

**Official Transcript of Proceedings**

**NUCLEAR REGULATORY COMMISSION**

Title: 2.206 Petition RE Vermont Yankee

Docket Number: 50-271

Location: (telephone conference)

Date: Tuesday, February 23, 2010

Work Order No.: NRC-088 Pages 1-36



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1 || UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

+ + + + +

4 OFFICE OF NUCLEAR REACTOR REGULATION

+ + + + +

6 | 10 CFR 2.206 PETITION

7 | -----x

8 | In the Matter of: ::

MICHAEL MULLIGAN'S : Docket No. 50-271

10 Petition with Respect to : .

11 | VERMONT YANKEE

11 VERMONT YANKEE

12 | ----- x

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13 || Tuesday

For more information about the study, please contact Dr. John P. Morrissey at (212) 305-6000 or via email at [john.morrissey@nyu.edu](mailto:john.morrissey@nyu.edu).

Tuesday, February 23, 2010

18 BEFORE:

19 THOMAS BLOUNT, Chairman, Petition Review Board

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1 NRC STAFF PRESENT:

2 MOLLY BARKMAN, OGC

3 STEVEN GARRY, NRR

4 ROBERT HARDIES, NRR

5 JAMES KIM, Vermont Yankee Project Manager, NRR

6 TANYA MENSAH, 2.206 Coordinator, NRR

7 STACEY ROSENBERG, NRR

8 NANCY SALGADO, NRR

9 THOMAS SETZER, Region 1

10

11 ALSO PRESENT:

12 MICHAEL MULLIGAN, Petitioner

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## 1 P R O C E E D I N G S

2 (9:04 a.m.)

3 MR. KIM: Good morning.

4 MR. MULLIGAN: Good morning.

5 MR. MULLIGAN: I'd like to thank everyone  
6 for attending this meeting. My name is James Kim.  
7 And I am the Vermont Yankee Project Manager.8 And we are here today to allow the  
9 Petitioner, Mr. Michael Mulligan, to address the  
10 Petition Review Board since the initial recommendation  
11 was made regarding the 2.206 petition dated January  
12 12th, 2010.13 I am the Petition Manager for the  
14 petition. The Petition Review Board Chairman is Tom  
15 Blount. The power of the Petition Review Board is to  
16 review of this petition. Mr. Michael Mulligan has  
17 requested this opportunity to address the PRB.18 This meeting is scheduled from 9:00 to  
19 10:00 a.m. The meeting is being recorded by the NRC  
20 Operations Center and will be transcribed by a Court  
21 Reporter. The transcript will become a supplement to  
22 the petition. The transcript will also be made  
23 publicly available.24 I'd like to open this meeting with  
25 introductions. As you go around the room, please be**NEAL R. GROSS**

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1       sure to clearly state your name, your position, and  
2       all the office that you work for within the NRC for  
3       the record.

4                   I'll start off. This is James Kim, the  
5       Vermont Yankee Project Manager, in the Division of  
6       Operator Reactor Licensing in NRR.

7                   MS. SALGADO: Hello, I'm Nancy Salgado.  
8       I'm the Branch Chief for DORL, Division of Operator  
9       Reactor Licensing.

10                  MR. HARDIES: I'm Bob Hardies, Senior  
11       Level Advisor in the Division of Component Integrity  
12       in NRR.

13                  MS. BARKMAN: Molly Barkman, I'm an  
14       attorney in the Office of General Counsel.

15                  MR. GARRY: I'm Steve Garry, a Senior  
16       Health Physicist in the Office of Nuclear Reactor  
17       Regulation.

18                  MS. MENSAH: I'm Tanya Mensah. I'm the  
19       2.206 Coordinator in the Office of Nuclear Reactor  
20       Regulation.

21                  CHAIRMAN BLOUNT: I'm Tom Blount, PRB  
22       Chair, Office of Nuclear Reactor Regulation.

23                  MS. ROSENBERG: I'm Stacey Rosenberg. I'm  
24       the Branch Chief for the Licensing Processes Branch in  
25       the Division of Policy and Rulemaking in NRR.

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1                   MR. KIM: Okay. We are finished with  
2 introductions at the NRR Headquarters.

3                   At this time, are there any NRC  
4 participants from the Regional Office on the phone?

5                   MR. SETZER: Yes, hi, this is Tom Setzer.  
6 I'm a Senior Reactor Inspector in the Region I Office  
7 of the Division of Reactor Projects.

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

10                  (No response.)

11                  MR. KIM: Are there any others such as  
12 members of the public on the phone?

13                  (No response.)

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

16                  MR. MULLIGAN: Hi, I'm Mike Mulligan from  
17 Hinsdale, New Hampshire. I have quite a long record  
18 of whistle-blowing. They started off actually in  
19 Vermont Yankee with numerous whistle-blower suits.  
20 There's been numerous other whistle-blowing events  
21 that have taken place I've taken part in.

22                  There was the third largest paper mill in  
23 the United States that got into trouble over  
24 pollution. It was started by me and ended up being a  
25 350-million dollar fraud investigation. And a lot of

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1           executives are in jail. So, you know, I just have  
2           some experience anyways.

