



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 9, 2009

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

Dear Mr. Mulligan:

Your e-mail dated September 28, 2008, addressed to Chairman Klein has been referred to the Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206. You requested: (1) NRC should require Vermont Yankee Nuclear Power Station (VY) to reduce the functional and operational load testing limits for the emergency diesel generators (EDGs) to the old limits because it is not safe to test the EDGs at their maximum load, and (2) NRC should require VY to conduct a detailed inspection of both VY EDGs based on the past common mode EDG functional failures of components in the machines.

The NRC's Petition Review Board (PRB) met on November 12, 2008, to discuss your petition. The PRB's initial recommendation was not to accept your petition because it fails to provide sufficient facts to warrant additional inquiry. The NRC staff informed you of this determination on November 12, 2008, at which time you requested an opportunity to address the PRB to discuss your petition request.

On November 13, 2008, you sent another e-mail as a supplement to your petition. By teleconference on November 25, 2008, you provided information to the PRB as further explanation and support for your petition. The transcript of this teleconference is enclosed.

On December 8, 2008, you provided additional supplemental information via e-mail in which you suggested the need for an investigation by the Office of the Inspector General (OIG).

On December 16, 2008, the PRB held a meeting to evaluate all the information presented by the petitioner and make a final recommendation.

The PRB's final determination is to not accept your petition requests for review under the 10 CFR 2.206 process because they do not meet the criteria for acceptance in Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions", as explained below.

Your first request will not be accepted for review in the 10 CFR 2.206 process because it is a challenge to NRC regulations, which require that the EDGs be tested at the maximum expected design-basis accident load conditions. Specifically, 10 CFR Part 50 Appendix B, Criterion III, "Design Control," and Criterion XI, "Test Control," require that components such as the EDGs be tested to demonstrate that they are capable of performing their design function. Although challenges to NRC regulations may not be accepted for review in the 10 CFR 2.206 process, you may file a petition for rulemaking pursuant to 10 CFR 2.208 if you wish to challenge the above regulatory requirements. You can obtain information on the rulemaking process on the NRC public website - <http://www.nrc.gov/about-nrc/regulatory/rulemaking.html>.

Additionally, your first request will not be accepted for review in the 10 CFR 2.206 process because you failed to provide sufficient facts to constitute a basis for the requested action or to warrant further inquiry into your claim that testing the EDGs at their maximum load would pose a safety problem. You rely upon an event that took place in the early 1990s at VY, where you stated that the licensee increased the EDG test load and broke a piston. The PRB noted that VY miscalculated the maximum design load, resulting in testing the EDGs at 3,200 KW, which was a much higher load than the continuous and short time design ratings of the EDGs. Although the EDGs operated successfully at 3,200 KW, the EDG manufacturer recommended inspections of both EDGs. These inspections revealed a crack on the number eleven (No. 11) cylinder piston insert of the "A" EDG. The licensee's root cause evaluation determined that the crack was attributable to a manufacturing defect on the "A" EDG, and was not related to the operation of the machine at the higher load of 3,200 KW. The licensee replaced the defective piston insert and reported this event in License Event Reports 90-10 and 90-10, Supplement 1, in accordance with 10 CFR 50.73.

The licensee's inspection of the EDGs did not identify any common mode failure of the EDGs as a result of this testing anomaly. The NRC review of this issue in 1990 concluded that the licensee had taken appropriate corrective actions in accordance with NRC regulations. The PRB noted that there were no common mode failures with the EDGs since the manufacturing defect existed in only one EDG and the crack was unrelated to the operation of the machine at the higher load of 3,200 KW. In addition, the NRC staff notes that the licensee implements a preventive maintenance (PM) program for the EDGs based on manufacturer recommendations and industry operating experience. This PM program includes internal inspection of the EDGs and replacement of parts, such as the cylinder liners, on a periodic basis. Therefore, your second request that the NRC compel the licensee to undertake an inspection of the VY EDGs based on past common mode functional failures of components in the machines, will not be accepted for review in the 2.206 process because you failed to set forth any new facts sufficient to constitute a basis for the requested action.

In addition, in your latest correspondence you indicated that you thought an Inspector General's Investigation may be warranted. The staff has forwarded that recommendation to the NRC's OIG. You should be aware that you may forward your concerns directly to the OIG through the NRC public website - <http://www.nrc.gov/insp-gen/complaint.html> or the OIG Hotline (1-800-233-3497) at anytime.

M. Mulligan

- 3 -

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

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Blount". The signature is fluid and cursive, with a large initial 'T' and 'B'.

