

From: Michael Mulligan [steamshovel2002@yahoo.com]
Sent: Wednesday, January 20, 2010 8:35 PM
To: Kim, James
Subject: Re: Vermont Yankee 2.206 for Tritium Leak

Mr Kim,

Addendum to my 2.206 to immediately shutdown Vermont Yankee

Based on a assortment of Vermont political and state regulatory officials saying they lost the faith and trust of the word of Vermont Yankee...I request that VY be immediately shutdown. I request Vermont Yankee be immediately shutdown because they are not qualified to hold a nuclear power plant license. They no longer have the integrity and trust to operate a nuclear power plant.

So my first 2.206 was based on a safety barrier or safet system being breach, being in a uncharacterized and unsafe condition. My new 2.206 is based on that Vermont Yankee and Entergy don't have the integrity to safety run a nuclear reactor.

I futher request all my past and future e-mails be entered into NRC Adams with the 2.206.

Thanks,

Mike Mulligan
Hinsdale, NH

<http://www.burlingtonfreepress.com/article/20100120/NEWS02/100120043/High-levels-of-radioactive-material-found-state-to-begin-independent-testing>

High levels of radioactive material found; state to begin independent testing

Meanwhile, state officials are calling for the state Health Department to conduct its own investigation and not rely on information from Vermont Yankee.

"Since Vermonters have lost confidence in Entergy Louisiana's credibility, the Speaker (of the House, Shap Smith) and I urge the Department of Health to immediately implement independent, verifiable testing," said Sen. Peter Shumlin, Senate president pro tem and Democratic gubernatorial candidate whose Windham County district includes Vermont Yankee. "This independent testing is critical to ensure Vermonters that we are getting reliable information about this crisis."

“David O'Brien, commissioner of the Department of Public Service, agreed that independent testing was needed. "We want to be able to have public confidence in the information we're getting from the site," he said.”

<http://www.rutlandherald.com/article/20100120/NEWS/100129993>

Radioactive surface water found at Vermont Yankee

4:20 p.m.

By DANIEL BARLOW

Vermont Press Bureau - Published: January 20, 2010

Shumlin and House Speaker Shap Smith, D-Morristown, said in light of recent revelations that Entergy officials misled state regulators and lawmakers about the existence of underground pipes at the plant – pipes that are now suspected of leaking this radioactive isotopes – they are calling for independent tests to be performed by the Vermont Department of Health.

From: "Kim, James" <James.Kim@nrc.gov>
To: Michael Mulligan <steamshovel2002@yahoo.com>
Sent: Wed, January 20, 2010 12:40:10 PM
Subject: RE: Vermont Yankee 2.206 for Tritium Leak

Mr. Mulligan,

For the planning purpose, I would like to inform you that you have an 1-hour for your presentation.

Look forward to our teleconference on Jan. 25th at 2:30 pm.

Thanks
Jim Kim

From: Michael Mulligan [mailto:steamshovel2002@yahoo.com]
Sent: Wednesday, January 20, 2010 11:11 AM
To: Kim, James
Subject: Re: Vermont Yankee 2.206 for Tritium Leak

Mr Kim,

Jan 25th will be fine.

thanks,

Mike

From: "Kim, James" <James.Kim@nrc.gov>
To: Michael Mulligan <steamshovel2002@yahoo.com>
Sent: Wed, January 20, 2010 7:17:50 AM
Subject: RE: Vermont Yankee 2.206 for Tritium Leak

Mr. Mulligan,

The earliest date for the phone call we can have is January 25th from 2:30 to 4:00 pm in order to accommodate the PRB members' schedules. Please let me know as soon as possible whether January 25th is acceptable. I need some time to set up a recorded bridge line and invite a court reporter to transcribe the meeting.

Thanks
Jim Kim

From: Michael Mulligan [mailto:steamshovel2002@yahoo.com]
Sent: Tuesday, January 19, 2010 5:22 PM
To: Kim, James
Subject: Re: Vermont Yankee 2.206 for Tritium Leak

Mr Kim,

Seeing how Vermont Yankee disclosed this afternoon the tritium leak has expanded 500 feet north from the first well, could we schedule it for tomorrow?