3                 I'm just a citizen of Hinsdale, New  
4           Hampshire. That's who I represent.

5                 MR. KIM: Okay. Thank you.

6                 I would like to emphasize that we each  
7           need to speak clearly and loudly to make sure that the  
8           Court Reporter can accurately transcribe this meeting.  
9                 If you have something that you would like to say,  
10           please state your name for the record.

11                 At this time, I'll turn it over to the PRB  
12           Chairman, Tom Blount.

13                 CHAIRMAN BLOUNT: Good morning, this is  
14           Tom Blount. And welcome to the meeting regarding the  
15           2.206 petition submitted by Mr. Mulligan.

16                 I'd first like to share some background on  
17           our process. Section 2.206 of Title 10 of the Code of  
18           Federal Regulations describes the petition process,  
19           the primary mechanism for the public to request  
20           enforcement action by the NRC in a public process.  
21                 This process permits anyone to petition NRC to take  
22           enforcement-type action related to NRC licensees or  
23           license activities.

24                 Depending upon the results of this  
25           evaluation, NRC could modify, suspend, or revoke the

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1 NRC-issued license or take any other appropriate  
2 enforcement action to resolve a problem. The NRC  
3 Staff Guidance for the disposition of 2.206 petition  
4 request is in Management Directive 8.11, which is  
5 publicly available.

6 The purpose of today's meeting is to give  
7 the Petitioner an opportunity to provide any  
8 additional explanation or support for the petition  
9 after the Petition Review Board's initial  
10 consideration and recommendation.

11 MR. MULLIGAN: Excuse me. Additional  
12 information as far as Directive 8.11, basically it  
13 doesn't ask for any additional information. It asks  
14 for my explanation of what I think is going on. So,  
15 I mean, I had an issue with it last time with that  
16 being said, and, you know, what the directive really  
17 asks for. It doesn't ask for additional information.  
18 It gives me an opportunity to express my thoughts and  
19 feelings of what I think is going on -- to enhance you  
20 guys' understanding of what I think is going on.

21 CHAIRMAN BLOUNT: This is Tom Blount.  
22 From my perspective -- our perspective -- your  
23 clarifying comments are what we would consider  
24 additional information.

25 MR. MULLIGAN: Okay. I just had -- we had

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1 some issues with the last 2.206. And so I just wanted  
2 to make sure that I was doing the right thing and  
3 everybody was on board.

4 CHAIRMAN BLOUNT: I understand your point.

5 So as I regress, the purpose of today's  
6 meeting is to give the Petitioner an opportunity to  
7 provide any additional explanation or support for the  
8 petition after the Petition Review Board's initial  
9 consideration and recommendation.

10 This meeting is not a hearing nor is it an  
11 opportunity for the Petitioner to question or examine  
12 the PRB on the merits or the issues presented in the  
13 petition request. No decisions regarding the merits  
14 of this petition will be made at this meeting.

15 Following this meeting, the Petition  
16 Review Board will conduct its internal deliberations.  
17 The outcome of this internal meeting will be discussed  
18 with the Petitioner.

19 The Petition Review Board typically  
20 consists of a Chairman, usually a Manager at the  
21 Senior Executive Service level at the NRC. It has a  
22 Petition Manager and a PRB Coordinator. Other members  
23 of the Board are determined by the NRC's staff based  
24 on the content of the information in the petition  
25 request.

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1                   At this time, I would like to introduce  
2 the Board. I am Tom Blount, the PRB Chairman. James  
3 Kim is the Petition Manager for the petition under  
4 discussion today. Tanya Mensah is the Office's PRB  
5 Coordinator. And our technical staff includes Steve  
6 Garry from the NRC's Health Physics and Human  
7 Performance Branch, Robert Hardies, from the NRC  
8 Division of Component Integrity, Thomas Setzer from  
9 NRC Region I's Division of Reactor Projects. We also  
10 obtain advice from our Office of General Counsel,  
11 represented by Molly Barkman.

12                  As described in our process, the NRC staff  
13 may ask clarifying questions in order to better  
14 understand the Petitioner's presentation and to reach  
15 a reasoned decision whether to accept or reject the  
16 Petitioner's request for review under the 2.206  
17 process.

18                  I would like to summarize the scope of the  
19 petition under consideration and the NRC's activity to  
20 date. On January 12th, 2010, Mr. Mulligan submitted  
21 to the NRC a petition under 2.206 regarding a tritium  
22 leak at Vermont Yankee Nuclear Power Plant. In this  
23 petition request, Mr. Mulligan requested that the  
24 radioactive leak into the environment of Vermont  
25 Yankee be immediately stopped and Vermont Yankee be

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1       immediately shut down and all leaking paths be  
2       isolated.

3                   Vermont Yankee disclosed their preliminary  
4       root cause analysis and the NRC releases their  
5       preliminary investigative report on this before plant  
6       start up.

