



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

August 17, 2009

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

Dear Mr. Mulligan:

Your e-mail correspondence dated June 8, 2009, as supplemented by e-mails dated June 11 and June 19, 2009, addressed to the Executive Director for Operations 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 Vermont Yankee pay a fine of \$5,250,000 for operating their reactor illegally and unsafely with an inoperable high-pressure coolant injection (HPCI) system coming out of their start-up after an outage from June 6, 2007, until June 12, 2007.

On June 16, 2009, you requested an opportunity to address the Petition Review Board (PRB) prior to its initial meeting to provide supplemental information for the PRB's consideration. By teleconference on July 9, 2009, you provided information to the PRB as further explanation and support for your petition. The transcript of this teleconference is enclosed.

The NRC's PRB met on July 21, 2009, to discuss your petition. In addition to the petition, the PRB also considered information you provided via the transcribed teleconference, as supplemented by your e-mail dated July 9, 2009. The PRB's initial recommendation was not to accept your petition because your issues have already been the subject of NRC staff review and evaluation at that facility. The PRB informed you of this determination on July 22, 2009.

Finally, by e-mail dated July 29, 2009, you provided additional supplemental information in response to the PRB's initial recommendation in which you did not provide any new information pertaining to the HPCI system that the PRB had not already considered.

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

Your concern of an inoperable HPCI system at Vermont Yankee has already been the subject of NRC staff review and evaluation, for which a resolution has been achieved and the issues have been resolved. As documented in NRC Integrated Inspection Report 05000271/2007004, dated November 7, 2007 (ADAMS Accession No. ML073110213), the HPCI system was inoperable for approximately 6 days after motor-operated valve (MOV) V23-19 failed to open during a planned surveillance in June 2007. This finding was of very low safety significance as determined by an NRC Phase 3 significance determination using the Vermont Yankee Standardized Plant Analysis Risk (SPAR) model with the following assumptions: (1) a loss of system safety function due to the inoperability of the HPCI system, and (2) the exposure time was approximately 6 days and no operator recovery credit provided. The SPAR model internal event risk assessment yielded a low E-7 increase in core damage frequency, or very low safety significance.

M. Mulligan

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This issue was entered into Entergy's corrective action program and the corrective actions taken included: performing an extent of condition review to identify affected contacts in other systems, evaluating system operability, developing a prioritized replacement schedule based on risk significance, developing criteria for replacement during preventive maintenance activities, and requiring periodic replacement of related heavily loaded MOV contactors.

In addition, Vermont Yankee has implemented "Commercial Dedicated Programs for Procurement" for purchasing the replacement contactors for three DC breaker cubicles (V23-14, V23-16, and V23-21). As short-term corrective actions until the replacement contactors are procured, Entergy performed a visual inspection of the three DC contactors, performed an operability evaluation for the HPCI system, and provided interim guidance to plant operators concerning DC contactor inspections following HPCI valve operations. Vermont Yankee has been successful in procuring the replacement DC contactors suitable for nuclear plant application and these DC contactors are scheduled to be replaced in September 2009.

As discussed above, the NRC staff has reviewed the licensee corrective actions and found them to be appropriate.

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

Sincerely,

A handwritten signature in black ink that reads "Thomas Blount". The signature is written in a cursive style with a large, sweeping initial 'T'.

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

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: Vermont Yankee 10 CFR 2.206 Petition

Docket Number: (n/a)

Location: (telephone conference)

Date: Thursday, July 9, 2009

Work Order No.: NRC-2939

Pages 1-43

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UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

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PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

+ + + + +

VERMONT YANKEE 10 CFR 2.206 PETITION FROM

MICHAEL MULLIGAN

+ + + + +

THURSDAY,

JULY 9, 2009

+ + + + +

The above-entitled conference was convened, pursuant to notice, at 10:30 a.m., TOM BLOUNT, PRB Chair, presiding.

NRC HEADQUARTERS STAFF:

- TOM BLOUNT, PRB Chair
- TANYA MENSAH, 2.206 Coordinator
- JAMES KIM, Petition Manager and Vermont Yankee Project Manager
- MOLLY BARKMAN, OGC Advisor
- TONY NAKANISHI, SRXB, NRR Technical Lead
- NANCY SALGADO, Branch Chief, LPL 1-1

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NRC HEADQUARTERS STAFF (Continued):

STACEY ROSENBERG, Branch Chief, Special Projects

Branch

ERIC BOWMAN, Special Projects Branch

NRC REGION I:

THOMAS SETZER, Senior Project Engineer

GARRETT NEWMAN, Project Engineer

SARAH RICH, Reactor Engineer

PETITIONER:

MICHAEL MULLIGAN

LICENSEE (ENTERGY):

JIM DEVINCENTIS

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

(10:39 a.m.)

1  
2  
3 MR. KIM: Good morning. I would like to  
4 thank everybody for attending this meeting. My name  
5 is James Kim. And I am the Vermont Yankee Project  
6 Manager.

7 We are here today to allow the petitioner,  
8 Mr. Michael Mulligan, to address the Petition Review  
9 Board regarding 2.206 petition dated June 8th, 11, and  
10 19, 2009. I am the Petition Manager for the petition.  
11 The Petition Review Board Chairman is Tom Blount.

12 As part of the Petition Review Board's  
13 review of this petition, Mr. Michael Mulligan has  
14 requested this opportunity to address the PRB.

15 The meeting is scheduled from 10:30 a.m.  
16 to 12:30 p.m. The meeting is being recorded by the  
17 NRC Operations Center and will be transcribed by a  
18 court reporter. The transcript will become a  
19 supplement to the petition. The transcript will also  
20 be made publicly available.

21 I would like to open this meeting with  
22 introductions. As you go around the room, please be  
23 sure to clearly state your name, your position, and  
24 the office that you work for within the NRC for the  
25 record. I'll start off.

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1 This is James Kim, Vermont Yankee Project  
2 Manager in the Division of Operator Reactor Licensing  
3 in NRR.

4 MR. NAKANISHI: This is Tony Nakanishi.  
5 I am with the Reactor Systems Branch of NRR.

6 MS. BARKMAN: This is Molly Barkman, an  
7 attorney in the Office of General Counsel.

8 CHAIRMAN BLOUNT: Tom Blount, Deputy  
9 Director for the Division of Policy and rulemaking in  
10 NRR, also PRB Chair.

11 MS. MENSAH: Tanya Mensah. I am the 2.206  
12 Coordinator in the Office of NRR.

13 MS. ROSENBERG: Stacey Rosenberg. I'm the  
14 Branch Chief of the Special Projects Branch in the  
15 Division of Policy and rulemaking in NRR.

