (pressure suppression capacity) then forcing the plant operators into starting up torus cooling.

Torus cooling operation as this is not an unintended temporary plant accident/incident. It is an intentional planned policy of the VY and other BWR owners. Excessive safety system operation in torus cooling creates wear and tear in these systems, which reduces reliability during accident conditions. Other BWR have leaking safely relief valves, with the heat addition then driving torus cooling operation.

Plant design and operational hypocrisy across Vermont Yankee, the other BWR owners, and the NRC itself, has the potential to create enormous pressures across a broad spectrum of governmental and industry employees. The employees sense an enormous imbalance of power that drives these distortions. The employee will be fearful with raising safety issue throughout the industry.

Excerpts from Inspection Report 01-08:

Green. A non-cited violation of Technical Specifications occurred when an operator

failed to follow the procedure for securing torus cooling. Although not directed by the

procedure, the operator throttled closed a valve in the RHR SW pump discharge flow

path, causing a relief valve on the system to lift.

This issue was considered more than minor because the failure to follow procedures for

the operation of safety-related equipment could have a credible impact on plant safety.

The failure to operate safety systems in accordance with approved procedures could

credibly affect the operability, availability, reliability or function of a system. However,

the inspectors determined this issue was of very low safety significance (Green) based

on a Phase 1 evaluation of the SDP because the system was not damaged, the problem was readily identified and corrected, and the system was promptly returned to its normal standby alignment (operable). The failure to follow procedures was treated as a non-cited violation and this issue was entered in VY's corrective action program as EventReport (ER) 2001-1828.

The inspectors reviewed a VY event report where personnel performance issues were

Identified as a causal factor for the inadvertent opening of RHR service water (SW) relief valve SR-10-80A on August 19. Event Report (ER) 2001-1828 documents that the RHR SW relief valve opened during operator actions to secure torus cooling.

b. Findings

Green. A non-cited violation of TS 6.4, "Procedures," occurred when an operator failed

to follow the procedure for securing torus cooling. Although not directed by the

procedure, the operator throttled closed a valve in the RHR SW pump discharge flow path, causing a relief valve on the system to lift.

On August 19 a control room operator was directed to secure torus cooling and restore RHR Subsystem A to its standby alignment. Prior to securing the A RHR SW pump, the operator throttled closed SW-10-89A, the RHR SW outlet valve on the RHR heat exchanger. The relief valve lifted, as designed, to protect the heat exchanger from the maximum discharge pressure of the RHR SW pump. Operator action to close SW-10-89A is not required because the valve automatically closes when its associated RHR SW pump is secured, restoring the system's normal standby alignment.

The relief valve's discharge caused a high reactor building sump level and corresponding control room alarm. The relief valve reseated and the high sump level alarm cleared within a few minutes due to automatic operation of the sump pump.

This issue was considered more than minor because the failure to follow procedures for the operation of safety-related equipment could have a credible impact on plant safety. The failure to operate safety systems in accordance with approved procedures could credibly affect the operability, availability, reliability or function of a system. However, the inspectors determined this issue was of very low safety significance (Green) based on a Phase 1 evaluation of the SDP (Inspection Manual Chapter 0609) because the system was not damaged, the problem was readily identified and corrected, and the system was promptly returned to its normal standby alignment (operable).

Technical Specification 6.4, "Procedures," requires that written procedures be established and implemented for normal shutdown of systems. Section E of OP 2124, Revision 49, (LPC#6) states "Secure the running RHR SW pump" and does not require any operator manipulation of SW-10-89A. Contrary to the above, on August 19 an operator closed valve SW-10-89A prior to securing the RHR SW pump. This violation is being treated as a non-cited violation, consistent with Section VI.A.1 of the Enforcement Policy, issued May 1, 2000 (65FR25368). This issue was entered in VY's corrective action program as ER 2001-1828. (NCV 50-271/01-08-01)

Issues

1.. What is the number of torus cooling operational hours when the plant is at power-either for heat addition like HPCI and RCIC (safety relief leakage?) operation or non safety torus cooling operation that just removes environmental heat?

b.. [redacted] with, [redacted] structure [redacted] (towers, etc) the results become by definition the truth- not open for further [redacted] not accurately described and critiqued the plant justification of using torus [redacted] this has become institutionalized lying and deception. You are in the game surying [redacted]

c.. [redacted] Inspection Report concern of the SW issues is just an echo of an issue VY was [redacted] wonder why the NRC can't pick an issue up by themselves without a hint from the utility. Does the agency project the image with this, such that the utility always looks like they initiated the concern?

d.. During the summertime with elevated river (towers) water temperatures sitting near the torus operational limits, we realize that torus cooling must be run for extended periods of time because of the narrow temperature differentiation of the torus and river waters. How do you control and minimize emergency cooling system operational times? Do you structure surveillance testing to compensate for this plant design defect?

