

# **Official Transcript of Proceedings**

## **NUCLEAR REGULATORY COMMISSION**

Title: 2.206 Petition Review Board  
RE Michael Mulligan and Vermont Yankee

Docket Number: 050-00271

Location: Rockville, MD

Date: Tuesday, June 29, 2010

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Transcript edited by Douglas Pickett, NRC

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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 10 CFR 2.206 PETITION REVIEW BOARD (PRB)

5 CONFERENCE CALL RE

6 VERMONT YANKEE - VERNON HYDROELECTRIC STATION

7 + + + + +

8 TUESDAY, JUNE 29, 2010

9 + + + + +

10 The conference call was held, Ted Quay,  
11 Chairperson of the Petition Review Board, presiding.

13 PETITIONER: MICHAEL MULLIGAN

15 PETITION REVIEW BOARD MEMBERS

16 TED QUAY, Chairman, PRB

17 DOUG PICKETT, Petition Manager, NRR

18 NRC STAFF

19 TANYA MENSAH, NRR, DPR

20 NANCY SALGADO, NRR, DORL, LPL1-1

21 DUC NGUYEN, NRR, DLR

22 KENN MILLER, NRR, DE

23 DOUG DODSON, REGION 1, PROJECTS BRANCH 5

24 TOM SETZER, REGION 1, DRP

25 RAJ AULUCK, NRR, DLR

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4 FOR THE LICENSEE

5 JEFF MEYER, VERMONT YANKEE

6

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

2 10:02 a.m.

3 MR. PICKETT: Good morning. I'd like to  
4 thank everybody for attending this meeting.

5 My name is Doug Pickett. We are here  
6 today to allow the Petitioner, Mr. Michael Mulligan,  
7 the opportunity to address the Petitioner Review  
8 Board, which will be referred to as the PRB, regarding  
9 his 2.206 petition dated June 15, 2010, on the  
10 adequacy of the Vernon Hydroelectric Station tie-in to  
11 the Vermont Yankee Nuclear Power Station, located in  
12 Vernon, Vermont.

13 I am the Petition Manager for the  
14 petition. The PRB Chairman is Ted Quay.

15 As part of PRB's review of this petition,  
16 Mr. Mulligan has requested this opportunity to address  
17 the PRB.

18 This meeting is scheduled to conclude by,  
19 approximately, 11:00 a.m., this morning. The meeting  
20 is being recorded by the NRC Operations Center, and  
21 will be transcribed by a court reporter. The  
22 transcript will become a supplement to the petition.  
23 The transcript will also be made publicly available.

24 I'd like to open this meeting with  
25 introductions. As we go around the room, please be

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

4 I am Doug Pickett. I work in the Office  
5 of Nuclear Reactor Regulation. I am the Petition  
6 Manager.

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

10 MR. MILLER: Kenn Miller. I'm also in the  
11 Office of Nuclear Regulatory Regulation, I'm the  
12 Electrical Engineering Branch representative.

13 MR. SETZER: Tom Setzer, Nuclear Reactor  
14 Regulation with the License Renewal Division.

15 MR. NGUYEN: Duc Nguyen, Nuclear Reactor  
16 Regulation. I work for the License Renewal Division.

17 MR. JOLICOEUR: John Jolicoeur, work for  
18 the Office of Nuclear Regulatory Regulation, I'm Chief  
19 of the License Processing Branch.

20 MS. MENSAH: Tanya Mensah. I'm the 2.206  
21 Coordinator, I work in the Office of Nuclear Reactor  
22 Regulation.

23 MR. AULUCK: I'm Raj Auluck, I am with  
24 Nuclear Regulatory Regulation, I'm Branch Chief in the  
25 Division of License Renewal.

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1 MS. SALGADO: Nancy Salgado, I'm also from  
2 the Nuclear Reactor Regulation, and I work for the  
3 Division of Operator Reactor Licensing. I'm a Branch  
4 Chief.

5 MR. PICKETT: We've completed the  
6 introductions from this conference room. At this  
7 time, are there any other NRC participants from NRC  
8 Headquarters on the phone? Is there any NRC staff  
9 from the Regional Office on the phone?

10 MR. DODSON: Doug Dodson, NRC Region 1,  
11 Projects Branch 5, Project Engineer.

12 MR. PICKETT: And, the Resident  
13 Inspector's Office?

14 MR. SPINDLER: Yes, Dave Spindler, Senior  
15 Resident Inspector and Heather Jones, Resident  
16 Inspector.

17 MR. PICKETT: Are there any  
18 representatives for the Licensee on the phone?

19 MR. MEYER: Yes, Jeff Meyer from the  
20 Licensing Department at Vermont Yankee.

21 MR. PICKETT: Mr. Mulligan, would you  
22 please introduce yourself for the record?

23 MR. MULLIGAN: Mike Mulligan, I'm the  
24 Petitioner, and I live probably about two miles away  
25 from the plant.

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1                   MR. PICKETT: Are there any others, such  
2                   as members of the public, on the phone?

3                   I'd like to emphasize that we each need to  
4                   speak clearly and loudly, to make sure that the court  
5                   reporter can accurately transcribe this meeting.

6                   If you do have something that you would  
7                   like to say, please first state your name for the  
8                   record. For those dialing in to the meeting, please  
9                   remember to mute your phones to minimize any  
10                  background noise or distractions. If you do not have  
11                  a mute button, this can be done by pressing the key  
12                  \*6, to unmute press \*6 again.

13                  Thank you.

14                  At this time, I'll turn it over to the PRB  
15                  Chairman, Ted Quay.

16                  CHAIRMAN QUAY: Good morning. Welcome to  
17                  this meeting regarding the 2.206 petition submitted by  
18                  Mr. Mulligan.

