

# Official Transcript of Proceedings

## NUCLEAR REGULATORY COMMISSION

Title: 2.206 Petition of Michael Mulligan  
RE Vermont Yankee

Docket Number: 50-271

Location: (telephone conference)

Date: Monday, January 25, 2010

Work Order No.: NRC-043

Pages 1-33

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ALSO PRESENT:

JIM DEVINCENTIS, Vermont Yankee

DON JACKSON, Region 1, DPR

JAMES KIM, Petition Manager, NRR

TANYA MENSAH, NRR

MICHAEL MULLIGAN, Petitioner

NANCY SALGADO, NRR

TOM SETZER, Region 1, DPR

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

(2:33 p.m.)

MR. KIM: Good afternoon. I'd like to thank everyone for attending this meeting. My names is James Kim, and I'm the Project Manager.

We are here today to allow the petitioner, Mr. Michael Mulligan, to address the Petition Review Board, regarding 2.206 petition dated January 12<sup>th</sup>, 2010.

I'm the Petition Manager for the petition. The Petition Review Board Chairman is Ted Quay. As part of the purpose of the Review Board's review of this petition, Mr. Michael Mulligan has requested this opportunity to address the PRB.

The meeting is scheduled from 2:30 to 4:00 pm. This meeting is being recorded by the NRC Operations Center, and will be transcribed by a court reporter. The transcript will become a supplement to the petition. The transcript will also be made publicly available.

I'd like to open this meeting with introductions. As you go around the room, please be sure to clearly speak your name, your position, and those that you work for within the NRC, for the record.

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1 I'll start off. This is James Kim, the  
2 Project Manager, in the Division of Operating Reactor  
3 Licensing, in the NRR.

4 MS. MENSAH: My name is Tanya Mensah. I  
5 am the 2.206 coordinator, in the Office of Nuclear  
6 Reactor Regulation.

7 CHAIRMAN QUAY: I'm Ted Quay, the SES  
8 Chairman of the Petition Review Board, and I'm in the  
9 Office of Nuclear Reactor Regulation, the NRR.

10 MS. SALGADO: Hello, I'm Nancy Salgado.  
11 I'm the Branch Chief in the Division of Operating  
12 Reactor Licensing, NRR.

13 MR. KIM: We are finished with  
14 introductions at the NRC headquarters. At this time,  
15 are there any NRC participants from the regional  
16 office on the phone?

17 MR. JACKSON: This is Don Jackson, with  
18 DRP, in Region 1.

19 MR. SETZER: Hello, this is Tom Setzer.  
20 I'm also with Region 1, DRP, Senior Project Engineer  
21 for Vermont Yankee.

22 MR. KIM: Are there any representatives  
23 from the licensee on the phone?

24 MR. DEVINCENTIS: Yes, this is Jim  
25 Devinentis, Senior Lead Licensing Engineer, Energy

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1 Nuclear.

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

4 MR. MULLIGAN: I'm Mike Mulligan, and I  
5 live in Hinsdale, New Hampshire, across the river from  
6 Vermont Yankee.

7 MR. KIM: Are there any other associated  
8 members of the public on the phone?

9 I'm hearing none.

10 I'd like to emphasize that we each need to  
11 speak clearly and loudly to make sure that the court  
12 reporter can accurately transcribe this meeting. If  
13 you have something that you'd like to say, please  
14 state your name for the record.

15 At this time, I turn it over to PRB  
16 Chairman, Ted Quay.

17 CHAIRMAN QUAY: This is Ted Quay. Welcome  
18 to this meeting regarding the 2.206 petition submitted  
19 by Mr. Mulligan.

20 I would like to first share some  
21 background on our process. Section 2.206 of Title 10  
22 of the Code of Federal Regulations describes the  
23 petition process. Section 2.206 is the primary  
24 mechanism for the public to request enforcement action  
25 by the NRC in a public process.

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1           This process permits anyone to petition  
2 the NRC to take enforcement-type action related to the  
3 NRC licensees or licensed activities.

4           Depending on the results of its  
5 evaluation, NRC could modify, suspend, or revoke an  
6 NRC-issued license, or take any other appropriate  
7 enforcement action to resolve a problem. The NRC  
8 staff's guidance for the disposition of 2.206 petition  
9 requests is in Management Directive 8.11, which is  
10 publicly available.