Mike

From: "Kim, James" <James.Kim@nrc.gov>
To: Michael Mulligan <steamshovel2002@yahoo.com>
Sent: Tue, January 19, 2010 1:18:39 PM
Subject: RE: Vermont Yankee 2.206 for Tritium Leak

Mr. Mulligan,

Are you requesting to address the PRB on January 25, 2010?

Thanks
Jim Kim

From: Michael Mulligan [mailto:steamshovel2002@yahoo.com]
Sent: Tuesday, January 19, 2010 12:04 PM
To: Kim, James
Subject: Re: Vermont Yankee 2.206 for Tritium Leak

Mr Kim,

If I was given immediate access to the Vermont Yankee site as a NRC visitor or observer I'd have no problem with that. As far as the Jan 25th teleconference?

From: "Kim, James" <James.Kim@nrc.gov>
To: Michael Mulligan <steamshovel2002@yahoo.com>
Sent: Tue, January 19, 2010 11:16:05 AM
Subject: RE: Vermont Yankee 2.206 for Tritium Leak

Mr. Mulligan,

In accordance with MD 8.11, the internal PRB meeting is a closed meeting.

Thanks
Jim Kim

From: Michael Mulligan [mailto:steamshovel2002@yahoo.com]
Sent: Tuesday, January 19, 2010 11:14 AM
To: Kim, James
Subject: Re: Vermont Yankee 2.206 for Tritium Leak

Mr Kim,

You said "Otherwise we will use it to hold an internal PRB meeting to disposition your petition."

I am trying to figure out what I want to do. Will that that "internal PRB meeting" be recorded and available for the community to see on the internet?

Thanks,

Mike

From: "Kim, James" <James.Kim@nrc.gov>
To: Michael Mulligan <steamshovel2002@yahoo.com>
Sent: Tue, January 19, 2010 8:44:04 AM
Subject: RE: Vermont Yankee 2.206 for Tritium Leak

Mr. Mulligan,

In accordance with the Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions", we are offering you an opportunity to address the PRB. We can schedule a teleconference with you on January 25, 2010 (Monday) from 2:30 - 4:00 pm. Please let me know whether January 25 is acceptable for you to address the PRB. Otherwise we will use it to hold an internal PRB meeting to disposition your petition.

Thanks

James Kim
Vermont Yankee Project Manager, DORL
U.S. Nuclear Regulatory Commission
301-415-4125
E-mail: james.kim@nrc.gov

From: Michael Mulligan [mailto:steamshovel2002@yahoo.com]
Sent: Sunday, January 17, 2010 10:07 PM
To: Kim, James
Cc: Setzer, Thomas
Subject: Re: Vermont Yankee 2.206 for Tritium Leak

Mr. Kim,

Based on Oyster Creek's tritium leak that practically invalidated the NRC relicensing of the plant...you can't get away these things wouldn't have happened if the NRC wasn't horrendously dysfunctional. You have had a startling loss of public faith with the NRC's mission of protecting safety and licensee truth telling. Don't you wonder in any future crisis at any other domestic nuclear plant, you will continue to bungle public relations...further harm the public's faith and trust in the nuclear industry...the NRC itself? How many investigations do they got going with tritium issues between these two plants...plus all ineffectual past activity with tritium issues. The whole idea behind the function of the NRC is to prevent and minimize troubles for the nuclear industry, besides following the agency's rules and regulations. Basically, the NRC's job is to keep the nuclear plants out of trouble...besides your mandated job of protecting the health and safety of the public. There has been a dismal stream of ineffectual NRC activity in recent months.

Anyways, the people of Vermont (and New Hampshire) through this assortment of newspaper editorials and statements by politicians, are crying out for the NRC to take immediate action surrounding the collapse of trust and integrity of the NRC, Entergy and Vermont Yankee.

- 1) Immediately convene within 24 hours a emergency 2.206 pre petition board, or better yet, grant me a ticket into a full 2.206 proceeding.

2) Grant me permission to be a full observer and participant with any NRC special inspection or other proceeding surrounding the VY tritium issue...allow me access to all documentations and all meetings and the reactor site.

3) I suggest all NRC meetings and licensee discussions be video camera'd, recorded and placed on your NRC's internet site. I suggest extreme transparency concerning the tritium issues, cause there has been such a lost of faith and trust with the NRC and Vermont Yankee.