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

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1 or license activities.

2                     Depending on the results of this  
3 evaluation, the NRC could modify, suspend, or revoke  
4 an NRC-issued license, or take any other appropriate  
5 enforcement action to resolve a problem.

6                     The NRC staff guidance for the disposition  
7 of 2.206 petition requests is in Management Directive  
8 8.11, which is publicly available.

9                     The purpose of today's meeting is to give  
10 the Petitioner an opportunity to provide any  
11 additional explanation or support for the petition  
12 before the Petition Review Board makes an initial  
13 recommendation on whether or not to accept this  
14 petition for review.

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

19                     No decisions regarding the merits of this  
20 petition will be made at this meeting.

21                     Following the meeting, the Petition Review  
22 Board will conduct its internal deliberations. The  
23 outcome of this internal meeting will be discussed  
24 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 the NRC, and has a  
3 Petition Manager, and a Petition Review Board  
4 Coordinator. Other members of the Board are  
5 determined by the staff, based on the content of the  
6 information in the petition request.

7 At this time, I would like to introduce  
8 the Board. I am Ted Quay, the Petition Review Board  
9 Chairman. Doug Pickett is the Petition Manager for  
10 the petition under discussion today. Tanya Mensah is  
11 the Office's Petition Review Board Coordinator.

12 Our technical staff includes Duc Nguyen  
13 from the Office of Nuclear Reactor Regulations, Aging  
14 Management of Structures, Electrical and Systems  
15 Branch. Ken Miller from the Office of Nuclear Reactor  
16 Regulation, Electrical Engineering Branch. Nancy  
17 Salgado from the Office of Nuclear Reactor Regulation,  
18 Plant Licensing Branch 1-1, and Doug Dodson from the  
19 NRC's Region 1, Division of Reactor Projects.

20 As described in our process, the staff may  
21 ask clarifying questions in order to better understand  
22 the Petitioner's presentation, and to reach a recent  
23 decision whether to accept or reject the Petitioner's  
24 request for review under the 2.206 process.

25 I would like to summarize the scope of the

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1 petition under consideration, and the NRC activities  
2 to date.

3 On June 15th, Mr. Mulligan submitted to  
4 the NRC a petition under 2.206 regarding the Vernon  
5 Hydroelectric Station's power supply to the Vernon --  
6 Vermont Yankee Nuclear Power Station.

7 In this petition request, Mr. Mulligan  
8 requests the following:

9 1. The immediate shutdown of the Vermont  
10 Yankee facility.

11 2. An independent investigation, outside of  
12 NRC and Entergy, to determine whether fraud and/or  
13 falsification issues were involved in the licensee's  
14 renewal efforts for Vermont Yankee.

15 3. An investigation on what the Petitioner  
16 describes as a subtle shift from reliance on diesel  
17 generators to the Vernon Hydroelectric Station by  
18 Vermont Yankee licensee, without the appropriate  
19 quality of a nuclear-grade electrical power supply.

20 4. An inspection by NRC, or other responsible  
21 organization, of the Vernon Hydroelectric Station dam  
22 and switchyard.

23 Allow me to discuss the NRC activities to  
24 date.

25 On June 21, 2010, the PRB met and

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1 considered the Petitioner's request for the NRC to  
2 immediately order the shutdown of Vermont Yankee  
3 Nuclear Power Station.

4 As the PRB did not identify any immediate  
5 safety concerns, the PRB denied the request for  
6 immediate shutdown.

7 Mr. Mulligan was informed on June 25th of  
8 the PRB's decision. Mr. Mulligan previously requested  
9 to address the PRB on his petition, which led to this  
10 teleconference.

11 As a reminder for our fellow participants,  
12 please identify yourself if you make any remarks, as  
13 this will help us in the preparation of the meeting  
14 transcript that will be made publicly available.

15 Thank you.

16 Mr. Mulligan, I'll turn it over to you,  
17 turn it over to you to provide any information you  
18 believe the PRB should consider as part of this  
19 petition. You have, approximately, 35 minutes, as Mr.  
20 Pickett previously informed you, to make your  
21 presentation to the PRB.

22 Thank you, and you can go ahead, Mr.  
23 Mulligan.

24 MR. MULLIGAN: Yes, I'm Mike Mulligan, and  
25 I'm a technologist. I've had a few discussions with

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1 Mr. Pickett and also with the resident inspector, so  
2 as far as past 2.206s I seem to have -- I've gotten  
3 some more attention to me as far as discussions and  
4 stuff like that. I think that's a positive  
5 development.

6 If I am not speaking clearly, somebody  
7 please cue me in to speaking up, please.

8 I think the only question at the end of  
9 the day is, like the Safety Evaluation Report,  
10 Relicensing Safety Evaluation Report in 2008, puts it,  
11 will that Vernon Dam survive the next 26 years? You  
12 know, the pictures are worth a thousand words,  
13 actually, and stuff.

14 As the general theme, I think priorities,  
15 and budget restraints, resource limitations for human  
16 needs, or safety, I think they are immoral. I think  
17 most are institutional problems from Columbia, and  
18 Challenger, PMI, most of our institutional accidents,  
19 Deep Water Horizon, you know, you can just go on and  
20 on, and all of them revolve around budget priorities,  
21 resource limitations, and priorities.

22 I'll give you an example, you know, most  
23 people, I'm sure the inspectors, the project manager,  
24 the senior project managers, everybody generally has a  
25 list of three things, usually, ten things at the most.