11           The purpose of today's meeting is to give  
12 the petitioner an opportunity to provide any  
13 additional information, explanation, or support for  
14 the petition, before the Petition Review Board's  
15 initial consideration and recommendation.

16           This meeting is not a hearing, nor is it  
17 an opportunity for the petitioner to question or  
18 examine the Petition Review Board on the merits or the  
19 issues presented in a petition request.

20           No decision regarding the merits of this  
21 petition will be made at this meeting. Following this  
22 meeting, the Petition Review Board will conduct its  
23 internal deliberations. The outcome of this internal  
24 meeting will be discussed with the petitioner.

25           The Petition Review Board typically

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1 consists of a chairman, usually a manager at the  
2 Senior Executive Service level at NRC. It has a  
3 Petition Manager, and a Petition Review Board  
4 Coordinator. Other members of the board are  
5 determined by the NRC staff based on the content of  
6 the information in the petition request. At this  
7 time, I would like to introduce the board.

8 I am Ted Quay, the Petition Review Board  
9 Chairman.

10 James Kim is the Petition Manager for the  
11 petition under discussion today.

12 Tanya Mensah is the Office Petition Review  
13 Board Coordinator.

14 Other technical staff includes Tom Setzer  
15 from Region 1, Division of Reactor Projects. As  
16 described in our process, the NRC staff may ask  
17 clarifying questions in order to better understand the  
18 petitioner's presentation and to reach a reasoned  
19 decision whether to accept or reject the petitioner's  
20 request for review under the 2.206 process.

21 I would like to summarize the scope of the  
22 petition under consideration, and the NRC activities  
23 to date. On January 12<sup>th</sup>, 2010, Mr. Mulligan  
24 submitted to the NRC a petition under 2.206 regarding  
25 tritium leakage at the Vermont Yankee Nuclear Power

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1 Plant.

2 In his request, Mr. Mulligan requested  
3 that, one, the radioactive leak into the environment  
4 of Vermont Yankee be immediately stopped, and Vermont  
5 Yankee be immediately shut down, and all leaking casks  
6 be isolated.

7 Two, Vermont Yankee disclose their  
8 preliminary root-cause analysis and the NRC release  
9 their preliminary investigative report on this before  
10 plant start-up.

11 We'd like to allow NRC to discuss the NRC  
12 activities to date. On January 20<sup>th</sup>, the petitioner  
13 requested to address the Petition Review Board prior  
14 to its initial meeting and requested time to prepare  
15 supplemental information for the Board's  
16 consideration.

17 As a reminder for all phone participants,  
18 please identify yourself if you make any remarks, as  
19 this will help us with the preparation of the meeting  
20 transcript that will be made publicly available.  
21 Thank you.

22 At this time, Mr. Mulligan, I'd like to  
23 turn it over to you to provide any information you  
24 believe the Petition Review Board should consider as  
25 part of its decision. You have one hour to provide

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1 additional information to the Petition Review Board.

2 You may go ahead, Mr. Mulligan.

3 MR. MULLIGAN: Hello, I'm Mike Mulligan.

4 And how do I sound? Do I sound all right? Can  
5 everybody hear me?

6 CHAIRMAN QUAY: Okay here in headquarters.

7 MR. SETZER: Okay here in the Region,  
8 Mike.

9 MR. MULLIGAN: I don't have to go louder,  
10 or softer, or anything like that? This is fine?

11 MR. SETZER: Yes, this is fine. Thank  
12 you.

13 MR. MULLIGAN: Let me -- like I asked the  
14 last time I had a 2.206, I requested that all internal  
15 -- you know, we're in democracy, and we have President  
16 Obama at the end of the week talk about making him and  
17 Washington speak for the people, especially the little  
18 people, and stuff like that.

19 So, you know, I request that all  
20 deliberations, all internal deliberations be recorded  
21 and be, you know -- like I had last time, I think that  
22 should be a new process with the 2.206 Petition Review  
23 Board to be fully transparent, and enter -- you know,  
24 we're supposed to be entering the new Obama era of  
25 openness and transparency.

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1           There's a lot of different ideas I have  
2 for trying to make the agency more accountable to the  
3 communities.