16 MR. BOWMAN: Eric Bowman. I'm a Project  
17 Manager in the Special Projects Branch in the Division  
18 of Policy and rulemaking in NRR.

19 MS. SALGADO: I'm Nancy Salgado. I'm the  
20 Branch Chief for LTL 1-1 in NRR Division of Operator  
21 Reactor Licensing.

22 MR. KIM: We have finished with the  
23 introductions at the NRC headquarters. At this time  
24 are there any NRC participants from the regional  
25 office on the phone?

1 MR. SETZER: Yes. This is Tom Setzer,  
2 Senior Project Engineer supporting Vermont Yankee.

3 MR. NEWMAN: This is Garrett Newman,  
4 Project Engineer, also in branch V, Vermont Yankee.

5 MS. RICH: This is Sarah Rich, a reactor  
6 engineer in the Technical Support and Assessment  
7 Branch.

8 MR. SETZER: That's all for the region.

9 MR. KIM: Are there any representatives  
10 for the licensee on the phone?

11 MR. DEVINCENTIS: Yes. This is Jim  
12 Devincentis respecting Vermont Yankee Licensing.

13 MR. KIM: Mr. Mulligan, would you please  
14 introduce yourself for the record?

15 MR. MULLIGAN: I am Mike Mulligan. And I  
16 live about two miles away from the plant.

17 MR. KIM: Okay. Are there any others on  
18 the phone?

19 (No response.)

20 MR. KIM: Hearing none, I would like to  
21 emphasize that we each need to speak clearly and  
22 loudly to make sure that the Court Reporter can  
23 accurately transcribe this meeting. If you do have  
24 something that you would like to say, please first  
25 state your name for the record.

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1                   At this time I'll turn it over to the PRB  
2 Chairman: Tom Blount.

3                   CHAIRMAN BLOUNT: Good morning. Welcome  
4 to this meeting regarding the 2.206 submitted by Mr.  
5 Mulligan. I would like to first share some background  
6 on our process.

7                   Section 2.206 of Title X of the Code of  
8 Federal Regulations describes the petition process,  
9 the primary mechanism for the public to request  
10 enforcement action by the NRC in a public process.  
11 This process permits anyone to petition NRC to take  
12 enforcement-type action related to NRC licensees or  
13 licensed activities.

14                   Depending on the results of its  
15 evaluation, NRC could modify, suspend, or revoke an  
16 NRC-issued license or take any other appropriate  
17 enforcement action to resolve a problem. The NRC  
18 staff's guidance for the disposition of 2.206 petition  
19 requests is in management directive 8.11, which is  
20 publicly available.

21                   The purpose of today's meeting is to give  
22 the petitioner an opportunity to provide any  
23 additional explanation or support for the petition  
24 before the Petition Review Board's initial  
25 consideration and recommendation.

1           This meeting is not a hearing. Nor is it  
2 an opportunity for the petitioner to question or  
3 examine the PRB on the merits or the issues presented  
4 in the petition request.

5           No decisions regarding the merits of this  
6 petition will be made at this meeting.

7           Following this meeting, the Petition  
8 Review Board will conduct its internal deliberations.  
9 The outcome of this internal meeting will be discussed  
10 with the petitioner.

11           The Petition Review Board typically  
12 consists of a Chairman, usually a manager at the  
13 Senior Executive Service level at the NRC. It has a  
14 Petition Manager and a PRB Coordinator. Other members  
15 of the Board are determined by the NRC staff based on  
16 the content of the information in the petition  
17 request.

18           At this time I would like to introduce the  
19 Board. I am Tom Blount, the Petition Review Board  
20 Chairman. James Kim is the Petition Manager for the  
21 petition under discussion today. Tanya Mensah is the  
22 office's PRB Coordinator.

23           Our technical staff includes Tony  
24 Nakanishi from the Office of Nuclear Reactor  
25 Regulation's Reactor Systems Branch; Thomas Setzer

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1 from NRC Region I's Division of Reactor Projects. We  
2 also obtain advice from our Office of General Counsel,  
3 represented by Molly Barkman.

4 As described in our process, the NRC staff  
5 may ask clarifying questions in order to better  
6 understand the petitioner's presentation and to reach  
7 a reasoned decision whether to accept or reject the  
8 petitioner's requests for review under the 2.206  
9 process.

10 I would like to summarize the scope of the  
11 petition under consideration and the NRC activities to  
12 date. On June 8th, 2008, as supplemented by e-mails  
13 on June 11th and 19th, 2009 -- let me reiterate. On  
14 June 8th, 2009, as supplemented by e-mails on June  
15 11th and 19th, 2009, Mr. Mulligan submitted a petition  
16 to NRC under 2.206 regarding the Vermont Yankee  
17 Nuclear Power Station.

18 In this request, in this petition request,  
19 Mr. Mulligan requested that the NRC fine Vermont  
20 Yankee \$5,250,000 for operating their reactor  
21 illegally and unsafely with an inoperable  
22 high-pressure coolant injection system coming out of  
23 their start-up after an outage from June 6, 2007 until  
24 June 12, 2007.

25 The petitioner raised a concern that the

1 NRC-approved inspection report 2003-03 of the Vermont  
2 Yankee operating with operating instruction 5210 being  
3 contrary to 10 CFR 50, appendix B, criterion V. He  
4 also questioned whether Entergy had implemented the DC  
5 contractor inspection on the three critical HPCI  
6 valves, V23-14, V23-16, and V23-21, using the revised  
7 inspection guidance since June 2007.

8 Allow me to discuss the NRC activities to  
9 date. On June 16th, the petitioner requested to  
10 address the PRB prior to its initial meeting and  
11 requested time to prepare supplemental information for  
12 the Board's consideration.

13 As a reminder for the phone participants,  
14 please identify yourself if you make any remarks as  
15 this will help us in the preparation of the meeting  
16 transcript that will be made publicly available.  
17 Thank you.

18 Mr. Mulligan, I'll turn it over to you to  
19 allow you to provide any information you believe the  
20 PRB should consider as part of this petition. At this  
21 time you will have one hour to present additional  
22 information in support of your petition to the PRB.  
23 We will provide you with notification when there are  
24 ten minutes remaining as we approach the end of the  
25 hour.

1 Mr. Mulligan?

2 MR. MULLIGAN: Yes, sir?

3 CHAIRMAN BLOUNT: The floor is yours.

4 MR. MULLIGAN: I've got some cleanup stuff  
5 to do here first. I want to report that I made a  
6 complaint about the general fairness of the 2.206  
7 process. And essentially James had told me it was  
8 referred to the OIG, the series of concerns I had and  
9 stuff like that.