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1 You know, these are on my top ten list, and these are  
2 things that keep boggling in my head, or I can bring  
3 to attention to people and stuff, and who knows how  
4 many other issues are thrown in the wayside because of  
5 these kind -- because of our priorities.

6 So, when you sit in a hierachal  
7 organization, right, you know, you start going up the  
8 hierarchy, you know, everybody has got their top ten  
9 list, right? And, you go up, you know, six, seven,  
10 eight steps, you know, everybody has got their ten --  
11 top ten list and stuff like that.

12 When you finally get up to the top guy,  
13 you have to say to yourself, well, what is the  
14 magnitude of all the stuff that we haven't paid  
15 attention -- what is the magnitude of the stuff that  
16 hasn't made the top ten list of the top guys? You  
17 know, all of the individuals, the department heads,  
18 the regional people, and all that sort of stuff, when  
19 it all -- I guess I could say it's a humongous  
20 filtering thing that goes on here. And, you wonder if  
21 the top guy ever really knows what's going on in an  
22 organization.

23 So, I mean, I say budget priorities, and  
24 budgets, and priorities, this causes so much trouble.  
25 We have such a hard time managing them, and they,

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1 generally, lead to all our big accidents.

2 I worked at Vermont Yankee in 1992, and I  
3 had -- we had equipment problems. I didn't know what  
4 was the problem, I felt something was wrong and stuff.  
5 I wrote a letter to the Governor, and I got some  
6 response out of her and stuff. Within a year of that,  
7 we had a loss of all off-site power accident, the  
8 worst accident Vermont Yankee ever had. Basically, we  
9 were on the diesel generators. I was up in Corporate  
10 being tested for my requal, which they failed me, but  
11 I wasn't at the plant, but I heard rumors of what went  
12 on during this thing and stuff.

13 So, we, basically, sat there with our  
14 diesel generators for an inconceivable -- I don't  
15 know, it was 12 hours, 24 hours, before we got  
16 everything back on the -- we were back attached to the  
17 grid, so we had diesel generator troubles and stuff  
18 during it, that shook everybody up and stuff.

19 So, we say these are probable accidents,  
20 what are the chances of you having them and stuff.

21 During that time, I ended up being a  
22 whistle blower, and I want you to know how destructive  
23 whistle blowing, especially, the kind of whistle  
24 blowing I did. I mean, it's for a group of people and  
25 stuff, it's tremendously destructive, and attention

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1 getting, and I aimed -- that was what I -- that's the  
2 only tool I have, I aimed to create as much noise as I  
3 could, and the outcome, of course, I got fired.

4 Within a few years of leaving Vermont  
5 Yankee, within a year, within a few years, when I was  
6 at Vermont Yankee, when I first started this, the NRC  
7 opinion of Vermont Yankee was steadily rising.

8 As the 1990s began, the stock prices of  
9 Central Vermont Public Service was continually  
10 increasing. We were reaching historic highs.

11 Two years after I left, see, you never  
12 know what's going to go on, two years after I left  
13 Vermont Yankee, from historic highs, to bouncing  
14 around -- CVPS bouncing around bankruptcy, and for the  
15 next ten years, basically, and stuff, these guys, they  
16 had terrible financial problems, and, of course, they  
17 were the lead owner of Vermont Yankee.

18 So, I just -- you know, we don't know what  
19 the future holds for us, as far as budgets, and stock  
20 prices, and stuff.

21 You know, a question I'd have is, does the  
22 hydro dam, I mean, I don't -- does the hydro dam have  
23 the ability to regulate voltage and frequency? You  
24 know, especially, during a blackout procedure, or  
25 blackout at the point of the hydro station? I don't

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1 know if they have the capability. I don't know if  
2 Vermont Yankee even tested that, you know, I mean,  
3 that's the gold standard of nuclear power, is you test  
4 something, actually, and stuff like that.

5 I mean, it boggles the mind to think that,  
6 okay, this is a standby, standby, standby system. I  
7 understand that. You know, risk perspectives, the  
8 chances of ever using this are seemingly slim and  
9 stuff. So, you can make a cost/risk benefit, right?  
10 You know, we are going to get very little benefit out  
11 of this, because it's not going to happen.

12 My opinion is, the NRC is not a safety  
13 regulator, it's a financial regulator. Everything to  
14 do with the NRC, risk perspectives, and a whole bunch  
15 of other stuff, you are trying to save pennies for the  
16 utilities, is what it comes down to. That's what the  
17 end game of this whole thing is. So, that's what I  
18 think a lot of the problems of this dam business is.

19 So, the risk is low, but on the other hand  
20 what we know is that, if you use the dam Vermont  
21 Yankee is extraordinarily naked. I mean, everything  
22 has been stripped away from it all. I mean, if you  
23 take -- if you operate a HPCI today, if you are doing  
24 a -- doing a monthly thing with the HPCI and it fails,  
25 there's very little public mitigation consequences

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1       that could occur, none, actually, even if you use HPCI  
2       as it fails. If it fails, then when it was needed at  
3       demand, you know, the risk increases, but it's not  
4       that big of a deal because you've got a whole bunch of  
5       other safety systems below it that would, you know,  
6       protect us.

7                     But, you end up using the dam and stuff as  
8       a tie. You've stripped away all the safety system,  
9       all the safety systems. You probably only depended  
10      upon one switch. So, you know, I don't know, you  
11      know, should the quality be more higher for when you  
12      use it to tie? Should the quality be more higher when  
13      you use the tie, or should it be less when you use the  
14      tie? I mean, I can make a case that it should be  
15      more, because the worth of the component when you are  
16      using it is extremely high. Like I said, you know, if  
17      the HPCI failed it's got a little bit of mitigation  
18      work, because you've got so much stuff underneath it  
19      that would protect the plant.