4           You know, the Petition Review Board is  
5 supposed to make a reasonable decision, but the  
6 problem is -- and I know you guys are factual-based  
7 and evidence-based -- the problem has always been, how  
8 can you make, you know -- you asked me for factual  
9 information. Everybody knows that I have always had  
10 very little information to, you know -- what's ever in  
11 the media, and what's ever on the internet site, and  
12 I have talked to Miss -- NRC officials and stuff like  
13 that.

14           But most of the information has been very  
15 sparse, and stuff like that. So that's always been my  
16 hurdle, and stuff like that. So the Petition Review  
17 Board says, I want to make a reasonable decision about  
18 my petition, but everybody knows before I even open my  
19 mouth, I am severely limited to the information that  
20 I have, and that's essentially the problem with all  
21 petitions is that, the game is, that we're provided --  
22 we're given so little information, through the source  
23 -- either through the media, it's very limited, or  
24 through the NRC site, it's very limited. And, so  
25 that's -- you know, I wanted to ask that again, this

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1 by result of internal deliberations be recorded and  
2 available for the public to see what's going on.

3 I just want to know -- want you to know,  
4 Saturday I was called by some of my neighbors, and  
5 they said that -- what's all that noise going on at  
6 Vermont Yankee? And it was probably around 2 p.m.,  
7 and I went over to the river and listened and stuff,  
8 and evidently the well-drilling machine was somewhere  
9 on Vermont Yankee property. That's probably two to  
10 three miles away, and the noise was quite loud. It  
11 was very -- it was extremely loud, even at such a far  
12 distance away.

13 And I called up the safety line and asked  
14 that somebody take a look at that and make sure, you  
15 know, there's a lot of issues with that -- if there's  
16 any kind of alarms, or fire alarms, or inside the  
17 turbine building, or I don't know if the control room  
18 was involved, as far as being a more noisy  
19 environment, you know.

20 A fire brigade could have been outside and  
21 not be able to communicate, and stuff. There's a lot  
22 of communications issue with all that noise. And you  
23 know I wasn't there, but there was a concern that  
24 there was so much noise with the well-drilling  
25 equipment that it was a safety concern.

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1           So far, it looks like the NRC's having  
2           two different teams coming up. One is a tritium -  
3           - you're going investigate the tritium sampling  
4           program, you know, how does Vermont Yankee measure  
5           the tritium and that stuff.

6           And then there's another one that's  
7           your -- you're going over the re-licensing issues  
8           with all the pipes, or the pipes related to the  
9           radwaste pipes -- whatever pipes, AOG pipes that  
10          are associated with the leak.

11          But I don't see, you know, anybody  
12          having any kind of an investigation of, like,  
13          where does the tritium -- how does the tritium get  
14          produced, and how is the tritium mitigated? What  
15          are the, you know, what are the ways that you  
16          could minimize the production of tritium, so even  
17          if you do have a leak, it would be minimized?

18          Another concern is -- a new one  
19          developing -- is the idea that a plant might fear  
20          being permanently shut down. And so they don't  
21          want to shut down. You know, they say, well,  
22          jeez, if they shut us down, they won't allow us  
23          back up again, so there's a pressure on, there's -  
24          - I think, it's an abnormal pressure on plants in  
25          Vermont Yankee's situation, that there might be an

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1 inhibition to appropriately shut down when they're  
2 supposed to. Or, you know, if there's a safety  
3 concern for something like that, and I wish people  
4 would be aware of that.

5 From what I've seen, the NRC  
6 commissioners and the chairman, I mean there is --  
7 I don't think the United States has -- they  
8 essentially have -- I think that the chairman is  
9 democratically inspired. He got there through,  
10 you know, the Democrats wanted him, Harry Reid --  
11 and what -- however he got in there -- got to be  
12 chairman, you know, I think the Democrats were  
13 involved.

14 We know that there was two other  
15 commissioners, maybe three, that are going to be  
16 appointed by President Obama and stuff. So, I  
17 mean, President Obama has had an unprecedented  
18 opportunity to shape the NRC commissioners.

19 What I see in the last year is, you  
20 know, Obama came in to change Washington, to --  
21 he's going to talk by the end of the week about  
22 changing -- making Washington work for the little  
23 guy and speak for the little guy and stuff like  
24 that. What I found with the NRC is since Obama  
25 came into office, it's -- a lot of people are

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1 frustrated that Washington isn't speaking for the  
2 little guy, and we find with the NRC  
3 commissioners, there's been less communication,  
4 that there's been a lot of garbled communication  
5 and that there's been no revolution as far as the  
6 ways of the NRC. And so we have a, you know, a  
7 concern about that, that it hasn't turned out the  
8 way we thought it would.