Thomas Blount, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosure:
As stated

cc w/encl: Distribution via ListServ

M. Mulligan

- 3 -

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

Sincerely,

/RA/

Thomas Blount, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosure:
As stated

cc w/encl: Distribution via ListServ

Package: ML090060091
Incoming: ML082840416
Supplement 1: ML083530209

Response: ML090060108
Enclosure: ML083400301
Supplement 2: ML083530317

OFFICE	LPL1-1/PM	LPL1-1/LA	R1/BC	EEEE/BC	LPL1-1/BC	DPR/DD
NAME	JKim	SLittle	LDoerlein	GWilson	MKowal	TBlount
DATE	1/07/09	1/07/09	1/7/2009 Via e-mail	1/08/09	1/08/09	1/09/09

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LETTER TO MR. MULLIGAN DATED

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Title: Vermont Yankee 2.206 Petition

Docket Number: 50-271

Location: (telephone conference)

Date: Tuesday, November 25, 2008

Work Order No.: NRC-2560

Pages 1-33

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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PETITION REVIEW BOARD

TELECONFERENCE

In the Matter of:

VERMONT YANKEE 10 CFR 2.206 Docket No.

PETITION 50-271

FROM MICHAEL MULLIGAN

Tuesday,
November 25, 2008
10:05 a.m.

BEFORE:

TOM BLOUNT, Petition Review Board Chairman
Deputy Director of Policy and Rule Making, NRR
JAMES KIM, Petition Review Board Manager
TANYA MENSAH, Petition Review Board Coordinator

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1 NRC HEADQUARTERS STAFF:

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3 ROY MATTHEW, NRR

4 JOHN MCHALE, NRR

5 STACY ROSENBERG, NRR

6 ROBERT WOLFGAN, NRR

7 G.S. MATHARU, NRR

8

9 NRC REGION I STAFF:

10 LAWRENCE T. DOERFLEIN

11 JOHN ROGGE

12 AMI RAO

13

14 PETITIONER:

15 MICHAEL MULLIGAN, Petitioner

16

17 LICENSEE ENTERGY PERSONNEL

18 DAVID MANNAI

19

20

21

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APPEARANCES:

On Behalf of the Nuclear Regulatory Commission:

JENNY LONGO, ESQ.

Of:Office of the General Counsel

Mail Stop O-15 D21

US Nuclear Regulatory Commission

Washington, DC 20555-0001

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

(10:05 a.m.)

MR. BLOUNT: Good morning and welcome to the NRC meeting regarding the 2.206 petition request submitted regarding the Vermont Yankee nuclear power plant in Vermont.

Before we get into the heart of the discussion, I would like to provide some general information about the NRC's 2.206 process. Under Title 10 of the Code of Federal Regulations, Section 2.206, any person may petition the NRC to take an enforcement-related action, such as modifying, suspending, or revoking a license. The NRC staff's guidance for the disposition of 2.206 petition requests is in Management Directive 8.11, which is publicly available for review.

The purpose of today's meeting is to provide the Petitioner an opportunity to comment on the Petition Review Board's initial recommendation, and to provide any relevant additional explanation and support for the petition.

This meeting is not a hearing, nor is it an opportunity to examine the Petition Review Board on the merits of the issues presented in the petition request. No decisions regarding the merits of this

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1 petition will be made at this meeting.

2 Following this meeting, the Petition
3 Review Board will conduct internal deliberations to
4 determine if there is a need to modify its initial
5 recommendations. The outcome of this internal meeting
6 will be documented in a letter to the Petitioner.

7 I would like to summarize the scope of the
8 petition under consideration and the NRC activities to
9 date. On September 28th, 2008, Mr. Michael Mulligan
10 submitted to the NRC a petition under 2.206 regarding
11 issues of uncertainty of not having a common mode
12 failure with the emergency diesel generators at
13 Vermont Yankee.

14 On November 13th, 2008, the Petitioner
15 provided supplemental information via email for the
16 PRB to consider. In this petition request, Mr.
17 Mulligan requested that the NRC, one, reduce the
18 functional and operational load testing limits for the
19 emergency diesel generators to the old limit. Two,
20 conduct a detailed inspection of both Vermont Yankee
21 diesel generators based on the past common mode diesel
22 generators function failures of components in the
23 machines.

24 Allow me to discuss the NRC activities to
25 date. On November 12th, the NRR Petition Review Board

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1 met to review the petition against the acceptance
2 criteria in Management Directive 8.11, and discuss the
3 need for any NRC actions related to the Vermont Yankee
4 nuclear power plant.

5 Based on the information submitted in the
6 petition, the PRB made an initial determination not to
7 accept the petition for review under the 2.206
8 petition review process because the petition request
9 did not set forth sufficient facts to constitute a
10 basis for reducing the functional and operational load
11 testing limits for the emergency diesel generators to
12 the old limits. The PRB decided to not accept for
13 consideration under the 2.206 process for the request
14 of conducting a detailed inspection of the Vermont
15 Yankee diesel generators because this request is not
16 an enforcement-type action.

17 Following the November 12th meeting, the
18 petition manager, James Kim, informed the Petitioner,
19 Mr. Mulligan, that the initial decision of the PRB was
20 to not accept the request as a 2.206 petition, and
21 made available the opportunity for the Petitioner to
22 address the PRB.

23 MR. MULLIGAN: I don't really think he
24 said -- he really didn't say that it wasn't accepted.

25 Just that for accuracy sake.

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1 COURT REPORTER: Excuse me. Is this Mr.
2 Mulligan?