10 So I accepted that. And then the next  
11 morning I called up the OIG. And Cheryl Windsor told  
12 me she didn't know anything about it or anything like  
13 that.

14 I do know that the NRC has issues with  
15 their document and internal communications and all  
16 that sort of stuff, but that's the sense that I have.  
17 A lot of times NRC inspectors will tell me that I'm  
18 reporting this -- I'll make a report to the OIG about  
19 this concern.

20 I mean, it sounds like, from my point of  
21 view, it sounds like you just throw my issue in the  
22 wastebasket and nothing ever becomes of it with the  
23 OIG. In the past, they never call me or inquire about  
24 the concern or anything. I never hear anything from  
25 the OIG when an inspector tells me they are reporting

1 it to the OIG.

2 And I just wanted to make sure that that  
3 was clear that from that she acknowledged that she  
4 didn't receive anything from James or his boss or  
5 anything like that and in a sense of fairness and  
6 integrity right there with these types of things. So  
7 that's one thing.

8 CHAIRMAN BLOUNT: Before you pass on that,  
9 could I offer some insight? This is Tom Blount.

10 MR. MULLIGAN: Yes.

11 CHAIRMAN BLOUNT: We understand, and I  
12 received your e-mail or I saw a copy of it. So I then  
13 subsequently also called the OIG's office to let them  
14 know that you had wanted to follow up.

15 The OIG does not as a practice provide the  
16 staff with insight or information on what they are  
17 investigating or how that investigation is proceeding,  
18 but I would encourage you to continue to interact with  
19 the OIG as you deem necessary and appropriate because  
20 they are a separate function of the process.

21 So I just wanted to let you know that we  
22 here at the staff level don't necessarily have insight  
23 that we could share with you other than to provide you  
24 the information that it is recognized that we put that  
25 information forward as we have indicated. But we

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1 don't get into the machinations or mechanisms that the  
2 OIG will employ to evaluate or investigate.

3 MR. MULLIGAN: But you understand what I'm  
4 saying. I called him the next morning. James told me  
5 the report was made. And then the next morning I  
6 called up, and she said she never heard of me. I just  
7 want to make that clear.

8 CHAIRMAN BLOUNT: I understand. Thank you  
9 very much. And we recognize and hear your concern.

10 MR. MULLIGAN: I also made a request  
11 because, I mean, this is all -- I mean, everything for  
12 the NRC is supposed to be in support of the peoples,  
13 the community, and all that sort of stuff. Really,  
14 that is what the NRC is about and stuff.

15 And I have an issue with the Petition  
16 Review Board. I made a request that their  
17 deliberations -- we are in a democracy, and their  
18 deliberations should be transparent and recorded and  
19 available for the public to understand how the process  
20 goes behind closed doors.

21 I don't understand why the PRB Board is  
22 not a democratic, transparent presentation and stuff.  
23 You know, with the internet and all that sort of  
24 stuff, it's easy to make it accessible to everybody.  
25 So that's that.

1 I would like to remind everybody that I  
2 realized how much of a privileged position I am in as  
3 far as being a United States citizen. I mean, I sit  
4 here. And I am making a petition to the United States  
5 government.

6 And I'm asking for some kind of an action  
7 be taken against a corporation. I know that that is  
8 an extraordinarily privileged position to be on the  
9 planet, with all the rest of the countries, United  
10 States affords a little guy like me to face, at least  
11 complain about, a big corporation, big power center,  
12 and stuff like that.

13 And I know and I feel as though I'm a very  
14 privileged individual to be a United States citizen.  
15 And I think United States of America is the best  
16 country in the world. And God bless America. I just  
17 want everybody to know how I feel about the United  
18 States.

19 Just for some background information, the  
20 Fitzpatrick plant recently had some issues with their  
21 HPCI. Well, they didn't have any issues. They  
22 admitted back in 2006 the -- the license event report  
23 number is 2006-02-01. That's rev. 1.

24 And it just recently came out on June 10th  
25 and basically declaring that they didn't disclose a --

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1 when they made a mode change in their reactor, they  
2 should have disclosed it back in 2006. And they're  
3 just getting around to disclosing it right now and  
4 stuff. So that's the kind of background. There are  
5 other issues as far as mode changes.

6 Now I'm referencing inspection report,  
7 Vermont Yankee inspection report, 2009-006. I'm  
8 paraphrasing this. Basically it goes through a --  
9 Vermont Yankee had issues during 2007 with starting up  
10 the plant.

11 And it goes through a bunch of issues with  
12 relays. I believe there were five of them that should  
13 have been inspected. And they were over their limit  
14 as far as they should have been replaced.

15 And it goes on to talk about up until  
16 2008, they really didn't replace or inspect all of the  
17 HPCI relays they were supposed to replace.

18 After 2008, they kept asking permission to  
19 lay the inspection stuff like that. Really, in the  
20 inspection reports, we really don't have an  
21 understanding why those relays weren't being  
22 inspected. You would expect that, you know, you would  
23 get an indication and they would replace the component  
24 as fast as they can.

25 In the inspection reports, you really

1 don't get an idea why. They kind of tell you the  
2 matter of fact information of what is going on. But  
3 they don't really get into the motives and all that  
4 sort of stuff. It's a problem with I think the  
5 inspection process.

6 Also in 2007, when this occurred, I find  
7 it suspicious that the NRC didn't completely describe  
8 it in their following inspection report. The events  
9 surrounding the start-up of 2007, whenever that was,  
10 06-08-07, you know, why didn't the inspection -- why  
11 wasn't the NRC documenting what was going on and  
12 getting it down in the record for us to understand  
13 what was going on?

14 You know, there's the issues of notifying  
15 the rest of the industry of defense going on. And I'm  
16 surprised. I mean, that is part of what the NRC is  
17 supposed to be doing. They're supposed to be  
18 documenting these things as it occurs as completely as  
19 they can and stuff like that. In this case there  
20 really wasn't a mention of the problems with the  
21 relays until the end of the year 2007.

22 I think that's a big problem with the NRC  
23 not meeting the community's needs of immediately  
24 understanding what is going on with the components.  
25 And Vermont Yankee, you know, I think if we had this

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1 information in front of us right immediately, we would  
2 tend to raise a ruckus and force the correction of  
3 these problems at an early stage, instead of waiting  
4 two years afterwards.