9 We tried to give you an opportunity  
10 to, you know, to get your bearings and stuff like  
11 that, and we're out a year. And basically NRC is  
12 operating in the same way it's always operated at,  
13 or even worse, because there's a fear of -- for  
14 some reason that I -- that we can't understand.  
15 And so, I mean, there's a concern there, that the  
16 NRC is not working for the communities and the  
17 little people.

18 We noticed that Palisades just  
19 recently, as an example, in January 2007, they had  
20 license renewal. By September 2007, the NRC  
21 discovered -- we think an employee spoke up and  
22 brought the attention to the NRC, so it's  
23 different than the NRC discovering it. We don't  
24 know the full story, but there was a discovery  
25 that the fuel racks and the fuel assemblies, some

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1 of them were swollen and you couldn't remove --  
2 you couldn't take out the fuel assemblies. And it  
3 later developed into that it was a reactivity  
4 problem with these swollen assemblies and stuff.  
5 And so what we're concerned about, is how did that  
6 get by re-licensing?

7 If re-licensing happened in January  
8 2007 and we start discovering this stuff in  
9 September of 2007, that's only six months, or  
10 less, or about six months. I mean, how did that  
11 get by re-licensing? And, you know, it gets down  
12 to the problem where we're wondering if there's  
13 something wrong with re-licensing.

14 Oyster Creek is basically the same  
15 question. They get re-licensed and two weeks  
16 after that, they start having tritium leaks. Two  
17 tritium leaks, and stuff -- we're not -- I don't  
18 have all the information on that. But again,  
19 that's the idea that something's wrong with re-  
20 licensing.

21 And it's suspicious that these kinds  
22 of problems that have been around for a lot of  
23 years with the fuel racks, and with the tritium  
24 issue with Oyster Creek, and now potentially with  
25 Vermont Yankee, with their pipes, with their

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1 radwaste piping and AOG piping, that this wasn't  
2 picked up and corrected before you know, during  
3 the re-licensing problem -- re-licensing process.

4 So, you know, I mean, you would think  
5 that these guys would admit up, we've got a  
6 problem with this right now, we're going to fix it  
7 before we get re-licensed. And there's a feeling  
8 that these licensees aren't stepping forward and  
9 admitting what their problem are -- is -- or known  
10 problems with the plant, and they wait to open  
11 their mouths, or they trip over themselves, after  
12 re-licensing.

13 And we think that's something that is  
14 a big problem. There's credibility issues there,  
15 you know, and truthfulness and all sorts of stuff  
16 like that.

17 I was a little involved with Florida  
18 Power and Light, and basically how that -- how  
19 this problem developed over the last few years,  
20 essentially a lot of employees got discouraged  
21 with talking about safety problems at their plant.  
22 The Florida Power and Light was not spending  
23 enough money, not training enough employees,  
24 intimidating employees once they wouldn't stand  
25 the sense of untruthfulness. So that cascaded

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1 into some media stories and stuff like that. And  
2 then that cascaded into problems with the Public  
3 Service Board and the credibility of the Public  
4 Service Board.

5 And they started questioning, you  
6 know, credibility issues, and then out popped the  
7 text message issues where the Public Service Board  
8 was talking with Florida Power and Light, and from  
9 that point on, they asked some to leave -- Public  
10 Service Board people to leave, and the governor  
11 got involved, and they waited on -- until the next  
12 group of Public Service Board people came on board  
13 to make a decision on the new nuclear power plants  
14 at Florida Power and Light.

15 And it was dropped. It was frozen and  
16 stuff. So we, you know, there's that path that  
17 these credibility problems take. It starts out,  
18 frustration with the employees at the plant, and  
19 they can't explain -- nobody wants to listen to  
20 them, and everybody's got excuses to not listen to  
21 them.

22 And people start paying attention, and  
23 then, you know, other things pop out, and the next  
24 thing you know, a ten-billion dollar plant is  
25 cancelled. It seems that nobody has -- they'd be

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1 losing faith in the NRC, and that's where it  
2 starts because the NRC's supposed to stop that  
3 stuff when it emerges, that they're supposed to  
4 nip it off in the bud and make everybody do the  
5 right thing.