3 MR. MULLIGAN: Yes.

4 COURT REPORTER: Thank you.

5 MR. MULLIGAN: You know, he really didn't
6 say it wasn't accepted.

7 MR. KIM: It was not accepted for 2.206
8 petition at the time.

9 MR. MULLIGAN: I mean just for accuracy
10 sake, that's the way I interpreted it. Go ahead.

11 MR. BLOUNT: Understand. So, Mr.
12 Mulligan, if I did not capture the essence of your
13 petition and the issues correctly, please clarify
14 during your remarks.

15 Again, the purpose of the meeting today is
16 to provide the Petitioner with an opportunity to
17 comment on the Petition Review Board's initial
18 recommendation, and to provide additional information
19 and explanation in support of the petition. The
20 purpose of this meeting is not to provide an
21 opportunity for the meeting participants to question
22 or examine the Petition Review Board regarding the
23 merits of the petition request. This meeting is not a
24 hearing.

25 No decision regarding the merits of the

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1 petition request will be made during this meeting.
2 Subsequent to the meeting, the PRB will conduct an
3 internal meeting to make a final recommendation on
4 whether to accept or reject the petitions for review.

5 The results of that meeting will be documented in an
6 acknowledgment letter to the Petitioner.

7 The Petition Review Board typically
8 consists of a Chairman, usually an SES level manager
9 at the agency. It has a Petition Manager, which for
10 plant-specific petition is usually the Licensing
11 Project Manager. Other members of the Board are
12 determined by the NRC staff based on the content of
13 the information in the petition request.

14 At this time, I'd like to introduce the
15 Board, and then turn the meeting over to the
16 Petitioner. I am Tom Blount, the Petition Review
17 Board Chairman. James Kim is the Petition Manager for
18 the petition under discussion. Tanya Mensah is the
19 Office's 2.206 coordinator. In addition, we have
20 Larry Doerflein from the NRC's regional office on the
21 Petition Review Board. We also obtain advice from our
22 Office of General Counsel, represented by Jenny Longo.

23 As described in our process, the NRC Staff
24 may ask clarifying questions in order to better
25 understand the Petitioner's presentation, and to reach

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1 a reasoned decision whether to accept or reject the
2 Petitioner's request for review under the 2.206
3 process.

4 I will note that Entergy, the licensee for
5 the Vermont Yankee nuclear power plant, has also been
6 invited to this meeting, and will be afforded an
7 opportunity to ask clarifying questions of the
8 Petitioner. For clarification, the licensee is not
9 part of the decision making process or the NRC's
10 review of the 2.206 petition. We invite the licensee
11 so that they are aware of the ongoing request for
12 action against their facility, and provide an
13 opportunity to ask any questions so that they may
14 understand the details pertaining to their facility.

15 Are there any general questions regarding
16 the 2.206 process before I turn it over to the
17 Petitioner? Very well, hearing none - as a reminder
18 for the phone participants, please identify yourself
19 if you make any remarks as this will help us in the
20 preparation of the meeting transcript that will be
21 made publicly available. Thank you.

22 Mr. Mulligan, please provide your comments
23 at this time.

24 MR. MULLIGAN: Thank you.

25 I'd like to remind everybody that we've

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1 had an election here. We're electing the first black
2 President, all of our political -- Congress is -
3 Democrats and stuff like that, there's just been a
4 change of directions as far as that's concerned. I'd
5 also like to remind everybody that we're facing a
6 depression-like era, and there could be a lot of
7 pressures on a lot of these utilities with financing
8 and cutting back on types of costs and stuff like
9 that. I'd just like to have everybody aware of that.

10 When I was talking to James, I basically
11 made an addendum to my initial thing. I recognize
12 that Vermont Yankee hadn't tested diesels above 2750,
13 but my -- but I'm going to say now that those diesels
14 aren't conservative. They never were conservative.
15 The whole thing with how they came about coming up
16 with these load limits for the diesel generator is
17 mind-boggling, to say the least.

18 My idea of a ideal generator and load
19 would be a generator that has 1,000 kilowatts of load.

20 As to the design of this machine, that's a normal
21 continuous design of the machine, so it would -- so
22 the max load, normal load would be 1,000 kilowatts.
23 So you'd have a design accident, like at Vermont
24 Yankee, of load of -- I would say that should be about
25 75 percent of the load, the design load of the

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1 machine, so the accident load should approach about 75
2 percent of the machine capacity, 750 kilowatts.

3 You should never allow in any accident
4 condition that you shut a breaker on, stuff like that.

5 You should always depend upon 1,000 kilowatt load
6 design, machine load of diesel generators.

7 Now, because it's a critical piece of
8 power equipment for a nuclear power plant, we should
9 build those machines beyond durable. They should be
10 designed to take up an additional level, say maybe
11 between 10-20 percent, so you should -- all the design
12 accidents and stuff should always be 1,000 kilowatts
13 or less.