5 Back to that newest inspection report,  
6 again, they have this new violation. What was the  
7 violation? The first violation was they didn't do it  
8 according to NRC regulations. What is this one here  
9 about? Well, anyways, why? I don't understand why  
10 this kind of information is mostly available back in  
11 2007.

12 Why are we hearing it now? Why aren't we  
13 hearing all of these problems immediately when they  
14 occur or shortly after or at least in the inspection,  
15 the next inspection report? Why are we going through  
16 these cycles of two years hearing about these  
17 violations two years later?

18 I mean, it doesn't make sense, really. I  
19 think in order for NRC to be effective, all of these  
20 issues should be as far as if they can raise them or  
21 it's known -- and it looks like these things were  
22 known, -- instead of waiting for to go through this  
23 mechanical inspection routine process or whatever you  
24 guys call it, these folks showing up two years after  
25 the event.

1 I think, you know, it's like getting a  
2 speeding ticket on the road and then getting pulled  
3 over two years later on and the police officer is  
4 saying, "Well, you speeded two years ago. And here is  
5 the ticket for it" and stuff.

6 I just don't think it's fair to anybody.  
7 I think these things have to be acknowledged  
8 immediately, have to be outed, and the community has  
9 to be alerted. If there is a response that is  
10 necessary from the community, then everybody will be  
11 forced to correct these problems at the earliest  
12 opportunity.

13 MR. SETZER: Excuse me, Mr. Mulligan. If  
14 I could just interrupt for a minute? I've got a  
15 question for the panel. Tom Blount, would it be  
16 inappropriate or appropriate for me to shed some light  
17 on the two-year issue that Mr. Mulligan has or is that  
18 not part of this hearing?

19 CHAIRMAN BLOUNT: I'm sorry. Who am I  
20 speaking to?

21 MR. SETZER: I'm sorry. This is Tom  
22 Setzer. I'm a senior project engineer, region I.

23 CHAIRMAN BLOUNT: Well, first of all,  
24 let's be clear that this is not a hearing.

25 MR. SETZER: Okay. I'm just using that

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1 term "loosely." This meeting.

2 CHAIRMAN BLOUNT: I understand. So is  
3 there insight that you think would be beneficial to  
4 Mr. Mulligan to understand that? This is his  
5 opportunity to speak to us to support his petition.

6 MR. SETZER: Okay.

7 CHAIRMAN BLOUNT: So I really would like  
8 to hear from Mr. Mulligan.

9 MR. SETZER: Understood. I just thought  
10 I could help clarify one point that would help Mr.  
11 Mulligan. But if that's not the point and time to do  
12 that, we'll --

13 CHAIRMAN BLOUNT: So if you could take  
14 note of that question and then we can come back to  
15 revisit that?

16 MR. SETZER: Certainly. All right. Sorry  
17 for the interruption. Go ahead, Mr. Mulligan.

18 MR. MULLIGAN: Now, in a prior recent  
19 report talking about the diesel generator, they  
20 basically did the same thing as far as, you know,  
21 finding these problems many months and a year or so  
22 after it occurred and then reporting it to the public  
23 and stuff.

24 The problem I see with the NRC generally  
25 is you have -- I mean, you are process-driven.

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1 Everybody is process-driven. Everybody has got these  
2 CARS and CR reports and all this sort of stuff.  
3 You've got a ton of processes, and they are  
4 complicated and they're exotic and stuff like that.

5 I think I get the feeling, you guys, the  
6 process is the goal. You have a problem. You throw  
7 the clothes in the washing machine. Another problem  
8 comes up. You throw the clothes in the washing  
9 machine. And basically you never take the clothes out  
10 of the washing machine and put them in the dryer.

11 Really, I don't get a feeling -- I mean,  
12 this is the latest inspection report about the really  
13 problem. Why does this go on for so long? Why is  
14 this going on until later on this year? Why are these  
15 relays problems not being fixed immediately and stuff?

16 So I think you're process-driven. The  
17 goal is when you have a problem when you want to  
18 explain it to a guy like me or the public is you say,  
19 "Well, we'll throw this in this process. We'll throw  
20 it just in this agency process." And that's the goal  
21 of regulation.

22 The goal of regulation is not to sit there  
23 and say, you know, we can't let this happen again.  
24 We've got to modify it. The results of the inspection  
25 program have to be that the utility has to modify

1 their behavior. They have to change their behavior.

2 I mean, what I see across the board is  
3 that you go through this convoluted ROP program. And  
4 it really doesn't lend to a change in utility  
5 behaviors. You don't have enough horsepower in order  
6 to get the utility to change their behavior. I mean,  
7 I think the utility should respond without a  
8 horsepower, but it seems that in a lot of cases they  
9 don't.

10 Also I have seen issues where these  
11 utility folks rope-a-dope the inspectors. That is,  
12 they play games, bureaucratic games. And the  
13 inspector has an issue. And then they will make an  
14 engineering evaluation, a shallow engineering  
15 evaluation, that they know is not correct. And then  
16 the NRC will have to come back and spend a lot of time  
17 to counteract that with their own evaluation.

18 And you end up, you know, the utility has  
19 800 people. The NRC only has two inspectors on site  
20 and stuff like that. So the game is fixed. You know,  
21 they can tie up the hands repeatedly with these kind  
22 of rope-a-doping game and trying to exhaust the NRC  
23 and stuff because, you know, they're chasing their  
24 tails and they're not looking at new events showing up  
25 and stuff.

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1           So I generally have an issue as far as the  
2 ability of the utilities to not directly answer the  
3 problem. Again, basically, I mean, as far as the  
4 LERs, we can go back. And we can talk about the LER,  
5 Vermont Yankee LER, 207 - 7 - wait a minute. I want  
6 to make sure this is right. That's good, 207002-01.

7           And I've done a lot of work in the last  
8 couple of weeks with NRC in trying to understand how  
9 the license event reports work and stuff. And  
10 essentially what I've come out of that is that there  
11 is no -- I can't trust what an LER says from these  
12 last interactions with the NRC with the last two  
13 weeks, specifically about inspection report and LER.

14           Essentially the guidance is written so  
15 loosely. And who knows what they report and stuff  
16 like that? So I have no confidence that LER exposes  
17 all of the problems associated with an event. I don't  
18 understand. I don't really understand the reason why  
19 the guidance is written that way. I can hazard a  
20 guess. It's part of the Republican nuclear ideology  
21 of being objective and all that sort of stuff and not  
22 forcing the utilities to explain what their problems  
23 are and all that sort of stuff.