e.. We believe the RHR 65A/B's were damaged by this excessive and uncontrolled operation of torus cooling for non-safety reasons (LER-99-06). We've noticed the LER never evaluated if there was excessive cycling of the valves, or wasteful operation of torus cooling.

f.. **Why does the Inspection report never analysis the appropriateness of this type of system operation?** Does the commercial non-safety operation of core cooling systems, set up the operators into accepting that system manipulation is just for commercial considerations?

g.. Was this operator error a blessing in disguised. **Was the error driven by the misguided policy of the utility and an uncritical regulatory agency? In other words, did this uncritical bureaucracy set up the operator into misusing this safety system over the years, with the objective of the system to fault the operator without the system critically looking at what part of the error was the system fault. Does the bureaucratic system abuse power leading to bureaucratic self-protection and scapegoating of employees? This abuse of power leads to a chilling atmosphere in the utility and to even the NRC them selves.**
We need to now compare and contrast license amendment 248 with the unsafe and unconservative operation of torus cooling used only to maintain summertime commercial plant operation. We wonder how the percentage of time spent in this type of torus cooling compares with the amount of operational time saved by not testing the redundant system components as in LA 248.

(License amendment/summertime torus cooling)

a.. "recognizing that equipment trains may be incapable of performing their safety function when removed from service to perform surveillance testing"- Doesn't torus cooling remove one side from LPCI auto core injection and cooling functions? By the way, during a loss of off-site power accident with torus cooling in operation, is there a situation where the RHR service water pump trips and not then get auto restarted, thus providing a lower pressure than torus water, and a way for radioactive water to discharge into the servicewater? Do you have the water hammer issue covered for a LOOP in the systems? Don't you have to enter a LCO statement, declare it out of service, when using torus cooling? Was the plant specifically designed for this type torus cooling operations? Would you design a new plant that has to use safety systems to remove torus heat.

b.. "The changes will reduce excessive testing that could result in undue and premature component

wear"- Testing and component operation is the same, why would the improper torus cooing operation not lead to premature component wear?

c.. "as well as increasing the potential for human error in (1)lining up the system for testing; (2) operating the system to demonstrate operability; and(3) returning the system or subsystem to service in the proper configuration."- Inspection Report 01-08 indicates just this identical concern with torus cooling. Why was there no safety evaluation of human error and torus cooling used for non-safety operations as this for torus cooling?

d.. "Therefore, because these requirements result in unnecessary hardships or loss of safety function without a compensating increase in the level of quality or safety, such testing (operation) should be discontinued." Again, why isn't the "hardships and safety loss" put in terms of risk analysis? Do you know what a check valve does?

e.. "Increased system unavailability due to repair of demand-related and test-related failures"- Will not the improper operation of torus cooling lead to demand and test related failures (LER 99-06)?

f.. "Increased potential of plant transients initiated from surveillance testing"-4KV room breaker failure and explosion with the RHR and RHR SW pump breakers. Large electrical cable fault while using non-safety torus cooling.

g.. "Increased potential for plant shutdown due to transients resulting from surveillance testing" - During torus cooling a 4KV breaker failure with explosion and bus-work damage. Energetic shorted RHR electric motor.

h.. "Diversion of operations and maintenance personnel for testing" Torus cooling uses a lot of control room and non control room resources!

i.. "Potential increase in occupational radiation exposure from surveillance testing"- Personnel do consume rads during torus cooling

j.. Alternate train pump testing, which currently must occur within 24 hours of a pump being declared inoperable, does not contribute any significant assurance of system operability- **Has there ever been an objective safety analysis of the actual failures uncovered during redundant system testing or has the NRC accepted the guessing by the utilities? Does the NRC allow the utilities to choose and discriminate on what terms to use in a nuclear safety evaluation that meets mutual benefit?**

k.. "misdirection of attention from monitoring and directing plant operations"-Improper torus cooling eats a lot of shift resources to start, maintain, and shutdown, diverting attention from plant operation. A shift may become tired and less responsive after/during torus cooling, and when an accident happens, they may not be at their full function and awareness.

l.. "additional accident precursors are not introduced'- Does an exhausted crew count as a precursor or increase the consequence of an accident (operator error)?

m.. "The proposed change will not decrease operability requirements, nor reduce the equipment required during various plant conditions"-The prohibition of summer torus cooling operation would fulfill the above statement.

n.. "The same systems and components with the same performance levels assumed safety analyses will still be available to mitigate consequences of postulated accidents"- This is an open question. Operator action may be required, diverting resources from the accident. The plant would be in a non standard configuration prior/during the accident- thus less analyzed. As an example, just prior to an accident, the operating electric motors would be at a much higher winding temperature than when not in torus cooling (not operating). Thus, at the end of the accident, the motor temperatures will be higher. Plus, the motor might have been tripped (LOOP), and needed to be restarted. This creating an additive thermal transient on the motor windings, in addition to the prolonged prior use, and the service uses during the accident.

o.. I request the actual and estimated hours per year for the last decade of the; HPCI and RCIC for the addition week of the LCO, the savings on less testing for redundant safety component (per system) and running torus cooling.