14 You should have an extra set of durability
15 and reliability by designing the machine to pick up an
16 additional 10 or 20 percent above 1,000 kilowatts.
17 That's conservative. You design these machines that
18 you can really beat the heck out of them if something
19 was to go wrong and unexpected, a calculation was not
20 understood, or not carried out, or somebody made a
21 human error, or something like that, you just want a
22 level of conservatism with these machines, because
23 they're such an important piece of equipment for
24 nuclear safety.

25 Now, the first LER we'll talk about is the

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1 one in 1991 where they -- oh, back up a second. I
2 already said -- to talk about the LER in 1991. At the
3 time, I was an employee at Vermont Yankee. I was a
4 licensed operator, and I was performing the auxiliary
5 operator job, and I was coming in and out of that --
6 those emergency diesel generator rooms twice a shift
7 or more, and stuff like that, did a lot of work on
8 those diesel generators.

9 At the time frame of 1990-91, I was having
10 grave concerns with truth-telling, and honesty, and
11 stuff, and so I've raised a number of whistle blower
12 issues, and stuff like that. I want you to know for a
13 number of years, for many years, a decade or more, I
14 would walk in and out of those machine rooms and there
15 would be roof leaks, and there'd be water leaking down
16 on the engine. There'd be plastic sheets. There'd be
17 water leaking down on the control panel. There would
18 be water leaking down on the engine. There was water
19 marks on the generator itself, part of it, and stuff
20 like that, so I started raising a lot of ruckus
21 internally and with the NRC. And I had a really
22 difficult time getting people to pay attention to what
23 I was saying. So I'd come in there in the winters,
24 and the summers with thunderstorms and stuff, and I'd
25 find plastic sheeting up against the diesel generator

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1 control panel protecting it from rainwater. I noticed
2 water leaking on the generator itself, on the engine.

3 Even when I had the NRC inspectors in there, it would
4 be a sunny day and I would show them water leaks,
5 marks and stuff like that. So that generally sets up
6 the condition of those two years in '90, '91, stuff
7 like this. This is when this first LER popped up in
8 to my attention and stuff.

9 It's noted in this Badabourough
10 [Brattleboro] Reformer story, talks about building
11 Vermont Yankee. When the reactor came on line in
12 1972, it was far over budget. The Reformer put the
13 cost at \$202 million, \$22 million more than the
14 original estimate. The Vermont Department of Public
15 Service put the construction cost at \$220 million,
16 more than \$450 million in today's money. DPERC said
17 Vermont Yankee was two years late, and two and a half
18 times the cost.

19 Now, I'll go over a few things with that
20 LER. The LER is 90-010-02, and the date is 8/16/1990.

21 And, by the way, behind all of this is the recent
22 Atomic Safety Board's decision that the core spray
23 nozzles and the feed water nozzles are -- they haven't
24 been thoroughly analyzed, so you're talking about a
25 break, a potential, or an uncertainty with a break of

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1 a large pipe type of thing, or -

2 MS. LONGO: Mr. Mulligan, could you
3 identify the proceeding that that decision was issued
4 in?

5 MR. MULLIGAN: LER 90-10-02.

6 MS. LONGO: If that's an LER, what you -

7 COURT REPORTER: I'm sorry. Who's
8 speaking now?

9 MS. LONGO: -- NRC proceeding.

10 COURT REPORTER: This is the transcriber.
11 Who asked the question?

12 MS. LONGO: This is Ms. Longo.

13 COURT REPORTER: Thank you.

14 MR. MULLIGAN: That would -- oh, I'm
15 sorry. That would be by the licensee, that was
16 written by the licensee. It was a document they
17 submitted to NRC.

18 MS. LONGO: Thank you.

19 MR. MULLIGAN: So the re-circulation
20 pumps, design accident, double shear type of thing, so
21 it's -- there's an uncertainty could be with. So
22 according to the LER, it says, "The diesel generator
23 set rating was determined to be a continuous rating,
24 2750 kilowatts continuous. The overflow [overload]
25 rating is 3,000 kilowatts for seven days not to exceed

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1 3,025 kilowatts for more than two hours in any 24-hour
2 period."

3 Then you go and talk about recent
4 inspection, NRC inspection report, the September
5 component inspection, and they frame it as -- that
6 would be 05000271-2008-008, September 8th. Did I get
7 -- does everybody understand what I'm saying? Well,
8 the NRC says the UFSAR further states that the
9 generators can be manually loaded up to 3,000
10 kilowatts for seven days, and with a short time rating
11 of two-hours at 3,025 kilowatt in any 24-hour period.

12 So you see there's a shift, there's been a shift
13 where you kind of -- these extreme overloading of
14 these machines in 1990, that's how they termed it, an
15 overload. Really, a regime that you're never supposed
16 to use. It's just there in case in an accident, and
17 somebody boggled, somebody made a mistake somewhere,
18 and you had an extra amount of design and stuff like
19 that; whereas, the September inspection report shifts
20 it over to well, kind of like a normal operating
21 regime that we tolerate, we allow now, and stuff like
22 that.

