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the 2.206 Petition on Vermont Yankee

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25

(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.

MR. SUBBARATNAM: We're waiting for Mr.

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1 Mulligan. Hold on.

2 MR. SEN: Okay.

3 (Pause.)

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

6 (No response.)

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

8 (Pause.)

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

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

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

15 MR. MULLIGAN: Oh, pretty good.

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

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

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

1 MR. LOBEL: Richard Lobel, Office of
2 Nuclear Reactor Regulations.
3 MR. BHACHU: Ujagar Bhachu --
4 MR. HARBUCK: Craig Harbuck, Technical
5 Specifications Branch.
6 MR. BERKOW: Herb Berkow, NRR.
7 MR. CLIFFORD: Jim Clifford, NRR.
8 MR. THOMAS: George Thomas, Reactor
9 Systems Branch.
10 MR. CARUSO: Ralph Caruso, Reactor Systems
11 Branch.
12 MR. PULSIFER: Bob Pulsifer, Vermont
13 Yankee Project Manager.
14 MR. SUBBARATNAM: This is Ram Subbaratnam,
15 the Agency coordinator for the 2.206 petition. How
16 about for the Vermont Yankee Licensee, please?
17 MR. SEN: Vermont Yankee Licensing
18 Manager, Gautam Sen, and Robert Wanczyk, Director,
19 Regulatory Affairs, from Vermont Yankee.
20 MR. SUBBARATNAM: And of course we have
21 Mr. Michael Mulligan, right?
22 MR. MULLIGAN: That's right. It's just me
23 here.
24 MR. SUBBARATNAM: Okay.
25 CHAIRPERSON BLACK: Okay. Thank you. I

1 believe we had a conversation with you before, but
2 I'll go over a little bit of the ground rules.

3 The purpose of this is for the Licensee or
4 the Staff to request additional information where they
5 feel that the petition might have open issues, or
6 leave questions in our minds.

7 And also to provide you an opportunity to
8 give us any supplemental information that you think
9 would make the petition reach the threshold for review
10 under 2.206.

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

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

22 MR. PULSIFER: November 29th.

23 CHAIRPERSON BLACK: November 29th. And so
24 I have --

25 MR. MULLIGAN: I don't -- I have not

1 received that yet for some reason.

2 MR. PULSIFER: It was sent to 5 Woodlawn
3 Lane, in --

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

6 MR. MULLIGAN: About the Vermont Yankee?

7 MR. SUBBARATNAM: No, on the letter.

8 MR. MULLIGAN: Right. You are right. I
9 thought it was the Vermont Yankee that we are talking
10 about.

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

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

18 For example, for the two license
19 amendments, when they are noticed in the Federal
20 Register, you have a hearing right? And the comments
21 which you have in your letter would be more
22 appropriate for you either commenting on the license,
23 or a license amendment, or reflecting a hearing.

24 And so those two issues, and then the
25 third one is suppression pool cooling, and we didn't

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1 see anything different in this from the issue that we
2 just addressed on LaSalle.

3 And so one of the other criteria is that
4 it has to be something new, and not something for
5 which we have considered and taken action on in the
6 past.

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

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

18 And that is that the kids and the men and
19 women are sacrificing for us, and trying to bring
20 world stability, and so I just want everybody to know
21 that I honor that.

22 As far as the review, I am getting ready
23 to essentially institute another 2.206, and the
24 general justification for that would be if you look at
25 the Limerick Plant, and the recent inspection report

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1 where they talk about the relief valve and one of
2 their two ends, the two Limerick 111 inspection
3 report, the two-end safety relief valve.

4 And that it might be more or less might be
5 more germane to the NRC than Vermont Yankee and stuff
6 like that. But the issue is that valve wasn't -- that
7 failure wasn't characterized.

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

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

21 And this business with LaSalle and stuff
22 like that, I just want you to know that you might have
23 a bunch of rules and regulations, but you don't know
24 how to apply them to prevent -- you don't know how or
25 when to step in and prevent a failure like you had at

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1 Limerick almost 9 months or 10 months ago.