6 And if it happens early, then the  
7 industry is allowed to continue with existence.  
8 And potentially, there could have been those new  
9 plants in there. But once you get into these  
10 issues of people telling half-truths, and talking  
11 out of both sides of your mouth and stuff like  
12 that, people tend to scrutinize you more, and they  
13 pick up more errors, and who knows what the end is  
14 on that, you know.

15 I tend to blame it on the NRC,  
16 actually, were they not doing, really, their job.  
17 They might be following the rules, but there's got  
18 to be a higher calling than following the rules or  
19 policies.

20 The rules and policies don't do  
21 anything or analyzing, we do that upstairs in our  
22 head. So we've got the rules in front of us,  
23 we're supposed to follow it, but we always got to  
24 be a part of us that are above the rules and laws.  
25 Does this make sense, does -- is the 2.206 process

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1 serving -- is it serving the community or  
2 individual of the community, and stuff like that?

3 I see a lot of this mechanical rules  
4 stuff with the NRC, excuse not to disclose what's  
5 going on, excuse not to -- withhold information in  
6 one way or another, not to show us, to give us the  
7 assurance that the NRC is, well, watching over  
8 Vermont Yankee and stuff. Everybody loses  
9 credibility.

10 And essentially we see the same kind  
11 of a problem with Vermont Yankee today as we do  
12 with Florida Power and Light and even Oyster  
13 Creek. And for one thing, the essence of -- we  
14 don't know what they told the NRC as far as in re-  
15 licensing. We'll have to wait and see what that  
16 turns out to.

17 But then it's exactly the same thing.  
18 The vice president goes into a testimony, and they  
19 talk out of both sides of their mouths. It's  
20 interpreted as lying or misrepresenting the facts.  
21 Everybody looks closer at him, starts scrutinizing  
22 him, and scrutinizing, and scrutinizing the  
23 agency. People question if the  
24 agency is honest and stuff, and who knows what the  
25 outcome is going to be of this? And personally,

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1 I think it's, the root cause - I hate to say root  
2 cause because there's never one -- but is the NRC,  
3 if they would have been doing their job and  
4 rooting these problems out beforehand when they  
5 were small, we wouldn't get to the point where --  
6 I think we're going to lose Vermont Yankee because  
7 of credibility issues and honesty issues. I think  
8 that's what this is all about.

9 It's really a -- I mean, I always  
10 thought that it wasn't really a technical issue,  
11 and stuff like -- other than not enough resources  
12 and stuff like that. You know, the issue of  
13 honesty and trust and stuff like that.

14 And I think you're going to end up  
15 shutting the plant down because nobody trusts the  
16 NRC or Vermont Yankee or Entergy talking about  
17 these issues and -- I mean, I think that's what  
18 the heart of the problem is and stuff. I tell  
19 everybody, two or three years ago, Vermont Yankee  
20 had an open door to get licensed, and probably  
21 nobody was going to be able to challenge them  
22 before the tower issue and stuff like that, you  
23 know.

24 And then they ran into these issues  
25 with credibility and stuff and people start

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1 questioning their activities. I don't think the  
2 NRC's been doing their job with it and stuff. And  
3 here we sit, at the precipice of closing down the  
4 plant, and I -- you know, I don't think it's all  
5 Vermont Yankee's fault and stuff. I think the  
6 agency hasn't been doing -- you know, like I say,  
7 the agency has to do more than follow the rules,  
8 or follow the procedures, or follow the policies  
9 and stuff like that. There's got to be something  
10 more than that.

11 And the essence of, you know, we have  
12 to maintain our credibility over the plant. We  
13 have to maintain Entergy's credibility. That's  
14 the only way these power plants are going to  
15 survive. If the credibility collapsed, then who  
16 knows what's going to happen? So that's my  
17 concern about that, trying to explain why we got  
18 to where we are.

19 As far as some issues on tritium  
20 production -- now this is some of the stuff that,  
21 again, I picked up on the internet. You know, I'd  
22 like to know what the tritium concentration in the  
23 vessel has been on average, over the last twenty  
24 years. You know, I don't -- not every second, but  
25 you know, an idea of what are the trends that have

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1 taken place, with the up-rate, and any other kind  
2 of issues.