24           And that's my guess. So I would for  
25 example, this SER that the company wrote back in 2007.

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1 And my basic gist if back in 05-31-07, the contractors  
2 were carbonized, and they were fitted. To me those  
3 are indications that HPCI was not functional.

4 Once they got started up, instead of doing  
5 the testing, there are issues with passing the system,  
6 operational tests, minimum flow tests, whatever. I'm  
7 not sure exactly how it goes and stuff like that.

8 And then they started doing dull stroking  
9 and stuff. And then in the flow tests, the full flow  
10 tests, the valve didn't work. And, you know, they  
11 inappropriately shifted this event into two separate  
12 events.

13 You know, when they valve didn't work,  
14 they should have said, "Oh, you know, we never proved  
15 HPCI was operational when the pressure was 150 pounds.  
16 We never had a minimum flow test. We never met the  
17 tint of the minimum flow test."

18 Because our procedures were defective, we  
19 should have assumed that HPCI was always broken before  
20 we even started up. And the conservative thing would  
21 have been to shut down immediately. And essentially  
22 it would then realized that the procedure was  
23 inadequate and not accounting to the NRC requirements.

24 And then you would have shifted into not  
25 an isolated problem and say systemic problem with

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1 Vermont Yankee. Then you would have had training.  
2 You know, the full details would have been disclosed.  
3 And you had a couple or three days of training, stuff  
4 like that and what went wrong, and all that short of  
5 stuff. And then you start it back up.

6 And Vermont Yankee could have bragged  
7 about what they did and stuff like that. But,  
8 instead, everybody played the "Let's be quiet" game.  
9 And essentially it took you until operational and  
10 stuff.

11 So that's how, you know, people are  
12 supposed to recognize their problems and correct them,  
13 you know. Even if you deny it in the beginning beyond  
14 usually deny it, eventually people come back and keep  
15 hounding us on it.

16 Well, then we see what we are doing is  
17 wrong. And then we try and correct it and stuff. And  
18 I really don't see that the system is trying to engage  
19 Vermont Yankee and many other utilities with the  
20 intent of making them change their behavior, not with  
21 the intent of throwing a problem into a problem. I  
22 think that's a big problem with the NRC. They're  
23 process-driven. They're not behavior-driven. They  
24 don't shoot for a change in behavior.

25 I also noticed --

1 (Pause.)

2 MR. MULLIGAN: I'm sorry. I'm trying to  
3 fiddle with my computer.

4 I also did an award check on OP-5310,  
5 motor control center. And, I mean, this is just a --  
6 it's not a detailed check or anything like that. But  
7 in inspection report 2002-03 in 2001, OP-5210, rev.  
8 10, MCC inspection, in 2001, they're up to rev. 10.  
9 In 2007, OP-5210 is up to rev. 12. In June 3rd of  
10 2009, they're up to rev. 29.

11 I could make the case and I made an  
12 allegation to the NRC that where I get this out of is  
13 the back side of the inspection report, the list of  
14 documents reviewed from the NRC and stuff.

15 So, you know, the conclusion I draw is  
16 that the NRC prior to the 2007 Vermont Yankee  
17 start-up, the NRC approved of the OP-5210 inspection  
18 procedure of the switchgear or the relay cabinet and  
19 stuff. I mean, essentially the NRC declared that back  
20 in at least 2001.

21 I'm not sure, you know, if they later did  
22 a review of documents, you know, but what is an NRC  
23 review of documents? I asked them, what is the  
24 definition of that type of thing? And I get nothing  
25 from nobody and stuff like that.

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1           Review if you look at the common usage and  
2 stuff like that, that implies that the NRC goes in  
3 details and looks up all the documents in the back of  
4 the inspection report.

5           Thus, the conclusion I draw is the  
6 violation that Vermont Yankee was cited for in 2007,  
7 the inadequacies that they were cited for, they didn't  
8 have inspection criteria and stuff.

9           You know, not having inspection criteria  
10 generally lends to the idea that if you have an  
11 inspection criteria, then you would have to either  
12 fail it or pass it and stuff like that. And you would  
13 have less of an operational flexibility and stuff like  
14 that.

15           So I am saying that the NRC approved of  
16 that procedure they used in 2007 to start up Vermont  
17 Yankee and start up that HPCI system. The NRC  
18 according to the reports inspected and approved that  
19 procedure that was in accord to 10 CFR 50 appendix B  
20 criterion 5 and stuff. So the NRC approved that  
21 improper Vermont Yankee procedure.

22           I mean, I can make a case through the  
23 records that that is what the NRC did and stuff. And  
24 so, again, you know, I just have issues here. You  
25 know, we could sit -- I mean, what this is

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1 interesting, I mean, to me it is that what does this  
2 mean as far as all of these plants starting up after  
3 an outage and stuff like that.

4 You know, how deep does this go where  
5 these plants have a lot of the inspectors take their  
6 eyes off the ball and they walk away from the plant  
7 while it's starting up because they're afraid that  
8 they might interfere with the start-up.

9 Anybody will start acting conservatively.  
10 And the plant will get a worse efficiency rating, you  
11 know. And then guys won't build a renaissance, the  
12 new nukes and stuff like that. You know, you can go  
13 on and stuff.

14 And so the NRC basically sits back and  
15 allows them to do what they want and start up the  
16 plant too efficiently without following the rules and  
17 stuff. And it's very problematic.

18 How big of a deal is this throughout the  
19 country? How many plants? We already know that six  
20 didn't declare that they properly entered a mode that  
21 they shouldn't have been in. I mean, how widespread  
22 is that? You know, this is all about relays and not  
23 having adequate repair parts on site and stuff. I  
24 mean, how big of a problem is that nationwide?

25 You know, these plants are betting old.

1 And these companies are going out of business. How  
2 big of a problem is that with them finding repair  
3 parts? And then everybody has to scrunch around when  
4 they are starting to plan up and play games and  
5 deceive and speak crookedly and that type of stuff.

6 I mean, you flip into, you know, where you  
7 could repair the safety culture of a plant. If  
8 everybody knows the NRC and the utility can talk  
9 crookedly, then, you know, over a plant start-up, then  
10 everybody could talk crookedly if I bring up a  
11 problem, if I bring up an expensive problem that I  
12 discover on my own to the NRC or to a utility.

13 And then you get into these games where,  
14 you know, if you get into a destructive culture like  
15 that, then you've got good guys and bad guys, you've  
16 got a system of intimidation where people who have a  
17 conscience are intimidated with speaking up. And  
18 you've got good guys and bad guys.