I can't remember, did the NRC blow off my request last 2.206, to make all 2.206 internal processes transparent...like record and transmit all non public determinations, like the pre 2,206 internal decision on whether to grant a 2.206. Make all processes of the 2.206 fully publically transparent. Could the NRC send me a response to this request one way or another.

Thanks,

Mike Mulligan
Hinsdale, NH

...Senator Patrick Leahy - "I am deeply concerned about press reports today which suggest that Vermont Yankee officials provided inaccurate information to investigators about the risk of radioactive leaks in the plant's underground pipes. Such a leak could place Vermonters at risk, as well as devastate our land and natural resources. The Nuclear Regulatory Commission should investigate these reports immediately and if Vermont Yankee in fact failed to disclose critical information about the safety of the plant, they must be held accountable."

<http://www.wcax.com/Global/story.asp?S=11831636>

Heat turned up over VY 'miscommunication'

Associated Press - January 15, 2010 6:35 PM ET

MONTPELIER, Vt. (AP) - Word that the Vermont Yankee nuclear plant misled state regulators on the existence of underground piping at the Vernon reactor is prompting expressions of concern from a range of state leaders.

U.S. Sen. Bernie Sanders is calling the news alarming, and is demanding a full investigation by the federal Nuclear Regulatory Commission.

Lt. Gov. Brian Dubie, a Republican candidate for governor, says before lawmakers consider whether to approve a 20-year license extension for the plant, conflicting statements from Vermont Yankee need to be resolved.

Senate President Pro Tem Peter Shumlin, a Democratic candidate for governor, and House Speaker Shap Smith scheduled a news conference for Friday to provide their reactions to the situation.

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The Honorable Gregory B. Jaczko
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Jaczko:

We are writing in response to the alarming news that Entergy, owner of the Vermont Yankee nuclear power plant, may have misled state officials regarding the safety of the plant.

Elevated levels of radioactive tritium have recently been found in a groundwater monitoring well on the plant site and we understand from recent news reports that Entergy has confirmed that underground piping is among the possible sources of the contamination. According to various reports in the media, this comes after Entergy Vermont Yankee officials had told state investigators, on a number of occasions, that there was no underground piping carrying water that could contain radioactivity. This leak highlights our ongoing concerns about Entergy Vermont Yankee's commitment to safety and to being forthright with the public and state and federal regulatory and safety agencies.

We therefore request that you undertake an immediate and thorough investigation to determine if there was an attempt by Entergy Vermont Yankee to mislead state officials regarding the plant's safety and underground piping. Please also determine whether information provided by Entergy to the NRC has been accurate, complete, and consistent with that provided to the State of Vermont. We hope you can pinpoint exactly what Entergy knew about the extent of their underground piping and this leak, and when they knew it. We would also like to know whether and why state regulatory agencies were not made aware of the extent of underground piping and the risk it posed prior to this incident, and whether communications to the NRC have been complete and timely. Finally, we would like the NRC to continue to work with the plant to determine the cause of the leak and resolve the situation as quickly as possible to avoid any further release of radioactive materials.

Please continue to keep us thoroughly informed as more information becomes available. We are committed to assisting Vermont and the NRC to ensure that the

Entergy Vermont Yankee plant meets its safety obligations. We appreciate your timely attention to this issue.

Sincerely,

PATRICK LEAHY
United States Senator
BERNARD SANDERS
United States Senator
PETER WELCH
United States Representative
Contacts:

Michael Briggs (Sanders): 202 224-5141

David Carle (Leahy): 202 224-3693

Paul Heintz (Welch): 202 226-8346

http://www.reformer.com/opinion/ci_14196564

A tough sell

Saturday 01/16/2010

The new year didn't bring glad tidings to the Vermont Yankee nuclear power plant. Last week, we learned that tritium, a radioactive isotope that is a byproduct of nuclear power production, was discovered in a monitoring well located about 30 feet from the Connecticut River.

Vermont Yankee officials and the Nuclear Regulatory Commission have said the level of radioactivity in the well was low and was not a threat to public health and safety. So far, they say, the tritium-laced water hasn't shown up in any of the other monitoring wells on the plant site and it apparently hasn't reached the Connecticut River.

The 17,000 picocuries per liter of tritium that was found is well below the 30,000 picocurie level that triggers a required report to the NRC, and below the 20,000 picocurie per liter that is the safety limit for drinking water set by the federal Environmental Protection Agency.