3 An example would be the main condenser  
4 leakage, and stuff -- probably might increase the  
5 need for corrosion chemicals, or hydrogen stuff.  
6 So that's one thing we don't know -- I don't know  
7 about -- the control room -- the control blade --  
8 the control rod blade might be leaking boron into  
9 the coolant, and has it varied? So we have no  
10 idea if that might be occurring.

11 That would -- the boron would, and  
12 higher tritium -- have issues with the processing  
13 standby boron injection -- I can't remember what  
14 the name of it is, the big boron tank that they --  
15 with the injection valves, that they inject boron  
16 in. Have they been sloppy with getting the boron  
17 in radwaste? And they've got more -- they've got  
18 excess boron in the core, or in the vessel.

19 Hydrogen chemistry, you're injecting  
20 hydrogen into the vessel. When it gets activated  
21 by a neutron, it ends up being tritium. So, you  
22 know, is hydrogen chemistry part of the problem?  
23 Does that develop because the main condenser has  
24 leakage?

25 We're wondering about the tritium

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1 concentration in the reactor turbine building  
2 plenum, the condensate: what is the, what is the  
3 concentration on that?

4 We noticed a good thing with the  
5 Vermont State Department of Health, and we're  
6 wondering why the NRC doesn't do something like  
7 it, and that would be the, they have -- they -- on  
8 their internet site, they have a day-by-day update  
9 of the problems with tritium with Vermont Yankee.

10 We're surprised that -- you know, the  
11 old school was, you were a document agency, when -  
12 - how this developed, and you shared documents and  
13 microfiche, and that's how all these delays in  
14 inspections -- you know, you have an inspection,  
15 it takes three months for you to go -- to get out  
16 the inspection results and stuff -- it's just too  
17 long. It's too long, and it's non-participatory.

18 So, you know, we're trying to think of  
19 ways that people would be -- participate more  
20 easily. And that would be to go to the root of --  
21 like the Department of Health, and have an updated  
22 daily issues -- maybe an opportunity for people to  
23 question the NRC people that are knowledgeable.

24 And, you know, and they write down  
25 their results and stuff like that, and maybe that

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1 would help, because the bottom line is  
2 credibility. The only way you guys are going to  
3 operate nuclear power plants is to maintain  
4 credibility. You won't operate nuclear plants if  
5 your credibility collapses.

6 You know, we always wondered why,  
7 like, in inspection reports and stuff like that,  
8 why can't people start looking into the new world  
9 of the internet and stuff? Why can't individuals  
10 be involved with the inspections?

11 Maybe the inspection is kind of  
12 written out on a day-by-day basis -- this is what  
13 we got, this is what we found -- and allow people  
14 in the community to ask, you know, questions and  
15 stuff so you would kind of write the inspection  
16 report along with the public.

17 Then you'd write a final report when  
18 it's all over with. You know, so you could answer  
19 some of the people's concerns as the report is  
20 written, instead of being stiff-armed at the end  
21 with the NRC's interpretation of it.

22 I forgot to mention, I made a request  
23 that I be allowed to go with the -- to be allowed  
24 to come on-site and be a visitor, or accompany the  
25 NRC on their inspection results -- on their

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1 inspections of Vermont Yankee, so I'd be allowed  
2 to come with them on-site, and go around with  
3 them, and observe what I see, and be able to talk  
4 about, you know, what I see and my  
5 interpretations. And I mean -- I don't want to  
6 get to -- I wouldn't want to be too much in  
7 everybody's way and stuff like that, but, you  
8 know, that would be somebody in the public, not  
9 associated with Vermont Yankee.

10           Maybe even have -- be a considered a  
11 negative, but somebody that would -- would be  
12 contrary to Entergy and the NRC. And stuff like  
13 that. You know, if there -- I always thought if  
14 there was more participation with people like me,  
15 and other interested people we were allowed to be  
16 in the information stream, where the NRC wouldn't  
17 have a natural inclination to challenge certain  
18 things, or the Entergy, but us guys, we would ask  
19 stupid questions and stuff like that. You'd have  
20 a better opportunity to head these things off  
21 before they become big, like at Vermont Yankee, or  
22 Oyster Creek, or Florida Power and Light and stuff  
23 like that.