20                  During a tie, if you are using a tie,  
21      everything is stripped away, and one misstep or  
22      equipment breakdown and everybody pays a humongous  
23      price.

24                  I say that, the only thing that matters is  
25      if the dam -- the switchyard survives another 20 -- I

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1 mean, 26 years, actually, it's 20 years, but when the  
2 2008 SCR was written up that was a quote in there.

3 As we know, there's good rules and bad  
4 rules. There's good regulations and bad regulations.  
5 There's good codes and bad codes. And, I'll tell you  
6 a good code is, or a good regulation, is one that  
7 allows you to see more, to -- it asks you to look and  
8 check out what's going on, and to be inquisitive. A  
9 bad code or rule is one that, you know, you have these  
10 barriers, limitations, that ask you to shut your eyes,  
11 shut one eye, Mike, you know, don't look any further.  
12 The code says don't look any further, don't go beyond  
13 this point. I think that's a bad rule or bad code. I  
14 think, ultimately, what we should be saying is, should  
15 that tie service as a back-up emergency apply to  
16 Vermont Yankee for the next 26 years, and I think the  
17 pictures prove my point of view that it's highly  
18 questionable.

19 I go by models a lot, you know, I kind of  
20 make mental models, and my model says that if, you  
21 know, the NRC should have at least questioned it. I  
22 mean, if I was an NRC inspector, I'd say my first job  
23 is to protect the agency, and that would have been, I  
24 know what I got to do, I got to explain what I see at  
25 that hydro station, the conditions of the rust, and I

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1 got to expose it as best I can. We have to have an  
2 open discussion about it, and we have to decide what  
3 the question is, and that place lasts another 26  
4 years.

5 And, the assumption I would make is that,  
6 you know, its quality standards brought us to this day  
7 of all that rust and stuff, and that hole that's below  
8 that stanchion. And, I think you can make the case  
9 that if they provide no maintenance that dam isn't  
10 going to -- that switchyard isn't going to provide its  
11 function for Vermont Yankee.

12 I think Deep Water Horizon, a lot of the  
13 things we are looking at now is some aspects of safety  
14 indivisible. Can you contract out some aspects of  
15 safety? You know, the nuclear industry has a lot of  
16 experience with that, with plant security. I mean,  
17 that was the issue with what we discovered out of all  
18 the troubles with the subcontract in security.  
19 There's a fiduciary conflict there, you know, one  
20 company has profit needs, and the other company has  
21 conflicting or competitive profit needs. There's  
22 barriers.

23 The nuclear industry, when they -- when it  
24 was first came into being, they said they recognized  
25 that, and they said, we've got to have our own power

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1 supply. We've got to own the equipment. We've got to  
2 own the property it's on. We've got to own all our  
3 codes and regulations, and we own it, and we maintain  
4 it, and we've got the good behind us, but if worse  
5 comes to worse, we can depend upon our diesel  
6 generators who we -- what we test on a daily basis.  
7 Well, on a monthly basis or whatever -- however you do  
8 it. We, actually, do it on a daily basis, with the  
9 operators going in and out of there, they eyeball it  
10 and stuff. So, I mean, that's the gold standard of  
11 safety, is you own it, you test it, and you fix it,  
12 and nobody else is involved. There's no barrier in  
13 front of us. We are in charge. We are in control,  
14 that's how we define safety, we don't depend upon  
15 outside people because this stuff is too important.

16 You know, that's what we learned in a lot  
17 of these problems with the contracting security,  
18 that's -- I'm telling you, that's what Deep Water  
19 Horizon, that's going to be the Presidential  
20 Commission talking about, when is safety indivisible.  
21 You know, you have -- I'd go into the alternate  
22 shutdown scenarios and all that, but I don't  
23 understand how Vermont Yankee ended up using -- I'll  
24 just say it plain out, I think what -- depending more  
25 on the tie says, is that the components for the

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1 alternate shutdown are designed poorly, and they are  
2 bulky, and they are too time consuming, and there's  
3 not enough people at Vermont Yankee, and so for the  
4 convenience we want to just flip a switch, we want to  
5 get the guys out there and flip a switch, or flip a  
6 breaker and close their eyes and hope it all works out  
7 and stuff like that. I think that's what this says  
8 and stuff.

9 You test diesel generators once a month.  
10 You test them for an hour at the rated load. I don't  
11 know what you do. There was a lot of controversy for  
12 years about that tie, not testing it, and then finally  
13 I guess you test it once every outage, or once every  
14 six years, or something like that. So, you traded a  
15 diesel for a tie during the alternate shutdown  
16 procedure, and there's a fire in the switch gear room  
17 or the control room and stuff like that. You know,  
18 it's just not right how that went to that. It's penny  
19 pinching.

20 There's people saying, you know what, our  
21 profits are more important, it's we are sitting there  
22 with a bunch of codes and regulations that ask us to  
23 be blind, ask us to not ask the hard questions, make  
24 the hard decisions and choices, and you end up some  
25 day, you know, it's just taking a huge risk and stuff.

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1 I don't know what the answer is, another diesel  
2 generator on site, or, I mean, I'll just say that, you  
3 know, we've got enough safety as it is, we don't need  
4 to tie and stuff like that.

5 I don't like the idea of thee kind of  
6 exaggerations and these kind of distortions, and  
7 contortions, of saying we are going to depend upon  
8 standby, standby back-up systems, wink, wink, wink, we  
9 know they are really not going to work, because that  
10 gets down to, you end up damaging the safety codes for  
11 the plant. People have to kind of lie, and distort,  
12 and deceive, and all that sort of stuff, you know.