Just the same, the NRC considered this a serious enough incident to send one of its top officials to Vernon this week to check things out. An investigative team of chemists, engineers and groundwater experts are now at the plant looking for the source of the radioactive water.

This is not an isolated incident, as tritium leaks have occurred at more than a dozen nuclear power plants around the United States. It raises important questions for Vermont Yankee. What is the extent of the tritium contamination? Will it add to the

cost of decommissioning the plant when it eventually closes? And where, exactly, is the leak coming from, particularly after plant officials told a legislative oversight panel last year that the plant had no underground pipes that could carry contaminated water?

These are questions that need firm and accurate answers.

Lawmakers in Montpelier -- who will likely vote this year on whether to extend Vermont Yankee's license for another 20 years -- are worried that the latest leak will make the expensive job of decommissioning the plant that much more expensive.

There's also been some controversy over the underground piping at the plant. Last year, plant officials repeatedly said that there was little concern about tritium leaking from underground piping at the plant because the reactor did not have much underground piping and those pipes did not carry irradiated water.

But according to The Associated Press, plant officials "apparently provided different answers about the extent of underground piping -- one to a consultant hired by the state Department of Public Service, part of the administration of Republican Gov. James Douglas, which has generally been friendlier to Vermont Yankee, and another to a panel of experts brought in by Democratic legislative leaders, who have been more critical."

While plant spokesman Rob Williams admitted to the AP that Yankee "should have been more thorough" in answering the legislative panel's questions and that no one meant to mislead them about the plant's underground piping, it once again gives fodder to Vermont Yankee's critics. After all, the critics say, if plant officials are giving different answers on this issue, what else are they being misleading about? There remains a perception gap between the claims of safe and reliable operation by plant officials and the steady parade of mishaps -- big and small -- that have plagued Vermont Yankee in recent years.

The record shows that the plant is rated as one of the top plants in the nation for reliability, despite those much publicized incidents. But there is a growing perception around the state that the longer the plant runs, the more things could go wrong.

That's what is making a relicensing vote such a tough sell in the Legislature. Plant officials say they have made a strong case for another 20 years of operation. But can they overcome the perception that -- even with a reported \$300 million of repairs and upgrades in the past eight years -- Vermont Yankee may not be safe enough to run for another 20 years?

<http://www.rutlandherald.com/article/20100117/OPINION01/1170315/1038/OPINION01>

Pressure builds

Published: January 17, 2010

The revelation that the Vermont Yankee nuclear power plant has been leaking radioactive tritium from underground pipes whose existence had not been revealed to safety inspectors and state officials is a significant blow to the hopes of Yankee's owners that the Legislature might be willing to extend the plant's license.

The Department of Public Service, which has supported license extension, is re-evaluating its position, according to Deputy Commissioner Stephen Wark. Commissioner David O'Brien said there was no evidence that Entergy Nuclear, the owner of the plant, had lied intentionally about the underground pipes, but that, at the least, the company was guilty of purveying misinformation.

Environmental groups opposed to license extension quickly seized on the issue, accusing Entergy of lying and calling for the plant to be shut down as scheduled in 2012.

The tritium controversy is a new nightmare for Entergy officials who have been working to persuade a skeptical Legislature that the plant ought to be allowed to run for 20 years beyond its 40th year in 2012.

The tritium, which turned up in monitoring wells in recent weeks, does not exceed safety limits at present, though the spike in tritium from 700 to 17,000 parts per liter must be considered alarming. Also alarming is the misinformation provided by Entergy about the source of the tritium.

At the outset attention focused on an aboveground condensate tank because tritium had leaked in significant amounts from the tank in 1976. Later Entergy revealed that the leak came from a previously undisclosed system of underground pipes.

Legislators were skeptical about Entergy's claim that the failure to reveal the existence of a system of underground pipes carrying radioactive liquid was merely an oversight. "They have blueprints," said Sen. Mark MacDonald, a Democrat from Orange County. "Where are they? Are they with Jimmy Hoffa?"

MacDonald raises other questions. He notes that the ratepayers paid for the construction of Vermont Yankee once. Now, he said, they are being asked to pay for it again. That's because the spinoff corporation that Entergy hopes to establish to buy the plant would have to go deep into debt, which would be financed by ratepayers. Why is that in the public interest?