23 I think that's more or less a kind of a
24 fraud, how that's been allowed to be shifted over to
25 from a dire emergency beyond design use of the diesel

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1 generators to now because we're -- the design load is
2 so high. We're kind of using wishy-washy language to
3 more or less say that you can operate that machine to
4 3,000 kilowatts, or 3,025 kilowatts, depending what it
5 is, and stuff like that. My stipulation is the machine
6 is only designed for 2750, and you shouldn't ever use
7 it over 2750.

8 And here it is in 1991, per technical
9 specification 4.10.a.1.a. This section states in part
10 that the diesel generator will be tested at the
11 expected maximum emergency load, not to exceed the
12 continuous rating. And the inspection report that
13 kind of -- it allows them to operate that machine when
14 you're manually loading -- shutting breakers and
15 picking up load manually, essentially allows them to
16 go right up to 3,025. So, again, they're kind of
17 telling us right here in 1990 that the machine - I
18 don't know what initially the design rating of that
19 machine was, because I imagine it's been updated, or
20 changed, or something like that, so I don't know what
21 the machine -- what is it, 2570, or 2750 when it was -
22 - when the plant first started up, and they fiddled
23 around with some numbers or something like that.

24 I mean, the final safety analysis report in
25 1991 says that it's 2467 kilowatts for the maximum

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1 emergency load for the diesel generators. That's
2 2,500, and now today it's 2750, so I mean, it's just
3 not conservative. And this thing has changed over the
4 life of the plant.

5 My theory, I got a Minnesota Bridge theory,
6 or a thumb-rule, and that is in an old component, a
7 bridge, or diesel generator plant, any system, and
8 stuff like that, there's limited gusset reset, and
9 that is that when you're looking over these old
10 machineries and stuff like that, no matter which -- no
11 matter how thoroughly you think you're looking at it,
12 there's always a limiting flaw that's undiscovered.
13 And it's sitting there, and if you place the load on
14 it, as you re-pave the road and put an extra burden on
15 these machines and stuff like that, or these bridges,
16 that eventually you're going to run into the flaw, and
17 the bridge is going to collapse. I think with the
18 Vermont Yankee diesel generators, they're getting old,
19 and stuff like that, so instead of us rationalizing,
20 increasing the high load, we should be kicking it
21 back. At lease [least] we've got to take it easy with
22 them, they're old, and stuff like that. There's some
23 flaws in there we might not know, so we've got to make
24 an easier environment on them. But the older they
25 get, the more we keep paper whipping the engineering,

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1 and we load them up more than they should be and
2 stuff.

3 So today, as far as I know, the continuous
4 rating is 2750, and it's tested between 2650 and 2750.

5 Did I go over -- yes, I did. You know, and even to
6 this recent inspection report, whether it's emergency
7 loads on the buses, or whether it's -- we have manual
8 loads we placed on the machine during an accident, and
9 we don't test them to those -- the highest expected
10 load. In other words, greater than 2750. So there's
11 been confusion on what is the rating of the diesel
12 generator from day one, and went on to 1991 when I was
13 trying to, as a licensed operator, there's a lot of
14 stuff I just didn't believe was being honestly and
15 fairly dealt with, and stuff like that back then.

16 I have, along with this, I have a further
17 concern that -- I have issues with -- I have an issue
18 industry-wide with the accuracy of the manufacturer's
19 component or system vendors' consultants and special
20 interest organization with the data they provide to
21 the licensee, or to the NRC. A lot of that stuff, I
22 don't see it. I don't see the NRC enforcing the
23 accuracy of the information they provide to the
24 licensee. Somebody says an outright lie to the
25 licensee, whether the licensee knows it or not, and

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1 it's to their benefit, I don't think the NRC punishes
2 those vendors, or specialists, or manufacturers, or
3 vendors. Once you lie, you're setting up the idea
4 that you're going to lie over and over again. And if
5 one person gets away with it, organization, then
6 everybody is allowed to do it. And then we end up
7 with you don't know what you have, stuff like that, so
8 I have a basic concern about that.

9 MS. LONGO: Mr. Mulligan, this is Ms. Longo.
10 Could you please identify what information was
11 inaccurate that was provided by the vendors?

12 MR. MULLIGAN: Well, the specific details?

13 MS. LONGO: Well, you said that the vendors
14 were providing inaccurate information, and the NRC
15 should be concerned about it. We'd like to know what
16 inaccurate information were the vendors providing.

17 MR. MULLIGAN: Okay. This is 1991, so we
18 have to consider that. But I see things today that
19 essentially shows the same thing. The manufacturer -
20 this is when the LER -- this is the 1991 LER. The
21 manufacturers recommended limit inspections -- wait a
22 minute. That's not the right one.

23 Well, in this LER, on April 9th, 1990, Atomic
24 Energy calculation 836 provided a conservative value
25 of 2751 kilowatts assuming a power factor of eight

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1 were larger than -- well, this whole LER basically
2 talks about Vermont Yankee. There was an inaccuracy
3 with the main plate grading [rating] between the
4 generator and the engine. That's what led to
5 overloading this machine. And, essentially, there was
6 a lot of talk back and forth between what the capacity
7 of the machine was and stuff like that. And the first
8 shot if it until they damaged the machine wasn't
9 corrected, so I would say this whole LER that I'm
10 talking about here expresses the idea that a vendor of
11 these machines can come in here and not give accurate
12 information. Does that answer your question?