7                   Allow me to discuss the NRC activities to  
8       date. On January 20th, the Petitioner requested to  
9       address the PRB prior to its initial meeting to  
10      provide supplemental information for the Board's  
11      consideration. By teleconference on January 25th, you  
12      provided information to the PRB as further explanation  
13      in support for your petition and a copy of the  
14      transcript was forwarded to you.

15                  The PRB met on February 1st and denied  
16      your request for immediate action to shut down Vermont  
17      Yankee because the PRB did not identify any immediate  
18      safety concerns that would warrant an immediate  
19      shutdown. The PRB also met on February 4th, 2010, and  
20      made an initial recommendation to reject the petition  
21      because the issue has already been the subject of an  
22      NRC staff review and resolution has been achieved.

23                  This issue has been extensively reviewed  
24      by NRC staff and the results of the review are  
25      documented in the Lessons Learned Task Force report

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1       that can be retrieved in ADAMS at Accession Number  
2       ML062650312.

3                   Previously Mr. David Lochbaum, on behalf  
4       of the Union of Concerned Scientists, submitted a  
5       2.206 petition concerning the nuclear reactors  
6       releasing water potentially contaminated with  
7       radioactive material. The Director's decision, which  
8       can be found at ADAMS Accession Number ML062370205  
9       stated that even though there have been a number of  
10      events where significant quantities of radioactive  
11      liquids were released to the ground in an unmonitored,  
12      unplanned manner, none of the events resulted in  
13      public radiation dose limits being exceeded because of  
14      the negligible health effects of the isotopes at the  
15      quantities and concentrations released. Nonetheless,  
16      the NRC chartered a Lessons Learned Task Force on  
17      March 10th, 2006, and published a report containing 26  
18      recommendations.

19                  Nuclear Energy Institute initiated an  
20      industry initiative to improve management of  
21      inadvertent liquid radiological releases that includes  
22      the participation by licensees for all commercial  
23      nuclear power reactors. Vermont Yankee implemented  
24      the Nuclear Industry's Groundwater Protection  
25      Voluntary Initiative that resulted in the discovery of

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1 small amounts of tritium in one of the monitoring  
2 wells on January 6th, 2010.

3                   The Nuclear Industry's Groundwater  
4 Initiative covers site hydrology and geology,  
5 identification of possible leaking plant structures,  
6 and methods to monitor their condition, procedures for  
7 onsite groundwater monitoring, and remediation  
8 decision processes, and communication requirements to  
9 notify the NRC, state, and local officials of any  
10 onsite leaks.

11                  Subsequently, you were informed of the  
12 PRB's decision on the immediate action and initial  
13 recommendation. On February 18th, you requested  
14 another opportunity to address the PRB to provide any  
15 relevant additional information to support your  
16 petition.

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

21                  Thank you.

22                  Mr. Mulligan, I'll turn it over to you to  
23 allow you to provide any information you believe the  
24 PRB should consider as part of this petition. You'll  
25 have approximately 30 minutes to provide additional

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1 information to the PRB.

2 MR. MULLIGAN: Thank you very much for  
3 this opportunity.

4 This is essentially keyed on the  
5 communication I got from the NRC calling this an  
6 inadvertent release. I mean all of the past  
7 incidences have been based on inadvertent release.  
8 What this has transitioned to is a, as I've explained  
9 to my last letter, that it transitioned into a cold-  
10 blooded release. If they would have done the  
11 reasonable thing as far as admitted in testimony with  
12 their -- in May of 2009, if he would have disclosed  
13 that they had underground pipes, it would have  
14 initiated people looking into it and it is my opinion  
15 that this would have all been prevented.

16 Did you get my -- the link to the  
17 anonymous letter? Or the anonymous -- and everybody  
18 has got a copy of that?

19 MR. SETZER: Yes, we have it here in the  
20 region, yes.

21 MR. MULLIGAN: And it has now been  
22 verified that -- and you guys verified it is true?

23 (No response.)

24 MR. MULLIGAN: All of this, I mean it is  
25 an insane bureaucracy. I mean all these different

1 players and the state, they're asking for a federal  
2 investigation -- I mean a congressional swearing-in  
3 and state Attorney General indictment and stuff like  
4 that. I mean this thing is -- there is so much stuff  
5 going on, it's pretty amazing.

6                   I can hear all the politicians in the last  
7 week or so in the media. I can hear Governor  
8 Douglas's talking about Vermont Yankee and how  
9 disappointed he is with Vermont Yankee. I can hear  
10 all of the Massachusetts Governor. I can hear all of  
11 the politicians in New Hampshire. I can hear all of  
12 the politicians -- most of the politicians in Vermont.  
13 I mean I can hear all of this essentially mistrust of  
14 the Agency from everybody around here.

15                  I'm astonished that everybody has a  
16 different opinion of this in the NRC. I'm astonished.  
17 This is an embarrassment to this area. This is an  
18 embarrassment with the operation of a federal agency,  
19 the NRC. It's bewildering how we keep going along  
20 with the same noise.

21                  I consider this, a lot of this with all  
22 these investigations pending, I consider it, you know,  
23 I'm in my car and I'm on a 55-mile an hour highway or  
24 a two-lane road and there is a light approaching me.  
25 It turns red and so, you know, I've got to put my

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1           brakes on.