24           We basically think this -- the root of  
25 all of this is not having enough transparency, not

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1 having enough community participation. The  
2 essence of the NRC using any excuse they can think  
3 of, whether it's proprietary, or security, any  
4 excuse far and above what is necessary to -- with  
5 secrecy and withholding information and being  
6 scared to risk saying something that you're not  
7 supposed to, taking the easy way out, and just not  
8 divulging information. We think those things are  
9 destroying the industry, actually, and we wish the  
10 NRC would become more open.

11 As far as why should you shut down  
12 Vermont Yankee, I think the example of the AOG  
13 piping drain. And I think the issue of the  
14 corroded pipe -- that AOG pipe is easily corroded.  
15 I don't know what the condition of the pipe is in  
16 there, but there seems to be issues with it and  
17 stuff. And the safe and conservative thing would  
18 be -- there seems to be water underneath the pipe,  
19 or pools of water underneath the pipe. And the  
20 safe and conservative thing would be, shut down  
21 the plant and replace the pipe. And any other  
22 pipe that's -- I mean, imagine this is a new  
23 plant, and they had issues like this. I mean,  
24 there would be no -- you know, they wouldn't want  
25 to, they'd have such a bright future in front of

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1       them, they wouldn't want to risk alienating the  
2       public.

3                       So they'd probably shut down the plant  
4       and fix everything. But you've got a plant now  
5       that's at the end of its life here, and  
6       politically sensitive, and stuff like -- so  
7       they're afraid to do what they would need to do  
8       and stuff. There's a concern about that.

9                       So, there's that -- already there's  
10       that -- seems to be that pool of water underneath  
11       the pipe, and the pipe is corroded. We don't know  
12       if there's a hole in the pipe, but it needs to be  
13       replaced anyway. So the safe and conservative  
14       thing would be to shut the plant down and replace  
15       the pipe, and while you're down there, you can do  
16       the inspections on all the other pipes and stuff  
17       like that.

18                      What we found trouble, with the NRC,  
19       is that they have to have absolute -- you're  
20       fanatics on evidence and proof and stuff like  
21       that, from our side. A lot of times you don't  
22       need the utility, just needs -- on their whim they  
23       can say something without much evidence behind it.  
24       And you accept it.

25                      With me and stuff like that, you need

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1 a lot of evidence, and make sure it's in the  
2 rules, and all that sort of stuff. And it's kind  
3 of like ideological in nature.

4 A lot of this we do because it's  
5 ideological in nature, a lot of rules, senseless  
6 ideology and rules. You're a higher status and  
7 one guy's this status and then the other guy's  
8 this status, and we're not going to listen to him  
9 because he has a lesser status. Maybe he has a  
10 better idea and stuff.

11 So a lot of this problem we think is  
12 related to an ideology at a lot of these new  
13 plants that have become obsolete. And that in  
14 itself is a huge problem.

15 So, you know, we don't understand --  
16 it's like you have to have absolute proof where  
17 that AOG pipe is leaking, absolute proof. But you  
18 don't want to go digging down there to find the  
19 proof and stuff like that. As of right now, I  
20 don't know what's going on. But you need absolute  
21 proof in order to force that plant to shut down.  
22 And you know most of us don't operate that way.  
23 We have -- we use a lot less of a standard, you  
24 know. There's a pool of water underneath there,  
25 and the pipe is corroded, and, you know, there's

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1 children on the sidewalks, when we're in school  
2 area, so we slow down, we're conservative, we  
3 don't want to take unnecessarily -- unnecessarily  
4 -- risk.

5 That's the kind of attitude I think  
6 the agency should use, instead of having these --  
7 you know, we can't do anything unless they  
8 absolutely cross a rule or a violation. We don't  
9 have absolute proof. I think you have to operate  
10 on a much higher level.

11 You have to use a lot more neurons in  
12 your head than just the rules and stuff. And we  
13 think that this business with the AOG pipe is in  
14 that area.

15 Why can't you just be conservative and  
16 shut down that plant and replace that pipe? Why  
17 can't you bypass -- why can't you bypass that  
18 pipe, you know, make another line next to it and  
19 stuff? But we don't have any information. We're  
20 not kept up to date with what's going on at the  
21 plant and stuff. So we think you have enough  
22 evidence that -- if you don't have enough  
23 evidence, then you should dig that pipe --  
24 everything out underneath that pipe and make sure  
25 that it's not leaking and there's not an excessive

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1 amount of corrosion that will be a threat to us in  
2 the future and stuff like that.