13 We know what -- the operators know what  
14 the real story is, would you really depend upon that  
15 tie? You know, really, do you think it's really going  
16 to work, with all that stuff going on down there?

17 No, but, you know, we've got to play the  
18 game. That kind of stuff I think is terribly  
19 destructive to a safety culture of the NRC and a site  
20 in general. It would just be better, less riskful, if  
21 you would just say that we don't need a tie. It was a  
22 stupid thing anyways, and everybody just, you know,  
23 wanting to create these super, super safety illusion  
24 type of thing, and you end up, you end up having to,  
25 you know, close one eye and deceive in the other eye.

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1 I don't like that idea.

2                   Back in the old days, the dictatorial AEC  
3 would come, and the utilities would come down and say,  
4 you know, we are going to do this because we can do  
5 this. We have the power to do this, and we are just  
6 going to do it our way. We really don't care what the  
7 public says. That's the old way. That's the old way  
8 the NRC -- the AEC worked and the utilities.

9                   The new way they do it nowadays is, you  
10 have a set of conflicting codes and regulations. You  
11 have five or six of them all intertwining and inter --  
12 and very few people can understand, and you have an  
13 outcome in mind, and you twist these codes and  
14 regulations around until you get the outcome you want.

15                  I mean, at least in the old days they were  
16 direct and they told you what they were going to do.  
17 Nowadays, we play games, we twist around regulations,  
18 and we make believe that the regulations, you know,  
19 are going to tell us the ultimate truth, if we obey  
20 the regulations, it's going to tell us the ultimate  
21 truth, and the perfect outcome. If we just follow the  
22 rules, there's going to be a perfect outcome. We know  
23 that's not true, there's a lot of higher intellectual  
24 thinking that's supposed to -- supposed to support  
25 following rules and stuff. You always have to have a

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1 guy on your shoulder, you know, saying, should I --  
2 you know, do these rules make sense? There's always,  
3 you know, you are challenging yourself, there's a  
4 little angel on the side of your shoulder saying, does  
5 this rule make sense? Do we follow the rules? Are  
6 they clear and stuff? There's always got to be a part  
7 of you independent of the rules, you just can't sit  
8 there and militantly follow the rules. I'm telling  
9 you that's a sure way of ending of doing a lot of  
10 damage to the community, is following the rules.

11 We all know it as operators and stuff like  
12 that, if you follow -- if you just follow the rules,  
13 you are going to end up tripping the plant and  
14 destroying equipment. You have to have kind of a  
15 knowledge base. You have to have an intelligence  
16 behind following the rules. It's very -- it's very  
17 interactive between human intelligence, the brain  
18 function, and following rules.

19 If you get into this mechanical thing  
20 about following rules, you are very dangerous.

21 So, you know, like I said, nowadays you do  
22 what you want anyway at the NRC or Entergy, you have a  
23 set of complicated rules, you have an outcome in mind.  
24 You flip these rules around to get an outcome. You  
25 are doing the same thing you did in the AEC days, but

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1 you have fancied it up a bit with rules and codes that  
2 nobody understands.

3 You know, I know the inspector's on the  
4 phone line here, but I found it hard getting -- when I  
5 was talking to him -- getting design basis  
6 information, you know. Okay, during the alternate  
7 shutdown, instead of depending upon it going to a  
8 diesel, high-quality diesel, we default to shut the  
9 tie.

10 Well, you know, why do you do that?  
11 What's happening -- and I really couldn't get any  
12 information. You know, he says, well, it's design-  
13 basis accidents, it's in the historic -- I don't have  
14 that information on me, and I don't blame him, I'm not  
15 faulting him, that's just the way the system is, and  
16 it's unfair to him and it's unfair to me, because i  
17 can't figure out, you know, why there's that --  
18 because of the convenience of, you know, a demanding  
19 time line, we are going to default to using an  
20 unqualified tie. It doesn't make sense to me.

21 That's all -- you know, I want to know  
22 what -- you know, how close to the timeline do we get?  
23 Did the operator cause the -- decrease the timeline?  
24 The operator actions, what's going on? How come --  
25 how come -- how come for the convenience? I mean, you

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1 know, they say, well, Mike, we'll test the tie, and if  
2 it doesn't work then we'll go and line up the diesel  
3 generators. It's a complicated valve line-up and all  
4 that, with the baloney that goes with it and stuff  
5 like that.

6 You know, I mean, how do you know that  
7 doing a tie you are going to get one burp from the  
8 tie, and you are going to abandon it and go to diesel  
9 generator, or you are going to get a couple of  
10 different subtle intermittent trips, or indications,  
11 you are going to wonder about it, and you are going to  
12 keep going deeper into it trying to line up the tie,  
13 because you know that's important and stuff like that.  
14 You are going to waste -- you are going to eat up a  
15 ton of time playing with the tie, finally realizing  
16 that the tie is not going to work. Then you are going  
17 to start the diesel generators, that you have issues  
18 with the timeline on? I mean, it seems -- it seems --  
19 it seems reckless, you know.

20 I've gotten words that well, you know,  
21 Mike, you'll try anything, right? We'll try anything  
22 if we are so hard up, we'll try any system. You know,  
23 try and cool the core. You know, on the human side of  
24 that, that's fine, and I don't blame you, and we know  
25 that they will do that and stuff.

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1                   On the side of it where we sit back, we  
2 are not in an accident or anything like that, we are  
3 back here thinking about what the tie means, or what  
4 safety systems mean, and stuff like that. We have a  
5 responsibility to have a quality -- to have the  
6 operators have a set of limited choices, and have  
7 high-quality choices, extremely high-quality choices,  
8 that they make, and we don't divert to a bunch of  
9 procedures that nobody has ever tested before. That's  
10 asking for trouble.