2                         With the way this thing is turning out, I  
3           feel like, you know, you are going to have all these  
4           investigations and studies and we're going to find out  
5           about what went wrong, you know, many months and years  
6           after it occurs. I mean if you depended upon me to  
7           figure out I've got to put my foot on the brake to  
8           stop for that light, with all this kind of delay,  
9           systemic delay, I mean who knows how many accidents  
10          I'd cause. And I think that's what is going on here.

11                       By the way, I went and seen the movie  
12          Shutter Island last night. It was probably a bad  
13          movie to see considering today. But anyways, I  
14          thought I would say that.

15                       I consider this -- I consider Entergy a  
16          criminal enterprise. I think they are acting in a way  
17          that is damaging to the nuclear industry. And I think  
18          it is damaging the credibility of the Agency. It is  
19          a rogue. And I've been talking about it for years  
20          now, there has to be some way of getting these guys  
21          under control.

22                       I've read a lot of the inspection reports  
23          of these guys and they seem to be disrespectful to the  
24          inspectors that I've talked about a lot. There is no  
25          hammer to make these guys fearful of the Agency. They

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1 seem to disrespect a lot of the inspectors and they  
2 rope-a-dope a lot of the inspectors. And they throw  
3 up all sorts of superfluous engineering evaluations.  
4 And I've seen the NRC having to go back again and  
5 again to try and get these guys to see the right way.

6                   And I think they think the Agency is a  
7 joke. On some of the things that I've got here, they  
8 are from the Vermont Public Service Board. They have  
9 sanctioned Entergy twice for not following the law or  
10 Enexus. It has delayed and they were sanctioned --  
11 Entergy was sanctioned for not telling the truth --  
12 this Enexus business is -- they don't trust Entergy.

13                  Indian Point Nuclear Plant, everybody  
14 considers that relicensing delayed until the fallout  
15 of all of this occurs to see what is going on and how  
16 deep this corruption is going on. Pilgrim Plant  
17 recently, the Mass. governor requested the relicensing  
18 delay because he doesn't trust Entergy and their  
19 disclosure of tritium groundwater.

20                  We all know about the issues with Vermont  
21 Yankee over this -- whistle-blowers -- the mistrust of  
22 Entergy is astonishing in the last couple of months.  
23 I read a lot about the Palisades confirmatory order --  
24 I can't even pronounce it -- anyways failure to  
25 provide -- it is the security-related violations,

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1 pretty serious, and failure to provide NRC with  
2 complete and accurate information concerning a  
3 security problem.

4 We talked about Pilgrim and Entergy just  
5 got dinged with falsifying the licensed operator  
6 medical forms for a number of years. I just got done  
7 with a 2.206 with Palisades on relicensing. It's  
8 baffling how they can get relicensed on January 18th,  
9 2007, and then they could find troubles with the stuck  
10 bundles in September. It's amazing how that wasn't  
11 picked up in the relicensing.

12 As I said, I just think this has gotten to  
13 a point now where it is a big issue with the integrity  
14 of Entergy. And I don't think that they deserve to be  
15 operating any nuclear plant.

16 I'm going to spend the rest of the day  
17 talking about past 2.206. And that will be the one  
18 that I wrote about HPCI this last June 9th, 2009.

19 To set this up a little bit, I'm going to  
20 read the testimony of Jay Thayer. A public relations  
21 executive, Jay Thayer testified in the hearing in May  
22 2009 that he didn't think Vermont Yankee had any  
23 pipes. That's May 2009. So here I am a month later  
24 in this HPCI 2.206, which was rejected by the NRC, a  
25 month later after he testified, I mean this is what I

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1                   essentially wrote and what was denied.

2                   I -- and this is a quote -- I request a  
3                   2.206 on Vermont Yankee. Vermont Yankee operated  
4                   their reactor illegally and unsafely coming out of  
5                   their start-up from their outage from June 6th, 2007  
6                   until June 12th, 2007 with the cost of a shut-down  
7                   being 750,000 dollars a day times seven days. I  
8                   request Vermont Yankee pay a fine of 5,250,000 dollars  
9                   for operating the reactor illegally and falsifying  
10                  paperwork submitted to the NRC.

11                  If you would have granted me that,  
12                  probably this wouldn't be happening today. You know  
13                  it is basically a catch-22. I talked about catch-22  
14                  over with Palisades. That is the idea that you say  
15                  this is a public -- you brag -- you stick your chest  
16                  out and you brag that this is a public process.

17                  But in the background, you have to be  
18                  extraordinarily technically and legally competent to  
19                  get anywhere. And then you're not given any -- there  
20                  is a huge barrier in front of you, an impossible  
21                  barrier -- you guys know it -- as far as having the  
22                  information there. So you say we give you a public  
23                  process. But catch-22, there's no way you can do it  
24                  because you don't have the information or the  
25                  technical capability to support the community.