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

10 As far as -- and, again, this business
11 with Limerick, it is a -- well, there is a quote here
12 about thought to be overly conservative. I mean, the
13 NRC must have accepted that, and stuff like that, and
14 the utility said it, et cetera.

15 So the question is how much other things,
16 whether it is at LaSalle, or whether it is Vermont
17 Yankee.

18 CHAIRPERSON BLACK: So what you are saying
19 is that you don't agree with the last letter on
20 LaSalle, and you would like to perhaps come in with
21 another LaSalle 2.206, which could be combined with
22 the Vermont Yankee issue, as well as the Limerick
23 issue?

24 MR. MULLIGAN: Well, there is a message
25 here that I am trying to explain, and to combine it

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1 with the Vermont Yankee and stuff, I don't know if
2 that would do anything as far as with the Limerick
3 plant and stuff.

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

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

18 CHAIRPERSON BLACK: And so what you would
19 like us to do is get that inspection report and use
20 that information in our deliberations on whether we
21 believe there is a new valve at issue and its future
22 effects.

23 MR. MULLIGAN: At LaSalle.

24 CHAIRPERSON BLACK: At LaSalle.

25 MR. MULLIGAN: I mean, I have gotten most

1 of it written and I am cleaning it up, and so I am
2 going to submit that within the next couple of days.

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

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

8 CHAIRPERSON BLACK: That is what it sounds
9 like. You are relating the Limerick, the LaSalle, and
10 the Vermont Yankee situation.

11 MR. MULLIGAN: Right.

12 CHAIRPERSON BLACK: So perhaps if we
13 suggest that you structure your letter between Vermont
14 and LaSalle, and look at that, and look at the
15 Limerick inspection report, and consider the three.
16 And that, along with the letter that we have before us
17 currently.

18 MR. MULLIGAN: Do you understand what I am
19 getting at with the lateness amendment and essentially
20 with the summertime torus cooling? Do you kind of
21 understand the gist of that?

22 CHAIRPERSON BLACK: Well, I understand
23 that you disagree with -- it seems like you disagree
24 with -- well, like with this amendment, to just
25 provide further reductions, and that still meet the

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1 safety requirements.

2 And as far as cooling, we believe that the
3 operation of that equipment as it currently is being
4 used to keep the plant under the limits, the safety
5 limits, is prematurely wearing out these -- well, to
6 making them less reliable for accident.

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

16 CHAIRPERSON BLACK: I can see your point.
17 You are saying that they use the justification that
18 they don't want to operate the equipment to justify
19 less surveillance testing, and at the same time they
20 are using the equipment more for normal operations.

21 MR. MULLIGAN: Well, is it normal
22 operations?

23 CHAIRPERSON BLACK: Well, it is not --
24 well, I don't know if the term normal means anything
25 to you, but we use it for a purpose that is not an

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1 stipulated purpose.

2 MR. MULLIGAN: Right. And so the question
3 at the heart of this for the NRC or at least for me
4 for the NRC is if you tend to allow these facilities
5 to analyze these situations separately, whether it is
6 a benefit or it is going to cost the utility money and
7 stuff like that.

8 And so on this business with this license
9 amendment, you sit there and it sounds like you allow
10 the utility to -- well, like the equipment that is
11 running, and I imagine that the amount of time that is
12 being saved with the equipment not running in this
13 latest amendment is (inaudible) basis method of
14 looking at it is extraordinary minute.

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

18 CHAIRPERSON BLACK: And I am not sure
19 whether that was really part of the basis for our
20 accepting the first amendment. It might have just
21 been additional information that they provided, but we
22 didn't rely on that.

23 MR. MULLIGAN: Well, it is a question of
24 whether you are allowing these utilities to talk on
25 both sides, and also the NRC is allowing this without

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1 questioning it.

2 And you are really talking to the public
3 with those documents and stuff, and so here you are
4 saying we really don't go by what the wording is now
5 and stuff like that. But that is how you are
6 expressing what you are doing to the public.