11                  And, as time goes on, we are doing that,  
12 we are flipping away from these quality-tested,  
13 monthly-tested, we get the people's fingers dirty  
14 operating valves and switches and stuff. We are  
15 getting away from that, because of penny pinching,  
16 because that's what the philosophy of risk-informed  
17 regulation gives you, you know, it gives you that,  
18 okay, that's all right, we can -- we can slide away  
19 from quality, and we can -- because, you know, it's  
20 not going to happen very often. It's not going to  
21 happen at all. It won't happen. We'll never have a  
22 blow out of a well in the Gulf of Mexico, you know.

23                  I mean, that's where we are kind of -- you  
24 know, what do they call that, frog boiling, or frog,  
25 you put a frog in a pot of cold water, and you put it

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1 on the stove, and the frog has -- as the water heats  
2 up the frog has no idea that he's on his way to being  
3 cooked and stuff. I think that's what this is all  
4 about, these little incremental steps of reorganizing  
5 the dam ownership, and all this sort of stuff, and  
6 fragmenting the grid for this Vermont Yankee being one  
7 owner, the dam being one owner, to regulation is kind  
8 of all mixed up and stuff with the grid and stuff,  
9 vulcanized and stuff, I think that's what this is --  
10 all these little incremental steps have gotten us to  
11 the point where we are increasingly taking --  
12 increasingly doing riskful things. We are  
13 increasingly dependent upon less safe systems.

14 We are increasingly depending upon  
15 untested systems, you know, you know, procedures that  
16 really aren't really tested. They are just -- they  
17 are there, but w conceptualize them, but they don't  
18 have a high standard of quality because we haven't  
19 tested them. We haven't got the operator's hands  
20 dirty, and flip the switches around, and bang the  
21 plant around, you know, that's how you -- that's how  
22 you know quality of electrical systems or components,  
23 you bang the system around. I'm sorry, that's the way  
24 it is, you know, the utilities are afraid of doing  
25 that, but that's what -- that's what -- that's what

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1 the quality of electrical systems is about, banging  
2 around equipment and making sure that, you know, a  
3 month test, if they can't take the burden of monthly  
4 tests, then something is wrong and you've got to make  
5 it more durable, and you've got to fix it.

6 And, if you put stress on a system, the  
7 defects shows up quickly, and you get to fix them and  
8 stuff like that. That's the benefit of testing a  
9 system, testing the diesels once a month.

10 Utilities will say, well, you wreck -- you  
11 over test them, and you cause a lot of damaged  
12 components. Well, that's the price you pay, you know,  
13 that's the price you pay for quality of electricity to  
14 a power plant, is you have to -- you have to -- you  
15 know, you have to keep -- what you are really doing  
16 is, you are trying to keep -- how you know a system is  
17 safe is, you know all the components in the system.  
18 You have a model in your head of how all the  
19 components, do they all work, do I have a vision of  
20 how their defects are going to play out, or what  
21 defects are in there, and stuff like that.

22 If you've got a barrier in front of you,  
23 you know, then you get surprises, and nobody wants  
24 surprises with the safety system.

25 So, I've got a picture of that -- I've got

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1 a picture of that -- I think in my head of that, what  
2 does that hole mean that's on that station, stanchion?  
3 Is it a woodchuck hole, or is it a --

4 UNIDENTIFIED SPEAKER: Please identify  
5 yourself before you speak.

6 MR. PICKETT: Yes, this is Doug Pickett.  
7 I believe Mr. Mulligan is still speaking.

8 MR. MULLIGAN: Can I continue?

9 MR. PICKETT: Yes, please do.

10 MR. MULLIGAN: So, what does that -- you  
11 know, I talk a lot about certainty and uncertainty  
12 gaming, you know. You can flip around these codes,  
13 and regulations, and rules, and you can choose areas  
14 to your advantage that are -- you can maximize certain  
15 -- you can amplify certainty in your evaluations, or  
16 you can amplify uncertainty if you want to -- if you  
17 want a certain route to not work and stuff like that.  
18 So, it's gaming certainty and uncertainty.

19 It's a favorite tool of the NRC and the  
20 utilities, and stuff, is they play around with  
21 certainty and uncertainty, as far as in their  
22 evaluations and stuff. They choose what is to their  
23 benefit and stuff.

24 You know, that hole you see in there, I  
25 mean, what is the meaning of that? I mean, a lot of

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1 times the NRC will say, Mike, well, we don't see any  
2 damage, we don't see any component damage looking in  
3 that hole and stuff. We can only see a little cave in  
4 there, and, you know, the stanchion looks like it's  
5 sturdy, and stuff like that.

6 And, I mean, you know, you have no  
7 evidence that anything will fail and stuff, and then  
8 I'll come back and say, well, my world is about  
9 models, you know, models I can see and stuff, and I'll  
10 start sitting there and giving you examples of why I  
11 think what that hole means, even though I can't see  
12 it, you know, woodchucks are an example, that might be  
13 a woodchuck hole, I don't know, but it might be.

14 I know, historically, woodchucks are a  
15 threat to dams throughout the United States. They  
16 burrow in holes. They burrow down. Their holes end  
17 up carrying -- water goes in them, and debris, and the  
18 dirt gets carried away, and who knows what's  
19 underneath that hole. I mean, we don't even know, it  
20 might not even be -- it might be a construction  
21 defect, you know, they are sloppy filling in the hole,  
22 or who knows what's underneath there. So, that's what  
23 I'm saying, you know, certainty, uncertainty, you  
24 know.