19 The good guys might have a lot of issues  
20 that are overlooked because they're lenient to the  
21 company where a bad guy might catch a lot of problems  
22 at the incipient stage. And he has talked as not  
23 being a player in the plant and he gets punished. He  
24 is deemed -- you know, I can make the case that for an  
25 operator, you go through so many procedures. You go

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1 through so many valve lineups and all sorts of  
2 verification.

3 You will sign tens of thousands of things  
4 away a year and stuff. And everybody makes a mistake.  
5 There are a lot of mistakes made. And you go on to  
6 the guys you like. You know, you exaggerate their  
7 problems, and you ignore their mistakes.

8 And, you know, you get this shift of  
9 people from a good guy and a bad guy. The good people  
10 get promoted. The guys that really care about the  
11 plant, they get stuffed down in the bottom and stuff.

12 I mean, as an operator, I remember finding  
13 a lot of -- you know, over a year and stuff like that,  
14 you know. You have so many procedure changes and  
15 stuff. I mean, you spend days going over operation  
16 procedures that have been changed, revised, and stuff  
17 like that.

18 The magnitude of what is going on with  
19 these procedure revisions and stuff like that is  
20 astounding. And I just was saying that with my  
21 allegation with the NRC saying that they reviewed so  
22 many procedures, I know that they didn't. They can't  
23 review them all.

24 What is the object of having that review  
25 list in the back of the inspection report? Is it to

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1 fluff up the NRC to make everybody look like they're  
2 doing work? Are the inspectors spending too much time  
3 looking over procedures when they should be inspecting  
4 the plant? You know, what is going on with that?

5 So, you know, those are the issues to have  
6 with this start-up. I'm really worried about not  
7 necessarily on just Vermont Yankee. You know, a lot  
8 of this stuff with these operators being intimidated  
9 across the board, I see it a lot.

10 And it worries me that somebody can't  
11 honestly talk about these problems and you're shifted  
12 into being a bad guy or a good guy and stuff like  
13 that. It's unnecessary. It's part of this  
14 Republicanism, you know.

15 This ideology of the objective regulator  
16 and all this sort I think is a big problem. It got us  
17 into so much trouble on Wall Street and stuff like  
18 that. I think we have to move away from this  
19 Republican NRC, the ideological NRC.

20 And, you know, utilities have that same  
21 problem as being so ideologic Republicanism, so anti  
22 -- I mean, essentially they are anti-United States.  
23 They hate the government and stuff like that. And I  
24 wonder how that really filters down into like the  
25 activities of the NRC and stuff like that when a

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1 utility hates the government so much.

2 You know, in the background, they really  
3 hate because they think the government is the enemy.  
4 And I just wonder how that is, you know, how that  
5 filters down to somebody overseeing that they hate  
6 you. And they think that the NRC and the government  
7 are the bad people. That must make it horrendously  
8 hard for the NRC to oversee a big organization like a  
9 nuclear plant. I think that's a problem there.

10 I probably am getting down close to the  
11 end of my time. I mean, that's what I think is -- I  
12 mean, I could go into detail, you know. I haven't  
13 gone into a lot of detail in the nuts and bolts of  
14 what I know and stuff like that because I don't think  
15 this is the place for that. But, you know, these are  
16 my concerns. I'm almost done.

17 Here's the crux from my petition in the  
18 discussion section. You see what I'm saying? These  
19 control room people are so smart. They all have been  
20 trained so much they have gone over and over tech  
21 specs training so often. They had so many quizzes and  
22 questions thrown at them and light in school and  
23 recall training about tech specs requirements. They  
24 know these things in and out. They see these things  
25 through professional eyes, and we are seeing them

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1 through an outsider's eyes.

2 Imagine you are a young, fresh, licensed  
3 operator up in the control room. Nobody admits these  
4 things straight out. You see any NRC inspectors  
5 coming in and out. And they have truly questioned  
6 everyone, including the shift supervisor.

7 You know everybody is aware of what  
8 occurred. They started up that plant. And management  
9 with the knowledge fiddled with tech specs and the  
10 rules. They pulled their punches in publicly  
11 reporting this. Management and the NRC concluded to  
12 falsify the whole thing.

13 The young licensed operator would say,  
14 "Really, what kind of risk was this to the public?";  
15 especially thinking about it after it was fixed on  
16 June 13th. He would say there was absolutely no risk  
17 to the public.

18 An astonishing, chilling thought in the  
19 back of his mind, he didn't know management and NRC  
20 were colluding together, potentially saving the  
21 company millions of dollars.

22 If I catch a safety effect that was going  
23 to cost Entergy millions of dollars, what chance does  
24 my career have to prevail if the NRC and management  
25 are in cahoots for the big bucks? They could both

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1 lie, saying I'm an incompetent operator with a mental  
2 illness. And I could lose my job over safety effects  
3 of the NRC and my company.

4 So everybody, the NRC interprets this as  
5 what is the risk of losing HPCI and stuff like that.  
6 I mean, that is what their risk-based perception is  
7 based on this event or is it about a completely  
8 different accident than a simple assumption?

9 What if the site and the licensed operator  
10 lived with the idea that the nuclear industry was  
11 brutally unjust and they thought they faced the fear  
12 of being fired for raising legitimate safety concerns?

13 There was only one way to talk about  
14 conditions in the industry. And everybody only talks  
15 with the nuclear industry's single voice. The  
16 industry and the NRC have absolute infinite brutal  
17 power over these employees with absolutely no human  
18 rights.

19 How much money is human rights worth? How  
20 much salary would you need if they told you the U.S.  
21 Constitution was not working on corporate property?  
22 Would you sell your Constitution rights for \$100,000  
23 a year in benefits?

24 The utility and the NRC are saying that  
25 our story is the absolute facts. Our story can't be

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1 contradicted. The truth is disconnected from real  
2 reality. Your story or evidence will never have any  
3 standing in our system. If this isn't brutal  
4 dehumanization, nothing is.

5 And I think that's it. Yes. I'm done.

6 CHAIRMAN BLOUNT: Well, Mr. Mulligan,  
7 thank you very much. This is Tom Blount.

8 At this time, though, I would like to ask  
9 if the staff has any questions. Staff here at  
10 headquarters, do you have any questions for Mr.  
11 Mulligan?

12 MR. NAKANISHI: This is Tony Nakanishi  
13 with Reactor Systems. I just want to go back to one  
14 of the claims you are making regarding falsification.  
15 I didn't hear you really discuss specifics regarding  
16 that. Can you elaborate on the falsification claim  
17 and what makes you make that claim?