13 MS. LONGO: I'm not technical enough to know,
14 but I'm just trying to factually understand what it is
15 you're saying. Is this inaccuracy still outstanding,
16 or has that changed?

17 MR. MULLIGAN: Well, according to the
18 inspection -- the latest inspection report, there's
19 issues with the loading of the machine and stuff like
20 that. So as far as the vendors and stuff like that, I
21 mean, I could give you another issue, if you want it,
22 as far as inaccuracy with a type of vendor or special
23 interest organization. Do you want another one?

24 MS. LONGO: No. I'm asking you to provide
25 information about your claim of inaccurate information

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1 from the vendor about the rating of this equipment.

2 MR. MULLIGAN: Well, I don't have any
3 information other than the LER.

4 MS. LONGO: Thank you.

5 MR. BLOUNT: Mr. Mulligan, I know that you
6 were -- you indicated that you were previously an
7 operator.

8 MR. MULLIGAN: I was a licensed operator.

9 MR. BLOUNT: A licensed operator. Okay. I
10 understand. Thank you. Do you have any other
11 background in this area, engineering degree,
12 electrical, or -

13 MR. MULLIGAN: No, I don't.

14 MR. BLOUNT: -- education in that area?
15 Okay.

16 MR. MULLIGAN: And that business with power
17 factor and all that sort of stuff, I mean it's
18 gobbledy-gook. I can barely understand it and stuff
19 like that. But even the -- so everybody knows, in
20 this LER they had troubles with the manufacturer
21 coming up with the ratings, and Vermont Yankee
22 essentially ran these machines at 3200 kilowatts and
23 damaged the -- ran it twice and they ended up damaging
24 -- I'm trying to get what was damaged, a crack in the
25 cylinder piston, cylinder insert and stuff. I mean,

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1 it's in the LER and stuff, and so the machine was
2 damaged. You see what I'm saying?

3 MR. BLOUNT: We have heard your input, and
4 that's what we've been looking for.

5 MR. MULLIGAN: I still have more to go.

6 MR. BLOUNT: Okay. So we're very interested
7 in getting your insight, but I'd like to let you know
8 that we are on a bit of a time schedule here, so about
9 how much longer do you think you'll need for this, to
10 inform us of your two points -

11 MR. MULLIGAN: Well, James told me I had
12 about an hour.

13 MR. KIM: No, about 15 to 20 minutes. Sorry
14 if I misinformed you.

15 MR. BLOUNT: So, Mr. Mulligan, for clarity's
16 sake -

17 MR. MULLIGAN: Probably another 15 minutes,
18 at most. I'm just not going to take that much longer.

19 MR. BLOUNT: Okay. Understand. So we
20 understand you have about another 15 minutes worth of
21 information relative to this 2.206 petition, and we're
22 looking forward to hearing that.

23 MR. MULLIGAN: So you understand what I'm
24 getting at with this LER? I mean, we're talking about
25 all sorts of -- the design of it was in question.

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1 Then an FFFI [ESFI] inspection comes in and these guys
2 panic, and they come up with a new scheme to load the
3 diesel generators to 3200 kilowatts, which was
4 inaccurate, which was wrong. Then they damaged the
5 machine, then they figured out -- well, then they came
6 back and decided that they loaded those machines too
7 high and stuff like that, so then they did an
8 inspection, and they found out that there was damage,
9 and it was related to overloading the machines, and
10 stuff like that.

11 My idea here to think about is that 3200 --
12 well, what is the point where you're going to damage
13 the machines? Is it going to be 3200? Nobody thought
14 there would be damage at that level. Where is the
15 point between 2750 and 3200, where is the point that
16 you're going to end up damaging that machine, getting
17 components to break? How durable is it going to be in
18 an accident? What's the level? We know it was
19 operated twice at 3200 kilowatts. What's the -- you
20 seem to want to load it, manually load it to 3025.
21 Well, what's the point where after 3025 that it --
22 that something breaks on it and stuff like that? The
23 whole thing is unconservative, as far as I can see.

24 So I'm setting up the idea that there's been
25 a lot of uncertain inspections, and uncertainty with

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1 the loads of these machines since the plant started
2 up. There was in 1990, and there was in 2008. I
3 mean, I just find it mind-boggling that we're still
4 discussing essentially the same thing in 2008, what is
5 the max operational load of the diesel generator.
6 And, supposedly, you're supposed to, if you operate
7 those machines at say 3,000, you're supposed to test
8 it at maximum load, 3025. And it seems as though
9 Vermont Yankee doesn't do that right now. And I'm
10 just browsing my notes.