25 If you look at the certainty of what you

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1 -- absolutely what you can prove certainty, what you  
2 see in that hole, you say that there's no evidence  
3 that anything is wrong at that stanchion, that  
4 stanchion won't fall over.

5                 But, if I sit there and look at it, and  
6 imagine all the different models that could get you to  
7 thinking that, you know, there's a lot of, you know,  
8 there's a lot of uncertainty here, as I start talking  
9 about what could be the problems, what that hole could  
10 indicate, and what you have to investigate, you have  
11 to know what is the mechanism underneath that hole  
12 that's causing this. You have to, you know, however  
13 you want to term it, X-ray vision, or you have to dig  
14 out the hole, you have to -- I mean, safety, safety  
15 for the public, you have to, you know, not make an  
16 assumption that there's nothing going on, it's just a  
17 hole, there's nothing there. You have to make an  
18 assumption, what is the worst case you can think of?

19                 And, you have to test, you know, you have  
20 to test. You have to either dig it out, or figure out  
21 what's underneath. You know, the only thing I can  
22 think of is digging it out and figuring out what the  
23 mechanism is going on and stuff like that, you know.

24                 You know, I can think of that stanchion  
25 falling over, they are all connected by wires, right,

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1 the high-tension wires and stuff like that, that thing  
2 falling over, or rusted power falling over, the high-  
3 tension wires all being bolted and connected together  
4 pull down another wire, and then where are we, and  
5 stuff like that.

6 So, that's the stuff I see, what that hole  
7 represents to me, that I'm not looking for certainty,  
8 I'm looking for uncertainty. I'm looking for how  
9 uncertain that makes me feel about what I see with  
10 that stanchion. What kind of things can I imagine  
11 could go wrong underneath the dirt down there. I  
12 mean, I see a defect, something -- an anomaly and  
13 stuff like that. It doesn't -- it's not right, I sit  
14 there and say, you know, these guys are supposed to  
15 have inspection standards and stuff like that, this  
16 stuff is not supposed to go on. That's supposed to be  
17 a high-quality switchyard for a number of reasons,  
18 it's supposed to look pretty decent, I'm not saying  
19 perfect, but that's supposed to look pretty decent.

20 What's going on there? What's going on?  
21 How come nobody picked up on that -- how come nobody  
22 picked up on that -- on that hole? Can I see the  
23 paperwork that somebody wrote up making a concern  
24 about that hole, how they handled it and stuff like  
25 that? Those are the things that give me an idea of

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1 what -- does that organization, do they have a  
2 competency, do they understand failure mechanisms, and  
3 do they understand what it takes to take a deep dive  
4 into these problems, and to finally evaporate the  
5 uncertainty?

6 So, you sit there and you say, oh, I know  
7 what's going on underneath, you know, or it's a big  
8 cave under there, and it was about ready to tip over,  
9 or, you know, it's just a hole a couple inches under  
10 the dirt. You know, I feel good because I know what's  
11 under there.

12 The idea that people aren't asking  
13 questions about this raises the back of my hair  
14 especially when part of this stuff could be powering a  
15 nuclear plant.

16 Like I said, you know, this whole thing of  
17 -- I mean, that's the way I look at problems, how you  
18 -- how you -- how you criticize everything, and you  
19 try and come up with models, and, ultimately, you are  
20 trying to limit uncertainty. You are trying to, you  
21 know, get an idea of all the material conditions  
22 around you, and you keep testing it, and banging your  
23 head against the wall, and, you know, they used to say  
24 to me, Mike, a lot of times in school you got Cs, you  
25 know, or Ds, a couple Es, and stuff like that, you

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1 know, four out of ten things I got right. What's the  
2 big deal if I get -- what's the big deal if I get --  
3 if everybody -- if I make ten assertions, and one is  
4 right, how is somebody -- nine are wrong and one is  
5 right, I'm right one time that nobody else can see. I  
6 mean, isn't there a value in that, or am I a D  
7 student, or minus D student, and stuff like that.

8 I mean, this whole idea of, what do you  
9 got to be to be a chief excellence, you've got to  
10 have, you know, As, you've got to get every assertion  
11 right and stuff like that. Well, you know what, my  
12 assertion's value when they get one out of 50 right, I  
13 see one thing that nobody else has seen, and  
14 questioned it, and I was right, and I made the  
15 organization see something they didn't see before.  
16 But, I'm a D student, or an E student, in the eyes of  
17 everybody else. I'm not -- I'm not, you know, I have  
18 a problem with that. I always had a problem with  
19 that.

20 The whole idea of As and Bs and stuff like  
21 that I think are ridiculous. I think as long as you  
22 have a pattern, maybe once in a while you get  
23 something right that nobody else can see, that nobody  
24 else sees or questions, I think you are doing your  
25 job. I think you are decent guy.

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1 CHAIRMAN QUAY: Mr. Mulligan?

2 MR. MULLIGAN: Yes, sir.

3 CHAIRMAN QUAY: Provide the Board here,  
4 and people in Headquarters and the region, a couple  
5 minutes to ask if they have any questions for you.

6 MR. MULLIGAN: All right, you know,  
7 actually, I'm getting close to that right now.

8 CHAIRMAN QUAY: Okay.

9 MR. MULLIGAN: I mean, yes, I mean, we can  
10 do that now, and I'll be done.

11 CHAIRMAN QUAY: I would like to do that  
12 now, so at this time does any staff member here at  
13 Headquarters have any questions for Mr. Mulligan?

14 MR. PICKETT: This is Doug Pickett.

15 I had a question, maybe someone on the  
16 phone can help us with, Mr. Mulligan has made a number  
17 of statements about the Vernon Hydro Station tie in  
18 would not work as designed. He talked about how  
19 procedures are never tested.