18 CHAIRMAN BLOUNT: Mr. Mulligan?

19 MR. MULLIGAN: Yes.

20 CHAIRMAN BLOUNT: Oh, okay.

21 MR. MULLIGAN: I'm just thinking for a  
22 second.

23 CHAIRMAN BLOUNT: Not a problem. I just  
24 wanted to make sure you heard the question.

25 MR. MULLIGAN: Well, you know, how I would

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1 look at it was what is the evidence? I mean, did  
2 anybody collect any evidence on 5-31-01 during that  
3 inspection when they found the pitting in the  
4 carbonized pitted relays and stuff?

5 I mean, you know, see, from my point of  
6 view, you know, I know what my limits are. There is  
7 a barrier in front of me. I mean, 2.20, I mean, this  
8 thing right here today is usually designed to limit me  
9 on seeing what is really going on there.

10 So, you know, you say, well, what evidence  
11 do I have, you know? What evidence does a control  
12 room operator have, really, when the reactor level is  
13 going down or there is increasing containment leakage  
14 in there?

15 Really, you have to make a judgment. I  
16 mean, it's not about evidence. Evidence you end up  
17 talking about in a courtroom or you end up going  
18 through all the levels of our court system and stuff  
19 like that.

20 You know, for operating a plant, you  
21 cannot base it on evidence. You base it on intuition  
22 and skills and training and all that sort of stuff.  
23 And you make judgment calls that you don't have the  
24 capability to do in a courtroom and stuff.

25 So I know my limitations. I don't have

1 the evidence in front of me other than what the LER  
2 said, what they found on the 31st. And, you know, I  
3 don't know what. Did they save the relays? I mean,  
4 the evidence is that as soon as they started banging  
5 around within relays, it welded shut and stuff. I  
6 mean, that's the evidence right there. Whenever they  
7 were doing their testing and stuff like that, it  
8 welded shut.

9 I mean, all of those indications of it  
10 being carbonized and relays pitted were the evidence  
11 that they weren't going to operate shortly they were  
12 going to fail. And probably they would fail in an  
13 accident if there was need.

14 Does that help at all? Tom? Is that what  
15 you were talking about?

16 MR. NAKANISHI: Yes. Thanks for the  
17 response.

18 CHAIRMAN BLOUNT: This is Tim Blount. Mr.  
19 Mulligan, just for my clarification and understanding,  
20 are you currently or previously an operator at the  
21 facility?

22 MR. MULLIGAN: Yes, I was. And, as a  
23 matter of fact, in 1993, I was fired from Vermont  
24 Yankee or, actually, we had an agreement, but,  
25 actually, the interesting thing was that it was over

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1 an intermittent shorted relay of a fuel pool pump.  
2 And I got a series of investigations and a whole bunch  
3 of procedure changes and stuff like that, you know.

4 So I worked at Vermont Yankee for 12 or 13  
5 years. I've also been involved in other events. My  
6 biggest event was I put a bunch of executives in jail  
7 and discovered a \$450 million fraud issue with a paper  
8 company that was in my area.

9 CHAIRMAN BLOUNT: So when you say  
10 "operator," you were a control room operator or a  
11 plant operator?

12 MR. MULLIGAN: A control room operator.

13 CHAIRMAN BLOUNT: Okay.

14 MR. MULLIGAN: I was licensed for a  
15 control room operator, but I was working as an  
16 auxiliary operator at the time we had our issues.

17 CHAIRMAN BLOUNT: It helps me understand.

18 MR. MULLIGAN: You know, that was in 1993.  
19 I have more technical information, but I do not keep  
20 up with the documents and stuff like that. I know my  
21 limitations. I have very little -- you know, I mean,  
22 you guys are the experts.

23 I actually have to depend upon the NRC to  
24 be my lens and to be able to see what is going on and  
25 stuff like that, you know. Like I'm saying, I think

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1 in some ways, the NRC is not doing its job.

2 I mean, that is the technical problem we  
3 always have, the community has. That's a complex  
4 business that very few people understand what is going  
5 on. And we depend upon the NRC to interpret what is  
6 going on.

7 CHAIRMAN BLOUNT: Okay. Any other  
8 questions from headquarters staff?

9 MR. NAKANISHI: I guess this is Tony  
10 Nakanishi again. One additional question regarding  
11 your claim that the reactor was operated illegally.  
12 I guess I just want to make sure I understand that one  
13 reason you are making that claim is the inspection  
14 procedure not confirming with the appendix B criteria.  
15 I believe that was the only regulation per se that you  
16 cite. Is that the primary reason for concluding that  
17 Vermont Yankee operated illegally?

18 MR. MULLIGAN: Well, again, we get through  
19 this, we get to this problem of what can I see. And  
20 I have a very limited view on that. I mean, I would  
21 have to -- you know, I mean, my limitation is with  
22 tech specs and what is the requirement.

23 I know what is moral and ethical for the  
24 community. And that is that you never attempt to  
25 start the reactor up with HPCI only being -- knowingly

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1 that it would be in a fragile condition where it could  
2 break in an accident. And that's where the relays,  
3 the testing and all that sort of stuff on 34 leads  
4 you, was that machine before it even started up wasn't  
5 capable of meeting its design function, was in a  
6 fragile state.

7 And even if they would have gotten past  
8 their testing, if they would have done some more  
9 testing and all that sort of stuff later on in the  
10 cycle and stuff, there was a high likelihood in an  
11 accident it would fail. And, like I said, plus the  
12 culture of Vermont Yankee would be in a degraded  
13 condition that this indicates.

14 So the question I would ask is, what does  
15 the procedure say in Vermont Yankee specifically on  
16 what HPCI has to be, what condition it has to be in  
17 before they change the mode switch?

18 I'm pretty sure, you know, that HPCI has  
19 to be knowingly functional. In other words, they  
20 might have maintenance work on it and all that sort of  
21 stuff. But there has to be assurances to following  
22 the procedures and having the skill of the trades and  
23 the stuff like that that the people put that stuff  
24 back together in the right way with quality components  
25 and they don't install the greatest components and

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1 stuff like that, you know, the skill of the craft,  
2 however you want to term that stuff like that.  
3 They're supposed to have a basic understanding that  
4 that machine, even before it's tested, could meet its  
5 commitment and once they get into the testing routines  
6 have to start up. That gives you the insurance that  
7 it can meet its intent and stuff like that.

8 So I would have two questions. What does  
9 the tech spec? What does the procedure say? I really  
10 don't have those capabilities to understand if it's  
11 technically illegally.