Safety system operational times and risk justifications for testing reductions is being selective used throughout the industry. It all depends whether they are justifying a reduction in testing, or ignoring similar equipment operation that is initiated for non safety reasons. I guess torus cooling/LPIC operation that is in widespread use for the summertime, just doesn't count as having any potential consequences

It might be better explained with an example. **The NRC and the industry is professionally and skillfully using a set of zooming binoculars for characterizing the risk landscape. There are three modes of binocular operation; looking through the eyepiece, using the finger dial to change the zoom, and turning**

the binocular around looking through the end opposite the eyepiece. The industry basically uses the magnification and demagnification to their advantage. They might just be accurately describing what they see out of the binoculars, but you have to ask them just what end of the binoculars they are looking through. In the end, across many areas, they are manipulating the binoculars to meet an end to their own self-interest, and not the communities or the worlds needs.

Sincerely,

Mike mulligan

PO Box 161

5 Wood Lawn Lane

Hinsdale, NH

16033367179

From: "Michael Mulligan" <steamshovel685@earthlink.net>

To: "Victor L Dricks" <vld@nrc.gov>

Subject: LaSalle 2.206

Date: Thursday, September 27, 2001 2:22 PM

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

September 17, 2001

Mr. Oliver D. Kingsley, President

Exelon Nuclear

Exelon Generation Company, LLC

4300 Winfield Road

Warrenville, IL 60555

SUBJECT: LASALLE COUNTY STATION

NRC INSPECTION REPORT 50-373/01-10(DRP); 50-374/01-10(DRP)

Dear Mr. Kingsley:

Burgess, Chief

Branch 2

Division of Reactor Projects

Docket Nos. 50-373; 50-374

License Nos. NPF-11; NPF-18

Enclosure: Inspection Report 50-373/01-10(DRP);

50-374/01-10(DRP)

£ OE00-009 Revision 2: Unit 1 and Unit 2 Leaking Safety Relief Valves (SRVs)

This revised operability evaluation identified that LaSalle Unit 1 and Unit 2 each have six leaking SRVs. The impact of this issue has been an increase in suppression pool level as well as a slow heatup of the suppression pool. To address suppression pool temperature issues, operators run the RHR system in the suppression pool cooling (SPC) mode to cool the suppression pool to maintain the suppression pool temperature below the Technical Specification 3.6.2.1 limit of 105 F.

The operating time of the RHR system in the SPC mode is dependent upon the heat input into the pool and the LaSalle cooling lake temperature. Recently, the Unit 1 SRV leakage rate and lake temperature increased to the point that RHR operation on a daily basis was required. As a result, licensee management made a decision to operate one train of the Unit 1 RHR system in the SPC mode continuously and implemented this action on June 6, 2001. The technical basis for this decision was documented in Analysis L-002766, i-GE NEDC & Continuous Operation of RHR in the Suppression Pool Cooling Mode,lg Revision 0, dated May 10, 2001, and reviewed and approved by the Plant Onsite Review Committee (PORC) on June 8, 2001.

The inspectors reviewed OE00-009, Revision 2, and verified that the RHR system would automatically re-align from the suppression pool cooling mode to the injection mode within the time required to satisfy design basis assumptions.

£ CR L2001-03950 Low Discharge Pressure on 2A RHR Following Shutdown From Suppression Pool Cooling

This CR identified that on July 8, 2001, following the shutdown of the 2A RHR system from suppression pool cooling, operators received the 2A RHR low discharge pressure alarm. Operability of the system was then verified by observing water flow through the system high point vents. The inspectors reviewed the subject CR and identified that no

From: Michael Mulligan <steamshove685@earthlink.net>
To: "Victor L Dricks" <vld@nrc.gov>
Date: 12/3/01 2:49PM
Subject: In addition to my Vermont Yankee 10 CFR2.206.

Mr. Dricks,

This is in relation to my recent LaSalle and Vermont Yankee 2.206. The recent stakeholders meeting on 10 CFR 50.46 reflects my general concerns at Vermont Yankee. Nowhere does the safety enhancement express because of a reduction ECCS robustment, just what is the magnitude of the change of safety, as in risk informed analysis.

As in a slowing down in the DG startup requirement, just what is the safety enhancements quantified in risk informed. As in the DG load sequencing, what is the change in risk reduction from this, from a DG failure in an accident.

What we are talking here, is a reductions in the current levels of safety for the convenience of the industry. [redacted]

In risk terms, these benefits are less than insignificant. I guess a whole list of "less than insignificant" items, but positive enhancements, is enough to overpower the delicate scales of justice and safety. You guys just don't have the courage to ask for a license change because of just of a convenience to the utility, or as a situation to increase profits. And that is an enormous corruption to your system. It is a shame that your NRC employees haven't been able to critique issues as these.

mike mulligan
Hinsdale, NH