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1                   So I'll continue on. Revised Procedure OP  
2        52.10, MCC inspection, to provide criteria for  
3       determining contact wear and replacement. See -- and  
4       this is a quote -- see from my letter from what I was  
5       explaining -- see everything is about -- everything  
6       about this is perspective. This is fabricated or  
7       designed perspective point of view then there is the  
8       real story.

9                   These guys are so deep into lying they  
10      can't keep track where they -- can't keep track where  
11      they lied in the past. Everything is written in  
12      procedures -- everything is written in procedures and,  
13      therefore, are purpose -- or what is legally required  
14      to be in there and is missing is absolutely  
15      intentional.

16                  These things are unbelievably scrutinized.  
17      The primary function of these procedures is to provide  
18      operational flexibility and conserve corporate cash.  
19      There never is a mistake of incompetence in these  
20      procedures because a common misplacement could cost  
21      millions of dollars. Incompletely written-out  
22      procedures or an invaluable federal regulatory  
23      criteria missing them are a sure sign these procedures  
24      are designed to improperly enhance the operational  
25      flexibility.

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1                   God knows how risky that is. So the  
2 procedure, MCC inspection, is a generic procedure  
3 defining how all circuit breaker inspections are to  
4 occur throughout the plant. They got many hundreds of  
5 motor-operated valves and they've got breakers for  
6 each one. They've probably got thousands of relays.

7                   CHAIRMAN BLOUNT: Mr. Mulligan, this is  
8 Tom Blount.

9                   Could you help me understand the  
10 relationship between the discussion on the MCC and the  
11 HPCI issue with the tritium release? Just for  
12 clarification for my benefit.

13                  MR. MULLIGAN: I mean there was  
14 essentially -- I had a model in my head what was going  
15 on at Vermont Yankee. How I acquired it besides  
16 working there in the past, I'm not going to say. But  
17 anyways, maybe the HPCI and the relays, you know,  
18 aren't really the problem I'm trying to get across  
19 here.

20                  I'm just saying, you look at what I wrote  
21 back in those days -- back in 2009 -- that's what I'm  
22 trying to get at. You look at what I wrote and how I  
23 tried to explain a model I had in my head from what my  
24 experience tells me. And you start looking -- and you  
25 start rereading this stuff and I was dead-on right.

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1 I was accurate.

2                   I tried to give you guys a warning. I  
3 tried to explain it in the best way I could and stuff.  
4 And what I wrote about in June 2009 was the message  
5 that the NRC didn't receive. Do you see what I'm  
6 trying to get at? I mean it is self evident.

7                   CHAIRMAN BLOUNT: Sir? Mr. Mulligan, this  
8 is Tom Blount again. And that's part of what I need  
9 help with is I'm not sure that I am making the same  
10 connection that you are. So if you could help me  
11 understand that, it would be beneficial to my  
12 understanding.

13                  MR. MULLIGAN: Well, you know, here we are  
14 with the same thing. We've got a plant that should be  
15 shut down in my opinion and most everybody in the  
16 surrounding area here. It should be shut down. And  
17 here I am basically saying the same thing with this  
18 HPCI business. And saying how nobody made the right  
19 call. The inspection process itself wasn't complete,  
20 you know. You didn't get the right stuff in the  
21 inspection reports.

22                  And, you know, we really have a hard time  
23 understanding whether what Entergy and the NRC was  
24 doing was ethical. Nobody, you know -- everybody  
25 played around with well, these are what the rules say.

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1           And you don't have to understand anything. But the  
2       rules say that this is not a concern and so just  
3       ignore it. You know, it's another non-issue and stuff  
4       like that. I'm saying it was an issue, you know?

5           MR. GARRY: Mr. Mulligan, this is Steve  
6       Garry with the NRC. I'm the Senior Health Physicist  
7       here.

8           MR. MULLIGAN: Yes?

9           MR. GARRY: Do you have any information or  
10      do you think there has been an exceedance of effluent  
11      limits on the amount of radioactivity that can be  
12      discharged from the site into the offsite environment?  
13      Do you have any basis or knowledge of an exceedance of  
14      regulatory limits?

15           MR. MULLIGAN: Well, is there exceedance?  
16      I mean that's a flimsy barrier right there --  
17      regulatory -- exceeding regulatory limits. I mean for  
18      the operation of a plant? That's a flimsy barrier.

19           If you wait until, you know, wait until a  
20      criteria is exceeded and stuff like that, you could be  
21      deep into problems. You know so deep you can't get  
22      out of it and stuff if you depend upon regulatory  
23      barriers.

24           And that's a lot of the thoughts of a  
25      reactor operator, somebody operating up there. I mean

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1 if you wait around until you become aware when you  
2 enter a procedure or you are exceeding some limit or  
3 something like that and start acting after you exceed  
4 the limit, you are behind the eight curve and stuff  
5 like that.

6 MR. GARRY: So I understand that you think  
7 that there have -- you are not aware of any exceedance  
8 of any limits. Rather --

9 MR. MULLIGAN: Well, that should have been  
10 -- that should have been -- this discharge was -- I  
11 mean don't they have to have permission by the NRC to  
12 discharge these kinds of radioactivity before they do  
13 it? Even it it's -- you know, if it is any  
14 radioactivity, they have to -- I'm pretty well much  
15 imagine according to procedure they have to inform the  
16 NRC. So not carrying out their own procedure is a  
17 violation of an NRC requirement.