11 The Vermont Yankee NRC component design basis
12 inspection report of 2008-008 was done -- well, it was
13 written up on September 26, 2008, so 19 plus -- I
14 mean, I think this mind-boggling. The diesel
15 generator set rating was designed to be continuous
16 rating. This is 1991, 2750 kilowatts continuous. The
17 continuous -- to me, that means that's the normal max
18 high load diesel generator -- the safe load of the
19 diesel generator. Anything above 2750 is unsafe, it's
20 unconservative. This overload rating, that's
21 supposedly 3,000 kilowatts for seven days not to
22 exceed 3,025 kilowatts for more than two hours in a
23 24-hour period. That's that additional beyond design,
24 beyond the max rating of the machine, but it's
25 designed in the diesel generator for durability and

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1 reliability, something unexpected. You know, some
2 of this gusset stuff that might be present, some of
3 this bad engineering that's gone on throughout the
4 time of Vermont Yankee with these machines and stuff
5 like that. So that's how it was expressed in 1991.
6 How the NRC expresses it, it is -- they twist it to
7 the point where oh, well, the 3,000 kilowatts for
8 seven days, the two hours at 3,025 kilowatts in a 24-
9 hour period, they shift it. It's kind of word games,
10 where now okay, that's the normal regime, operating
11 regime of the machine, and stuff like that. And you
12 ding them because they don't test it at 3,025
13 kilowatts. And, again, I get to the point well,
14 you've damaged the machine at 3,200 kilowatts.
15 Where's the point where it's -- you're going to damage
16 the machine, it's going to break when you need it the
17 most?

18 It should be noted -- it's amazing, 3,000
19 kilowatts for seven days not to exceed 3,025 kilowatts
20 for more than two hours in a 24-hour period. You see
21 how much -- you know, from 3,000 to 3,025, that is
22 such a minuscule percentage of the load of the
23 machine, and it's only 25 kilowatts additional, and
24 stuff like that. You see how you can operate it for
25 seven days at 3,000, and then all of a sudden you can

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1 operate it at 3,025 for more than two hours in a 24-
2 hour period. So, again, I mean, it's ridiculous that
3 there is such a restriction that 3,025 for more than
4 two hours, that's an extreme -- you can only operate
5 it for two hours in any 24-hour period. But if you --
6 you can operate it for seven days if it's 3,000
7 kilowatts. I mean, you can't even probably see that
8 in the meter up in the control room it's such a small
9 additional kilowatt thing. It's baffling that it has
10 such a restriction there like that.

11 You know, the inspection report says at the
12 discretion of the operators. That wasn't there in
13 1990-91. I'd like to know what that at the discretion
14 of the operators, why that was added. Am I'm just
15 curious why that was added.

16 And then you go into the team also found the
17 motor kilowatt load was developed non-conservatively
18 in the calculation that determined that EG load for
19 the design basis event. I mean, you -- it says you
20 inspected two motor load kilowatt load -- motor
21 kilowatt load. Out of all of the plant, you
22 discovered I don't know how many out of -- what
23 percentage, you found two that was inaccurate and
24 stuff like that. I don't understand why the NRC when
25 they seen all this confusion with this machine over so

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1 many years, once they found the kilowatt loads, they
2 should have went and did an inspection on all of the
3 loads to make sure the calculations were accurate. I
4 mean, that would have been the way you should have
5 handled it.

6 The inspection report -- however, the team
7 found that the 3,025 kilowatt hour load was not
8 calculated as an appropriate acceptance limit in the
9 EDG test procedure. In other words, you're kind of
10 saying well, seeing as how the procedure says you can
11 manually load the diesels up to 3,025, you should test
12 the machines at -- I mean, that's the only logical way
13 you could think about it, if they're going to use that
14 machine in an emergency situation. Can you imagine
15 kind of an emergency situation if they have to load
16 that machine to 3,025. They expect it in the
17 procedure because it's in there, and then you could
18 hit a point well, 3,025 - well, we know that damage
19 occurs. How durable is those diesel generators,
20 3,025, 3,200 we know for a fact operated twice caused
21 damage in the machine back in 1991. It's older now,
22 and stuff like that, so the idea that you're going to
23 be using that machine at 3,025 is mind-boggling.

24 MR. BLOUNT: Mr. Mulligan, this is Tom Blount
25 again. Based on our last time check, I believe you

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1 have about five more minutes.

2 MR. MULLIGAN: Thank you.

3 MR. BLOUNT: You're welcome.

4 MR. MULLIGAN: You know this business here,
5 while the team noted that Entergy is not committed to
6 either the regulatory guide or the IEEE standards, the
7 current EDG testing does not properly demonstrate that
8 the EDG system will perform in accordance with the
9 requirement, and the acceptance limits contained in
10 the applicable design documentation.

11 I mean, does the NRC have one set of codes
12 talking about loading diesel generators throughout the
13 industry? Is it just -- I mean, I hope you've just
14 got one set of codes. Everybody doesn't have a
15 special code. You know, everybody gets to pick and
16 choose their codes on what would be considered a
17 design load of a diesel generator, as-built design
18 capacity, or the bus loads, how you come up with what
19 the bus loads are.