A consultant working for the Legislature has also raised questions about the job losses that would follow from the closing of Vermont Yankee. Gov. James Douglas frequently cites the 600 well-paying jobs provided by Yankee as a reason to keep it in operation.

But consultant Arnie Gundersen has provided the Legislature with figures calling into question Douglas' argument. He said that spent nuclear fuel must be cooled for five years after the plant is closed. Thus, the plant must continue to employ a sizable work force of reactor operators, maintenance workers, health physics specialists, and guards for those five years. He estimated that even before the dismantling of the plant occurs, Yankee would have to continue to employ about 350 people until 2017. At the outset, he said, there would be a loss of about 200 jobs, about 70 of which would be held by Vermonters.

Meanwhile, he said it would take about 100 engineers to plan the dismantling of the plant. Then after five years of cooling, he said, up to 1,000 trades workers would be needed for several years to carry out the dismantling.

Those who see the advantages of nuclear power — curbing carbon emissions, providing relatively low-cost power, employing Vermonters — keep wishing Entergy would finally show itself to be trustworthy. But as the Legislature moves toward a possible vote on the license extension, the tritium controversy has created new questions that must be answered.

Did the underground system of pipes ever get a look? How can the plant be called safe if it didn't? How vulnerable are the pipes? Is Vermont's groundwater in danger? Why did everyone overlook the pipes in the first place?

It appears the exhaustive safety study conducted to show us whether Yankee was safe missed these questions. How long will it take for them to be answered? Time is running out.

<http://www.burlingtonfreepress.com/article/20100117/OPINION01/1170301/1006/OPINION/Editorial-Reasons-to-question-Vt.-Yankee-s-future>

Editorial: Reasons to question Vt. Yankee's future

SUNDAY, JANUARY 17, 2010

Revelations about underground pipes carrying radioactive fluids at Vermont Yankee raise serious concerns about how much stock Vermonters can place in Entergy's repeated reassurances about the safety of the plant or anything else.

The sequence of events is especially bad for plant owner Entergy, which is trying to convince state lawmakers and regulators that allowing the plant to operate beyond 2012 is in Vermont's best interest.

Entergy revealed last week that underground pipes could be the source of elevated levels of radioactive tritium detected in a groundwater monitoring well. Yankee

officials said the tritium level detected posed no health threat, but they would continue to monitor the leak to see if it was spreading.

Only last year, Yankee officials said the plant had few underground pipes, and they carried no irradiated water. Entergy spokesman Rob Williams called the situation a "miscommunication," but even Gov. Jim Douglas, who has generally supported relicensing, isn't buying it.

Douglas has sought to be a reasonable voice in the Yankee debate, demanding due diligence to prove the plant safe and reliable, and only then calling on the Legislature to send the relicensing decision to the Public Services Board.

Public Service Commissioner David O'Brien said Thursday, "The governor feels this has been a breach of trust," adding, "We're not going to support relicensing in front of the Public Service Board until these issues are cleared up."

Although Douglas has been pushing the Legislature to vote on relicensing, Deputy Public Service Commissioner Stephen Wark now says the underground pipe incident might be a legitimate reason to delay the vote.

That's a heavy vote of no confidence from Entergy's own corner.

Vermont Yankee's recent history is full of events that raise questions about how the plant is run and the reliability of information provided by Entergy. To name just three:

In August 2007, a cooling tower collapsed due to degraded timber supports, despite a 2005 inspection by a company hired by Entergy that found no problems. While Entergy and federal regulators said the collapse posed no threat of a radioactive leak, the images did nothing to instill public confidence that a plant approaching 40 years old was good for another 20 years.

Starting in July 2008, a series of new leaks were discovered in the cooling tower, caused by, according to the Nuclear Regulatory Commission, inadequate repairs made after the previous year's collapse.

In December 2009, Entergy Vice President Jay Thayer told the Free Press that only one of the Democratic candidates for governor -- none had backed relicensing -- had visited the plant or met with Vermont Yankee officials, an assertion disputed by the candidates.

The underground pipe incident adds to the noxious drip, drip, drip of Vermont Yankee's troubled history and shows once again that Entergy is its own worst enemy in the plant's bid to win a license extension. In light of Entergy's record, lawmakers, regulators and the public have every reason to question information coming from Vermont Yankee and the plant's future in the state.