18 So evidently, you know, I mean we're  
19 sitting here, I think, and they've violated internal  
20 procedures or not. And I think they've violated NRC  
21 procedures. Is that correct?

22 MR. GARRY: No, I am not aware of where  
23 they have exceeded any limits or violated any NRC  
24 regulatory standard. And that's where I was asking if  
25 you had any additional information on that.

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1                   MR. MULLIGAN: Not that it hasn't been in  
2                   the media already. I mean other than in the past I've  
3                   been down in that pit and stuff like that and I know  
4                   what a disgusting place that is.

5                   MR. GARRY: Okay.

6                   MR. MULLIGAN: Did I make sense of why I'm  
7                   sitting here talking about HPCI? Does it make sense?

8                   CHAIRMAN BLOUNT: Relative to the tritium  
9                   issue, I'm still not fully clear. But at least I'll  
10                  be able to go back and look at the transcript to have  
11                  a better understanding once we have that information.

12                  MR. GARRY: This is Steve Garry again.  
13                  When you say HPCI, you mean the high pressure safety  
14                  injection system?

15                  MR. MULLIGAN: High pressure core coolant?  
16                  High pressure core injection system? HPCI.

17                  MR. GARRY: Safety injection system.

18                  MR. MULLIGAN: Yes, 4,250 gallon per  
19                  minute guy. See this isn't a tritium issue. This  
20                  isn't a tritium issue at all. It's a much more  
21                  serious issue. This is a cultural issue with the NRC.  
22                  This is how organizations interact.

23                  This is terribly dysfunctional. This is,  
24                  you know, as you say with TMI and Davis-Besse, you see  
25                  these things -- this kind of dysfunction. It goes on

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1 and on forever. It's disgusting. And everybody knows  
2 about it and they make believe it's not there. And it  
3 is a warning that big problems are ahead.

4                   And it's not the tritium. It's not the  
5 health concern that's the big problem and stuff like  
6 that although that's what the public understands. I  
7 mean they're close to understanding the magnitude of  
8 the problem, you know, when you get them scared about  
9 tritium or radiation and stuff like that.

10                  But what they should be scared about is  
11 how these organizations interact. And how they are  
12 truthful. I mean that's the foundation of all of this  
13 is how we all honestly talk to each other. And how do  
14 we honestly allow people to watch our behaviors. And how  
15 how everybody gets in there and says okay, why did you  
16 do that? Why did you go that? How come you are  
17 making this assumption?

18                  That's how we assure safety on the big  
19 picture. That's how we continually have this long  
20 conversation about my interpretation, your  
21 interpretation. It's a conversation. It's not  
22 sitting there throw procedures at each other and  
23 saying this is where this procedure is wrong.

24                  It's this conversation that goes on --  
25 constant noise of interactions and talking and

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1 everybody getting -- this is the picture, you know,  
2 this is -- maybe I'll explain it better this way. But  
3 everybody gets the big picture, you know, an accurate  
4 picture of what's going on there, that's how we assure  
5 that these plants run safely.

6                   That is more important than you having  
7 redundant safety systems or even having safety  
8 systems. It's this idea that we're all on the same  
9 page. We know what the systems are capable of doing.  
10 And we keep everything accurate in our heads. That's  
11 what assures safety.

12                  And it makes sure that we have 23 percent  
13 of the electric capacity on the grid. And it's safe.  
14 And it is acceptable to the public. I mean that's the  
15 important thing here.

16                  The tritium is not the important thing.  
17 It is the idea that what do we do -- what is our  
18 function for society? And that is to have an  
19 efficient NRC and to have the community on Board with  
20 us and they can understand how everything is going on.  
21 Everybody is not playing word games and procedure  
22 games. And going behind closed doors.

23                  Everything is open. Everybody accepts  
24 what we're doing. And that's how I think the nuclear  
25 industry ought to run. And it isn't running that way.

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1           Everybody plays let's see what they can hide. Let's  
2       see how we create legislation so that it allows us to  
3       hide things.

4                          You know when you are hiding things from  
5       the public, you are really hiding things from  
6       yourself. More than you are hiding things from the  
7       public, you are setting up this idea that -- of  
8       barriers and you are kind of slowing down  
9       communication between yourself. And this is where we  
10      end up. And that's what I'm trying to get at.

11                         Does it make sense? It probably doesn't.  
12      Maybe if I -- you can let me complete, a few more  
13      paragraphs, and you'll see where I'm getting at.

14                         CHAIRMAN BLOUNT: This is Tom Blount,  
15      please continue.

16                         MR. MULLIGAN: The absence of the criteria  
17      was an intentional strategy -- did I say that already,  
18      that paragraph? The absence of a criteria was an  
19      intentional strategy to give the operational wiggle  
20      room that allowed them to set up their reactor. I bet  
21      you the operational testing of B23-19 on 6/01 was  
22      because they were nervous with the reliability of the  
23      relay.