12 I know morally and ethically but without  
13 a doubt in my mind that that machine should have been  
14 before that mode switch was changed, that that machine  
15 should have had brand new relays in there and they  
16 didn't.

17 CHAIRMAN BLOUNT: Okay. Any other  
18 questions here from headquarters?

19 MR. MULLIGAN: I mean, you know, I can't  
20 ask anybody any questions about what the Vermont  
21 Yankee's start-up procedures say about HPCI. I'm  
22 pretty sure there is a signature in the start-up  
23 procedure that says HPCI has to be known to be  
24 operational. I am not quite sure what tech spec says  
25 as far as did Vermont Yankee start up having the

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1 cabinet open and relays removed?

2           Could Vermont Yankee start up with those  
3 relays removed? And they know that that machine isn't  
4 capable of meeting its intent because the relays  
5 aren't there. The valve won't open. Could they start  
6 up and say, "Well, you know, but that's 17 days. No  
7 sweat. We'll get it fixed." Is that legal? Do you  
8 see what I'm getting at?

9           MR. NAKANISHI: Yes, yes. Thank you.

10           CHAIRMAN BLOUNT: From the region, are  
11 there any regional questions for Mr. Mulligan?

12           MR. SETZER: No, no questions from the  
13 region. Again, pardon the earlier interruption. I  
14 realize I spoke out of turn. But no questions.

15           CHAIRMAN BLOUNT: And that's quite all  
16 right, but if you do or would like to reiterate, this  
17 would be a time.

18           MR. SETZER: No, no specific questions.  
19 Thank you.

20           CHAIRMAN BLOUNT: Understand. Does the  
21 licensee have any questions for Mr. Mulligan?

22           MR. DEVINCENTIS: Vermont Yankee has no  
23 questions.

24           CHAIRMAN BLOUNT: I understand.

25           MR. MULLIGAN: You guys have been more

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1 talkative to me than you were last time. That's good.

2 CHAIRMAN BLOUNT: Are there any members of  
3 the public on the phone?

4 (No response.)

5 MR. MULLIGAN: One more thing. The  
6 Petition Review Board, that's important, you know.  
7 That's a request I'm making, that the Petition Review  
8 Board become transparent in their meetings behind  
9 closed doors are recorded and everybody gets their  
10 comments put on the record so that the community can  
11 understand what is going on. So the -- hello?

12 CHAIRMAN BLOUNT: Yes.

13 MR. MULLIGAN: So the Petition Review  
14 Board could be more of a democratic process. Do you  
15 understand what I am making with that?

16 CHAIRMAN BLOUNT: Your point is  
17 understood.

18 MR. MULLIGAN: Okay. Thank you, not just  
19 this, all the times in the future, not just this time,  
20 you know, every time that this thing comes up again.

21 CHAIRMAN BLOUNT: Mr. Mulligan, I would  
22 like to thank you for taking the time to provide the  
23 NRC staff with clarifying information on the petition  
24 that you submitted.

25 Before we close, does the Court Reporter

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1 need any additional information for the meeting  
2 transcript?

3 THE REPORTER: I think there was just one  
4 name that I had a question about. It sounded like  
5 Nancy Delgado.

6 MS. SALGADO: That's Nancy Salgado,  
7 S-a-l-g-a-d, as in David, o.

8 THE REPORTER: S-a-l-z-a-d-o?

9 MS. SALGADO: S-a-l-g-a-d-o.

10 THE REPORTER: Okay. That was g, as in  
11 George?

12 MS. SALGADO: Correct.

13 THE REPORTER: Okay. Thank you very much.

14 CHAIRMAN BLOUNT: With that --

15 MR. MULLIGAN: I would like just two  
16 sentences. I would like to have everybody to be  
17 reminded that the utilities in a general manner are  
18 under historic financial pressures and stuff as far as  
19 with their stock prices and cutbacks on electric  
20 loads. And they're not bringing in as much money as  
21 they did in the past. And the background of all of  
22 this is that the utility industry, the electric  
23 utility industry, is under an historic stressor. And  
24 that's all I need to say.

25 CHAIRMAN BLOUNT: Thank you, Mr. Mulligan

1 again. And, with that, the meeting is concluded. We  
2 will be terminating the phone connection at this time.  
3 I would like to wish everyone a good day.

4 MR. MULLIGAN: Thank you very much for  
5 this opportunity.

6 (Whereupon, the foregoing matter was  
7 concluded at 11:45 a.m.)

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**CERTIFICATE**

This is to certify that the attached proceedings  
before the United States Nuclear Regulatory Commission  
in the matter of: Vermont Yankee 10 CFR 2.206

Name of Proceeding: Petition

Docket Number: (n/a)

Location: Teleconference

were held as herein appears, and that this is the  
original transcript thereof for the file of the United  
States Nuclear Regulatory Commission taken by me and,  
thereafter reduced to typewriting by me or under the  
direction of the court reporting company, and that the  
transcript is a true and accurate record of the  
foregoing proceedings.



Eric Mollen  
Official Reporter  
Neal R. Gross & Co., Inc.

M. Mulligan

- 2 -

This issue was entered into Entergy's corrective action program that included: performing an extent of condition review to identify affected contacts in other systems, evaluating system operability, developing a prioritized replacement schedule based on risk significance, developing criteria for replacement during preventive maintenance activities, and requiring periodic replacement of related heavily loaded MOV contactors.

In addition, Vermont Yankee has implemented "Commercial Dedicated Programs for Procurement" for purchasing the replacement contactors for three DC breaker cubicles (V23-14, V23-16, and V23-21). As short-term corrective actions until the replacement contactors are procured, Entergy performed a visual inspection of the three DC contactors, performed an operability evaluation for the HPCI system, and provided interim guidance to plant operators concerning DC contactor inspections following HPCI valve operations. Vermont Yankee has been successful in procuring the replacement DC contactors suitable for nuclear plant application and these DC contactors are scheduled to be replaced in September 2009.

As discussed above, the NRC staff has reviewed the licensee corrective actions and found them to be appropriate.

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: ML092180459  
Incoming: ML091660122  
Supplement 1: ML091880499  
Supplement 2: ML091770498

Supplement 3: ML091910198  
Supplement 4: ML092170062  
Response: ML092180454  
Enclosure: ML092020329

OFFICE	LPL1-1/PM	LPL1-1/LA	R1/BC	LPL1-1/BC	DPR/PM	DPR/DD
NAME	JKim	SLittle	DJackson	NSalgado	TMensah	TBlount
DATE	8/11/09	8/10/09	8/12/09 Via e-mail	8/12/09	8/13/09	8/17/09

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