3           So, I mean, it's an excuse, not  
4 digging out that pipe and looking at it. It's an  
5 excuse not to shut down that plant and stuff.  
6 That's what we're worried about. And then you  
7 back up and say, well, you know, we don't have the  
8 evidence that that's where the problem is.

9 Well, this evidence thing is -- you know, I  
10 understand about being accused of something you  
11 didn't do, and what do you have -- what kind of  
12 evidence you have to have against you and stuff  
13 like that. I understand. It's not like I haven't  
14 felt it myself.

15           But to live in a democracy, you have  
16 to accept less than 100-percent proof. You have  
17 to have -- we have to accept -- to live in a  
18 community, we have to accept people nosing around  
19 and occasionally raising, you know, the back of  
20 our ears and stuff.

21           We have to accept that to be part of  
22 a community. We have to accept the police nosing  
23 around, and checking on us, and all that sort of  
24 stuff. We -- I don't think we -- you know, a  
25 police can operate in a realm where, you know,

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1 they have to have 100-percent proof to do  
2 everything. They have to do to protect the  
3 community. I do, you know.

4 So they, Vermont Public Health  
5 indicates on their site that there's ground-  
6 penetrating radar that indicates saturated water.  
7 I mean, why isn't that enough proof to get them to  
8 replace that pipe? Big deal if they make a  
9 mistake, you know. They're going to need to  
10 replace that pipe anyway.

11 I mean, what's, what's -- I don't --  
12 why do they have to, why do you have to have -- to  
13 be absolutely correct all the time? Why can't you  
14 be 90 percent correct? And if you make a mistake,  
15 then you just say -- well, you just shrug your  
16 shoulders and say, that's the price of doing  
17 business. That's the price of being conservative.  
18 And we're willing to pay that price.

19 I, I don't know -- actually, I --  
20 that's probably all I have to say that -- with  
21 that -- with this. I hope that if anybody's got  
22 any question, they ask me it or something.

23 CHAIRMAN QUAY: Well, thank you, Mike.  
24 This is Ted Quay again. At this time, does the  
25 staff here at headquarters have any questions for

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1 Mr. Mulligan?

2 I see none here. What about Region 1,  
3 do you have any questions for Mike?

4 MR. JACKSON: No, we have no questions  
5 from Region 1.

6 MR. SETZER: No questions, thank you.

7 CHAIRMAN QUAY: Okay.

8 MR. MULLIGAN: Can I make one more --  
9 one more thing to make sure that I got it right?  
10 I'm making a request to go on-site and go and be  
11 a -- accompanying -- to go with the NRC on-site  
12 and to be an observer of the inspections, and  
13 stuff associated with the tritium water issue.

14 I mean, I'm making a request, I don't  
15 know what you guys are going to think of that, but  
16 that's --

17 CHAIRMAN QUAY: To state that request,  
18 it would have to go through the Region, Mike.

19 Okay?

20 MR. MULLIGAN: Well, I --

21 CHAIRMAN QUAY: Is there anybody from  
22 the Licensee on the line?

23 MR. DEVINCENTIS: Yes there is, and we  
24 have no comments.

25 CHAIRMAN QUAY: Okay.

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1 Well, Mr. Mulligan, I want to thank  
2 you for taking the time to provide the NRC staff  
3 with clarifying information you submitted.

4 Before we close, does the court  
5 reporter need any additional information for the  
6 meeting transcript?

7 COURT REPORTER: Let's see. I just  
8 have a few questions. Can we go off the record?

9 CHAIRMAN QUAY: Sure.

10 (Whereupon, the above-entitled matter  
11 went off the record at 3:19 p.m.)  
12  
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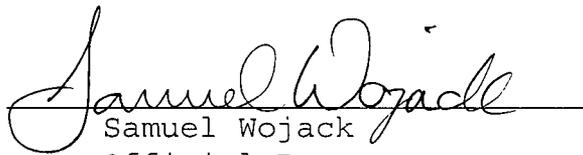
This is to certify that the attached proceedings  
before the United States Nuclear Regulatory Commission  
in the matter of: Vermont Yankee

Name of Proceeding: 10 CFR 2.206 Petition of  
Michael Mulligan

Docket Number: 50-271

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.

  
Samuel Wojack  
Official Reporter  
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