24                         It was designed to give the NRC the  
25      assurance of due diligence if it failed immediately

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1       upon start-up like it did. The managers could say  
2       pitting and wear was normal so we called it, knowing  
3       the reactor start-up was right around the corner, then  
4       illegally start the reactor up on 06/06/07.

5                 If Vermont Yankee ran into trouble upon  
6       start-up, they knew the relay would be cycled over and  
7       over again, the chances of the failure was high. They  
8       wanted a phony rationale. We certainly tested it  
9       enough on 5/31 and the start-up. They wanted to draw  
10      the NRC away from the cover-up on 5/31 and give the  
11      NRC the flimsiest excuse to overlook the product  
12      cover-up. Do you see what I'm getting at?

13               I think this is industry-wide problems.  
14       If you give the NRC the flimsiest excuse or rationale,  
15       they will ignore blatant rulemaking. What kind of  
16       parent is this if the NRC accepts any stupid excuse  
17       from their children?

18               I broadly question if the NRC are meeting  
19       their community needs of maintaining a safe Vermont  
20       Yankee organization. The NRC inspectors on the very  
21       next inspection associated with the June 6th, 2007  
22       start-up should have fully captured in writing the  
23       events in detail with the HPCI in their next  
24       inspection report. Both violations should have been  
25       covered because all the information was there.

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1                   The first mention of a violation was on  
2 December 7th. Then the next one occurred in an  
3 upcoming report. This is completely unsatisfactory.  
4 It is like a cop giving you a speeding ticket and  
5 failure to inspect your vehicle a year after the date  
6 when it occurred.

7                   I get it if you got the safety inspection  
8 violation and entered it into a no corrective action  
9 program, then the year-old safety violation never  
10 happened. And this new information makes it  
11 inconsequential. You can charge or accuse anybody  
12 with anything if it is not written down.

13                  The whole idea here is that Entergy  
14 doesn't capture Vermont Yankee's operational events  
15 that interest the community in their inspection  
16 reports. I have in mind the steam tunnel clean-up  
17 leak and the clean up problems where they injected air  
18 or resin into the primary system, causing evacuation  
19 of the reactor building.

20                  The NRC is not meeting the needs of the  
21 community through the ROP and the in-depth of the  
22 inspection reports. I believe the NRC meets the -- I  
23 believe if the NRC meets the needs of the community,  
24 this would make the nuclear plants a lot more safer  
25 and stronger.

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1                   If you played a profitable roulette  
2 vending game of intentionally not having the expensive  
3 repair parts on site, in this situation the  
4 radioactive pipes, then you should be punished with a  
5 very expensive reactor shutdown. If you are not  
6 competent with maintaining a nuclear plant's repair  
7 parts, radioactive pipes in this case, warehouse and  
8 inventory, then you need to be severely punished for  
9 the good of everyone.

10                  That is the only way you are going to  
11 enforce the integrity of the repair parts  
12 requirements. That is how you limit the number of  
13 lying employees and cover ups.

14                  If you call one plant on it, it would  
15 never happen again. If you let Vermont Yankee get  
16 away with it, then everybody else will do the exact  
17 same thing. And they will keep taking chances until  
18 there is a huge accident.

19                  They will compete to the death. Imagine  
20 you were a -- I wrote this in June of 2009 -- imagine  
21 if you were a young, fresh-licensed operator up in the  
22 control room. Nobody admits these things straight  
23 out. You've seen the NRC inspectors come in and out  
24 and they have thoroughly questioned everybody,  
25 including the shift supervisor.

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1                    You know everybody is aware of what  
2 occurred. They started up the plant and management,  
3 with NRC's knowledge, fiddled with tech specs and the  
4 rules. They pulled their punches in publicly  
5 reporting this. Management and the NRC colluded to  
6 falsify the whole thing. The young licensed operator  
7 would say really what kind of risk was this to the  
8 public for the short-term event, especially thinking  
9 about it after it was all fixed on 6/13.

10                  He would say there is absolutely no risk  
11 to the public. But the astonishing, chilling thought  
12 in the back of his mind, he knows management and the  
13 NRC were colluding together, potentially saving the  
14 company millions of dollars.

15                  If I catch a defect that is going to cost  
16 Entergy millions of dollars, what chances does my  
17 career have to prevail if the NRC and management are  
18 in cahoots for the big bucks? They could both lie and  
19 say I am an incompetent operator with a mental illness  
20 and I would lose my job over reporting safety defects  
21 that crosses the NRC and my company.

22                  So this is about -- this isn't about  
23 isolated risk of core damage associated with the  
24 offending relay could get you to a core damage through  
25 risk studies with a welded relay and HPCI inoperable.

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1 This is about a completely different accident and  
2 their simple assumptions. What if the site and the  
3 licensed operators lived with the idea that the  
4 nuclear industry was brutally unjust? They thought  
5 they faced a fear of being fired for raising  
6 legitimate safety concerns. There was not one way --  
7 there was only one way to talk about conditions in the  
8 industry and everybody talked with the nuclear  
9 industry single voice.