20 So the A diesel generator is at around 2,700
21 and the B diesel generator emergency loads is at
22 2,880. I mean, if it's 2695, whatever it is, I mean,
23 if it comes -- I mean, that's a minuscule level
24 between design continuous rating of the diesel
25 generator, 2750. I find that mind-boggling. There

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1 was no conservative, conservation, conservatism with
2 that number. I don't think the machines are too
3 small, they're not conservative for their nuclear
4 safety duties. The 2800 is -- of course, it's more
5 than 2750.

6 And I don't understand this. All this
7 trouble with these diesel generators, over all these
8 years, the confusion, not knowing what the load is, or
9 you don't know what the capacity of the diesel
10 generator is, this shifting of capacities behind the
11 scenes that hasn't come up -- hasn't been up front and
12 talked about. I mean, this drives me nuts. And then
13 it says traditional - on this last inspection report -
14 traditional enforcement does not apply because the
15 issue did not have any actual safety consequences or
16 potential for impacting NRC regular [regulatory]
17 function, and was not the result of willful violation
18 of NRC requirements, even if they occurred repeatedly
19 over many decades. It baffles me.

20 I guess that's about it for me.

21 MR. BLOUNT: Thank you, Mr. Mulligan. This
22 is Tom Blount, again. As noted earlier, no NRC
23 decisions regarding the merits of the petition request
24 will be made during this meeting. Subsequent to this
25 meeting, the PRB will conduct an internal meeting to

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1 make a final recommendation on whether to accept or
2 reject the petition for review. The results of that
3 meeting will be documented in an acknowledgment letter
4 to the Petitioner.

5 At this time, does the staff that's here in
6 headquarters have any questions for the Petitioner?

7 MR. MULLIGAN: Before -- I just want a couple
8 of sentences here. I don't think I'm supposed to be
9 making a petition to the Government of the United
10 States. I mean, essentially this is what this is
11 about. One lonely guy, and then you've got to go
12 through this Petition Review Board type of thing. The
13 whole thing is set up that there's not transparency.
14 I don't have the information beforehand. I'm not
15 given the information. Then what you guys are going
16 to tell me is well, Mike, you don't got no evidence.
17 You got no proof or anything like that. Well, I don't
18 have no proof, because nobody allows me to enforce
19 transparency requirements on the NRC and the utility,
20 and stuff like that. So this petition thing, it's an
21 abuse. It really is an abuse, because you don't give
22 a honest little guy that's trying to petition this
23 government to find out flaws, and try and discuss a
24 lot of these issues. You don't give them the
25 opportunity to have information in front of them

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1 before he makes the petition. Everybody plays the
2 game well, Mike, you don't have the evidence and stuff
3 like that. And then you put an unbelievable burden, a
4 security sense around there, and nobody wants to talk
5 to me, nobody wants to talk about these issues, or
6 provide the papers and stuff like this. So this
7 petition, this 2.206, this is a sham-type of thing.
8 It's meant to brush more people off than it is to
9 create an open dialogue of how these problems are
10 happening. Why do they happen over so many decades?
11 And to kind of get around to figuring out why there
12 are still a lot of problems in the nuclear industry,
13 as the whole thing. Thank you. I'm done.

14 MR. BLOUNT: Thank you, Mr. Mulligan, again.
15 Any questions from headquarter staff of the
16 Petitioner? Any questions of the Petitioner from the
17 region?

18 REGION REPRESENTATIVE: No.

19 MR. BLOUNT: Thank you. Any questions from
20 the licensee?

21 LICENSEE REPRESENTATIVE: No.

22 MR. BLOUNT: Thank you. And, Mr. Mulligan,
23 once again, do you have any final questions or
24 comments?

25 MR. MULLIGAN: You know, I've watched these

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1 petition things over numerous times, and the same
2 old, nobody has any questions type of responses.
3 Everybody has no questions. And, again, that's a
4 indication that the 2.206 is an industry-sponsored
5 process. It's designed to protect the industry and
6 the NRC. It is not designed to serve a little guy
7 trying to figure out what's going wrong at Vermont
8 Yankee, 1.5 miles away from his house, and keep
9 everybody straight on what's going on at the plant
10 within the NRC. I mean, that's supposed to be, I
11 mean, on a worldwide basis to a little guy like me to
12 be able to petition their government, this is what
13 this is, one guy petitioning his government to find
14 out what's going on. I mean, that's a privilege on a
15 worldwide basis in the United States. The privilege
16 is to live in the United States, but as far as this
17 NRC petition process, I think it's an abomination.

18 MR. BLOUNT: I wish to thank the Petitioner
19 for his time to provide the NRC with clarifying
20 information on the petition you've just submitted.
21 With that, I conclude the meeting, and we are going to
22 secure the telephone connection. Thank you.

23 MR. MULLIGAN: Thank you for your time.

24 MR. BLOUNT: Thank you.

25

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1 (Whereupon, the above-entitled matter went off the
2 record at 10:55 a.m.)
3
4

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