7 And it is really amazing how contradictory
8 it is, and how you allow the utilities to come up with
9 these broad categories of how it is going -- you know,
10 how it is going to enhance safety, but then you don't
11 talk about it in any kind of risk-informed kind of
12 way.

13 And the way that I would see it is that
14 with the amount of time that this equipment is being
15 run and stuff like that, compared to the amount of
16 time that it is needed for an accident, is minute.

17 And so a risk-informed way of looking at
18 it, you would say it is -- well, to me it would look
19 like it is insignificant. And then on the other side,
20 what you are going to do with Vermont Yankee, is that
21 you are going to say -- or with LaSalle, you are going
22 to say being risk-informed and all that sort of thing,
23 that it is making accidents a lot worse or something
24 like that is not significant.

25 And so we are going to allow them to

1 continue to operate the way they already are. So it
2 is kind of a broader question than whether Vermont
3 Yankee is using that equipment inappropriately during
4 the summer.

5 It is a question of, well, how does the
6 NRC allow the presentation of all these ways of
7 finding risk and stuff, and is there a connection with
8 -- well, if it is a benefit, do you allow them to
9 express one way, and if it is a cost to you, do you
10 allow them to express it another way, and it is really
11 going to the public.

12 CHAIRPERSON BLACK: Well, I understand
13 that issue, and if I didn't make it clear at the
14 beginning, I apologize. But the purpose of this
15 conference is not for us to answer the questions, but
16 just to get additional information.

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

21 MR. MULLIGAN: Well, just to be clear, the
22 last time I went with LaSalle, and a couple of
23 citizens completely misconstrued my questions, and
24 turned it around, and so that is the concern that I
25 have.

1 CHAIRPERSON BLACK: Okay. Well, that's
2 within the letter that we sent you on November 29th.
3 MR. MULLIGAN: Yes, and my position was
4 belittled and stuff, and the next couple of days when
5 I get that sent out to you and stuff like that, it
6 will be explained in the letter and stuff like that.
7 So I just want you to know that already I
8 have gotten -- well, if the response will follow along
9 with the rules and regulations, but there was
10 (inaudible) in the way that some of that stuff was
11 explained to me, and the distortions in it.
12 CHAIRPERSON BLACK: Well, I certainly
13 apologize to that. We certainly didn't mean to insult
14 you, and we will take another look at this letter, and
15 we will consider the comments that you are going to
16 send us on this letter. And perhaps we can explain it
17 more clearly.
18 MR. MULLIGAN: Okay.
19 MR. SUBBARATNAM: And, of course, Mr.
20 Mulligan, you realize that the conversation that we
21 are having right now will also be transcribed and the
22 hard copy of the draft will be available in a couple
23 of days in time, and that will add quite a bit more
24 lines of what you have missed in the previous
25 (inaudible).

1 MR. MULLIGAN: Now, talking to -- I forget
2 what his name is. Who is that guy that I was talking
3 to?

4 MR. SUBBARATNAM: Bill Macon?

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

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

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

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

22 I didn't really get an explanation of what
23 I can do next or anything like that, and if I agree
24 with what was said, or stuff like that. So again
25 there was a tone there of not trying to understand

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1 what I was getting at.

2 MR. SUBBARATNAM: The notice is not open
3 and if you have more information, we have to receive
4 it and we will look at it, and you will write
5 everything that you need in your supplement that you
6 are going to submit to us, and we will also make a
7 decision based on the same material that we have
8 already got among the (inaudible).

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

11 MR. SUBBARATNAM: No.

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

14 CHAIRPERSON BLACK: It will go to the
15 petition board and the board will meet after this
16 telephone call, and we will call you back with the
17 decision and give you another opportunity to comment
18 on the course of action that the NRC decides to take.

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

23 MR. MULLIGAN: Well, just -- I mean, I
24 don't know if you would necessarily -- I mean, if you
25 could wait or not, but again it is a question over

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1 there you look at the recent inspection part of
2 Limerick, and what I am going to base the additional
3 to this LaSalle 2.206 on is essentially saying because
4 of the Limerick issue, basically the NRC said we have
5 a whole bunch of rules and regulations, and
6 maintenance rules, and all that sort of stuff, and
7 these are the things that will prevent a relief or
8 torus cooling type of accident.