10                 The NRC and the NRC held absolute and  
11 infinite brutal power over these employees with  
12 absolutely no human rights. How much money is human  
13 rights worth? How much salary would you need if they  
14 told you your U.S. constitutional rights did not apply  
15 while working on Entergy's corporate property? Would  
16 you sell your constitutional rights for a hundred  
17 thousand dollars a year in benefits?

18                 I mean the NRC -- the utility and the NRC  
19 are saying our story is the absolute facts. Our story  
20 can't be contradicted. Truth is this is connected  
21 from reality. Your story or evidence will never have  
22 any standing under our system. If that ain't brutal  
23 dehumanization, nothing is.

24                 See, see what I'm saying? I'm saying, you  
25 know, this -- it's not the tritium. It's not the risk

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1 of what would happen if AOG, something happened over  
2 there. You know, that's the worst that you can  
3 imagine and stuff like that. It's what would happen  
4 if the whole system is dysfunctional. If everybody is  
5 not, you know, knows what the really true model is.  
6 If there was dysfunction within the Agency and Entergy  
7 and, you know, this stuff is a lot more important than  
8 the pumps and the safety systems and the circuits.

9 I mean those are secondary safety systems  
10 when you really get down to it. Really the most  
11 important system is, you know, our ability to  
12 communicate, our ability to freely communicate, the  
13 freedom to communicate as we wish, trying to  
14 understand what's going around us, maybe taking the  
15 first couple of shots at it, you know? You might be  
16 inaccurate or whatever it is.

17 And that's what is important. And that's  
18 what is missing here. And what is missing here is  
19 what was missing in TMI and it was missing in Davis-  
20 Besse and it is missing in -- and all of these actions  
21 swirl around economics and budgets and priorities.  
22 And we screw budgets and priorities up. It is the  
23 easiest thing in the world to do.

24 There is a lot of -- it is very  
25 complicated, budgets and priorities and making profits

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1 and all that sort of stuff. And I mean these things  
2 are all right up there with the -- you know, in our  
3 big accidents and stuff. And we keep having these  
4 problems over and over again.

5 And, you know, like I talked in Palisades  
6 with it, we keep having the same problems over and  
7 over again. I've watched this over a decade, you  
8 know, basically the same issues over and over again.

9 You spend all this time writing reports  
10 and then a year or two later, the same thing happens  
11 or the next plant does the same thing. This is just  
12 not really a learning organization either at Entergy  
13 or the NRC. You really -- it just -- you are running  
14 an isolated comments and phrases and public-relation  
15 phrases. It's disconnected. It's crazy talk.

16 And I thank you for listening to me. I  
17 probably took more time than was necessary. And I  
18 would be glad to try and explain myself better if  
19 anybody has any questions.

20 CHAIRMAN BLOUNT: Thank you, Mr. Mulligan.

21 At this time, does the staff here at  
22 headquarters have any questions for Mr. Mulligan?

23 (No response.)

24 CHAIRMAN BLOUNT: No questions here at  
25 headquarters.

1 How about the region? Tom Setzer?

2 MR. SETZER: No, thanks, Mr. Blount.

3 CHAIRMAN BLOUNT: Thank you very much.

4 Mr. Mulligan, I'd like to thank you again  
5 for taking the time to provide the staff with  
6 clarifying information on your petition that you  
7 submitted. Before we close, does the Court Reporter  
8 need any additional information for completing the  
9 transcript?

10 COURT REPORTER: I do have a couple of  
11 questions. We can go off the record first though.

12 CHAIRMAN BLOUNT: Okay. If that's all  
13 right --

14 MR. MULLIGAN: If I didn't make too much  
15 sense talking, and probably maybe somebody might have  
16 a hard time understanding me, I could send you a copy  
17 of what I, you know, what I wrote on this, you know,  
18 from my last -- from the HPCI 2.206 if that will help  
19 the Court Reporter, you know, he might have gotten it.  
20 But I don't know.

21 CHAIRMAN BLOUNT: We have your submittal  
22 of your 2.206 petition in ADAMS so I know we can  
23 retrieve it.

24 MR. MULLIGAN: Okay.

25 CHAIRMAN BLOUNT: Okay. With that then,

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1 the meeting is concluded. And we'd like to terminate  
2 the phone connection if the Court Reporter will get  
3 back with Jim Kim, he'll make sure that you get  
4 whatever information -- additional information you  
5 need.

6 MR. MULLIGAN: Thank you very much for  
7 listening to me. I really appreciate it.

CERTIFICATE

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

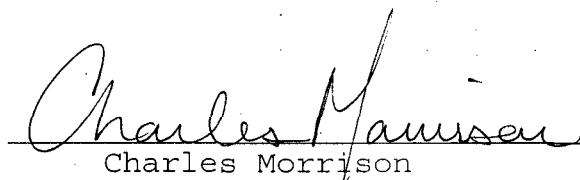
Name of Proceeding: 10 CFR 2.206 Petition of

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.

  
\_\_\_\_\_  
Charles Morrison  
Official Reporter  
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