20 I know people in this room here at  
21 Headquarters, we are not familiar with any tests of  
22 the Vernon tie in, and I was wondering if someone on  
23 the phone might be able to educate the PRB members  
24 here, what is required? What do we do as far as  
25 testing that physical tie in from the Vernon Hydro

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1 Station?

2 MR. SPINDLER: Hi, this is Dave Spindler,  
3 resident at Vermont Yankee.

4 The answer to that question is, right now  
5 they do insulation resistance checks periodically. I  
6 think it's annually, on the line between the  
7 substation transformer and the Vernon 13.2 KV  
8 subsystem.

9 As far as any other testing, I'm not sure,  
10 but I do know they do the annual insulation resistance  
11 check, to ensure that the system is -- at least the  
12 tie line is still in tact.

13 MR. MULLIGAN: So, that's not equivalent  
14 to testing of a diesel generator, you know, if you  
15 ever did -- if you ever had that kind of testing  
16 regime on Vermont Yankee diesel generators. I mean,  
17 you would not -- you wouldn't allow nuclear power.

18 MR. SPINDLER: I'm not sure that an  
19 insulation resistance check does not, necessarily, I  
20 think it tells you that the line is in tact, I believe  
21 that.

22 And the other testing, I'd have to do some  
23 more research.

24 MR. PICKETT: One more, again, Doug  
25 Pickett.

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1                   Mr. Mulligan, you were making a number of  
2 statements about the codes and regulations are twisted  
3 by regulators to get the desired results.

4                   Are you aware of any particular regulation  
5 or code that is not being met?

6                   MR. MULLIGAN: Well, a code. Well, you  
7 see, the problem is I've got a big barrier in front of  
8 me, everybody knows that, you know? This is what this  
9 is about, is to keep me -- keep a barrier in front of  
10 me, and not be able to get the hard questions asked  
11 and stuff like that.

12                  You know, I -- you know, one day, you  
13 know, I envision a different 2.206 process, where, you  
14 know, you are my government, I don't own the  
15 government, but I do in a way, but you work for me and  
16 stuff, and there's an issue of, you know, I have  
17 access to NRC people, we get into a group where  
18 there's an assertion like this, and people are on my  
19 side, you know.

20                  I don't have these techno barriers, and  
21 these legalistic barriers, and these kind of evidence,  
22 super-duper evidence barriers and all that sort of  
23 stuff that people play games, like, you know, to put a  
24 barrier in front of me and stuff like that.

25                  I have a thing where a group of people,

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1 NRC people, would get together with me before 2.206,  
2 we talk about all the different issues, and you would  
3 bring up the information, we'd share it freely and  
4 stuff like that, and would go into a 2.206 process a  
5 lot different way than we do now.

6 You know, that's how I would make my  
7 government work for me. As of now, this process works  
8 for the utilities and the NRC. It's designed to be a  
9 barrier for me, as far as legalistic stuff, you know,  
10 Congress and stuff.

11 So, that's my envision of a government  
12 that works for me.

13 CHAIRMAN QUAY: All right, Mr. Mulligan,  
14 at this time I'd like to ask the region if they have  
15 any questions for you.

16 MR. DODSON: No questions in the region.

17 CHAIRMAN QUAY: Okay. Does the Licensee  
18 have any questions?

19 MR. MEYER: No questions from the  
20 Licensee.

21 CHAIRMAN QUAY: Okay. Has any member of  
22 the public joined this phone call, while we've been  
23 on?

24 Okay, not hearing any, Mr. Mulligan, I'd  
25 like to thank you for taking time to provide the NRC

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1 staff with clarifying information on the petition  
2 you've submitted.

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

6 MR. MULLIGAN: Can I say one more thing  
7 before we close? It's just to be a couple seconds.

8 CHAIRMAN QUAY: Okay.

9 MR. MULLIGAN: Is that -- are those -- is  
10 that rusting deterioration we see on the towers? I  
11 mean, is that -- I mean, I don't know what the codes  
12 are. Does the codes accept that kind of rusting  
13 deterioration?

14 CHAIRMAN QUAY: Mr. Mulligan, what we are  
15 trying to do is get information from you, so we can  
16 understand this petition, not for you to question the  
17 staff on this. We'll provide you with the result of  
18 our Board deliberations.

19 MR. MULLIGAN: Okay.

20 CHAIRMAN QUAY: Okay. Does the court  
21 reporter need any additional information?

22 COURT REPORTER: If I can just, I have one  
23 spelling question, and then if I can just get a list  
24 of the people who were present for this, that would be  
25 great. I think I got everyone, but I just want to

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1 make sure.

2 My first question was, I thought I heard  
3 something about a Monakee (phonetic) disaster or  
4 incident?

5 MR. MULLIGAN: That must have been me.

6 COURT REPORTER: Yes.

7 MR. MULLIGAN: Does anybody know what I  
8 was talking about?

9 COURT REPORTER: I can go back and listen  
10 to it, it was a little hard to tell. I'll just try to  
11 look it up.

12 And, the other one is, HPCI.

13 MR. MULLIGAN: High Pressure Coolant  
14 Injection.

15 COURT REPORTER: Pressure Coolant  
16 Injection, so it's HPCI?

17 MR. MULLIGAN: HPCI, High Pressure Coolant  
18 Injection.

19 COURT REPORTER: Okay. So, yes, that will  
20 be it.

21 CHAIRMAN QUAY: Okay. Thank you.

22 (Whereupon, at 10:57 a.m., the above-  
23 entitled matter was concluded.)

24  
25  
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