9 And I am saying that is the Limerick
10 inspection reports.

11 MR. SUBBARATNAM: Mr. Mulligan, which
12 Limerick report are you talking about to the Board?
13 Are you talking about --

14 CHAIRPERSON BLACK: It says here 111.

15 MR. SUBBARATNAM: 111?

16 MR. MULLIGAN: Yes.

17 MR. SUBBARATNAM: Rule 111. Okay.

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

22 MR. SUBBARATNAM: Okay.

23 MR. MULLIGAN: And if you sit there and
24 say -- if you use that justification for LaSalle in
25 this, and you say, well, maybe the rules and

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1 regulations, you might have a whole bunch of them, and
2 if you use the right one it would prevent it.

3 But as it was used in my opinion, you will
4 not prevent a serious accident in the future, and that
5 is my concern.

6 CHAIRPERSON BLACK: Okay. Well, we will
7 look at this inspection report before the Petition
8 Review Board meets, and take your comments that you
9 just make into consideration.

10 But having not read the details behind
11 that inspection report, we will just take your
12 comments and consider them after we have looked at
13 that inspection report.

14 MR. SUBBARATNAM: Mr. Mulligan, when do
15 you think you are going to send us the supplemental
16 information? Is it going to be sent to us this week
17 or early next week, or is it going to be probably
18 another week before we get this information from you?

19 MR. MULLIGAN: How about tomorrow morning?

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

22 MR. MULLIGAN: Excuse me?

23 CHAIRPERSON BLACK: Would you send it by
24 e-mail directly?

25 MR. MULLIGAN: Yes.

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1 CHAIRPERSON BLACK: Okay. That would be
2 good.
3 MR. MULLIGAN: Yes.
4 MR. SUBBARATNAM: Okay.
5 CHAIRPERSON BLACK: Then perhaps we can
6 meet either tomorrow or early next week.
7 MR. SUBBARATNAM: Yes.
8 MR. MULLIGAN: Can I make one more comment
9 about Vermont Yankee?
10 CHAIRPERSON BLACK: Sure.
11 MR. MULLIGAN: Well, actually about the
12 NRC. On the Vermont Yankee inspection report -- I am
13 trying to figure out which inspection report I am
14 talking about so that you guys will have an idea.
15 MR. BERKOW: Is it 01-08?
16 MR. MULLIGAN: Yes, that's it. Exactly.
17 You know, it seems that the NRC didn't make an attempt
18 to explain why there was an operator error, and why
19 they were using torus cooling.
20 It basically said the reason that it
21 failed -- and they really didn't go into the -- you
22 know, didn't give any kind of background, and of
23 course as everybody knows, and as the inspection
24 knows, and the Vermont Yankee knows, but the public
25 rally has no idea, and they have no -- they don't have

1 any background on why are they using that, why are
2 they using torus cooling.

3 Is it because they were testing HPCI or
4 RCIC or was it some other type of problem with the
5 river or the environmental temperatures in the
6 building, and stuff like that.

7 So again the NRC doesn't really give any
8 clues to the public of why they are using that
9 equipment, and so nobody can really challenge the NRC
10 or Vermont Yankee if they don't have any kind of
11 specialized training to figure out what is going on
12 and stuff like that.

13 So I wanted to make that issue, and I
14 wanted to say that. I don't think the inspector gave
15 enough background and information on what they were
16 using for our score.

17 MR. SUBBARATNAM: Okay. Mr. Mulligan, we
18 will wait for your e-mail from you tomorrow morning,
19 and then we will probably regroup, and the Panel will
20 reconvene and review the points.

21 MR. MULLIGAN: Okay. Thank you.

22 MR. SUBBARATNAM: Thank you for your time,
23 Mr. Mulligan.

24 MR. MULLIGAN: Thank you, sir.

25 MR. SUBBARATNAM: All right.