

To: Leeds, NRR  
Ref. G20100388

Jaegers, Cathy

From: Michael Mulligan [steamshovel2002@yahoo.com]  
Sent: Monday, August 02, 2010 9:48 AM  
To: Pickett, Douglas  
Cc: Salgado, Nancy; Mensah, Tanya; Spindler, David; Kim, James  
Subject: Re: Initial Recommendation of NRC Petition Review Board RE: Your 2.206 Petition of June 15, 2010

aps: EDO R1  
DEDMRT OGC  
DEDR Mensah, NRR  
DEDCM Scott, OGC  
AO Kotzalas, OEDO

Dear Mr Pickett,

*Tuesday June 29, 2010 2.206 transcripts*

*COURT REPORTER: My first question was, I thought I heard something about a Monakee (phonetic) disaster or incident?*

*MR. MULLIGAN: That must have been me.*

*COURT REPORTER: Yes.*

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

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

Fri, July 23, 2010 10:13:59 AM Initial Recommendation of NRC Petition Review Board RE: Your 2.206 Petition of June 15, 2010

*2. The petitioner raises issues that have already been the subject of NRC staff review and evaluation either on that facility, other similar facilities, or on a generic basis, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question.*

You response to this is basically incorrect and inaccurate. You are gaming certainty/uncertainty for your advantage. You framed this in the certainty this has been resolved through the NRC inspection processes. Furthermore, in a number if circumstance you are pulling a "Shirley Sherrod" on me. You are materially misrepresenting my position and transcribed discussions.

In fact, "regarding the rusted high voltage transmission towers" type of wording was never seen in the relicensing safety evaluation 2008 report inspection. There was never a discussion of the "rusting towers", with what they meant for the next 26 years. I call this a blatant falsification and it gets you to wondering what the role of relicensing is with any nuclear plant. How does it really serve our nation....basically a run to fail philosophy with the NRC. I am certain it serves the cheap utilities. My tack was with this poor maintenance in the switchyard now, what can we expect in the next twenty years. They might have engineering codes for the switchyard, but do they enforce it. The recent issues discussed by the NRC concerning the Fothsmark nuclear plant loss of power incident is telling. If the NRC can't opening discuss the rusting towers unless pushed, what does it say about the oversight in general?

I basically think it is bull, the hydro station is covered by these NRC codes and regulations, we installed these imaginary barriers, so now it is ok for everyone to close their eyes and take a nape.

I mean, we see a capriciousness in relicensing inspections across the nation. Take TMI discovering submerge electrical cables in there relicensing activities, while it got past Vermont Yankee relicensing. I request a do-over on all past relicensing at all nuclear plants.

*“The petitioner has safety concerns over the reliability of the power source that the VHS supplies to the Vermont Yankee facility. The photographs focus on rusted high voltage power line towers in the VHS switchyard and a surface hole of unknown depth adjacent to a tower stanchion.”*

It is the typical engineering centric view on life...see the world through hyper specifics and isolated systems and thought processes. Frankly, I was getting at a cultural problem across multiple organizations, the ability to detect and document emerging problems, analysis them, and evaluated current operability and future threats. The switchyard evaluation was a object failure of culture, but the NRC has the infinite capability to pick some obscure technical rules to justify the unjustifiable.

*.....transcripts (Page 35) 14 MR. PICKETT: This is Doug Pickett. “During the phone call with the petitioner on June 29, 2010, the petitioner stated that procedures to demonstrate operability of the Vernon Tie have never been used and that it wouldn’t work during an emergency.*

There is the correct answer by me right there below?

(Page 20) Me “There was a lot of controversy for years about that tie, not testing it, and then finally I guess you test it once every outage, or once every six years, or something like that.”

By page 36 everyone in the NRC staff was asleep and too lazy to read back my testimony.

*(Page 36) 14 PICKETT: This is Doug Pickett. I had a question, maybe someone on the phone can help us with, Mr. Mulligan has made a number of statements about the Vernon Hydro Station tie in would not work as designed. He talked about how procedures are never tested. I know people in this room here at Headquarters, we are not familiar with any tests of the Vernon tie in, and I was wondering if someone on the phone might be able to educate the PRB members here, what is required? What do we do as far as testing that physical tie in from the Vernon Hydro Station?*

*(Page 36)2 MR. SPINDLER: Hi, this is Dave Spindler, resident at Vermont Yankee. The answer to that question is, right now they do insulation resistance checks periodically. I think it's annually, on the line between the substation transformer and the Vernon 13.2 KV subsystem. As far as any other testing, I'm not sure, but I do know they do the annual insulation resistance check, to ensure that the system is -- at least the tie line is still in tact.*

MR. SPINDLER: I'm not sure that an insulation resistance check does not, necessarily, I think it tells you that the line is in tact, I believe that. And the other testing, I'd have to do some more research.

If the staff would have asked me the question of how does the plant test the Vernon tie, at this point I would have repeated every outage or 6 years. I showed pity on Mr. Spindler by not correcting him because I wanted his off the cuff incomplete knowledge base on the record. In the above the senior inspector is unaware of all the testing requirements and the NRC is just indifferent to have a information computer system where a few pushes of a computer mouse, and two seconds, would get you to the proper testing requirements. Entergy was on the line too and they didn't speak up. It is just a symptom of how ill prepared the NRC is going into these 2.206 processes. It is beyond interesting, the petition board set up the senior resident inspector to fail this question. You get what is going on, there is a prohibition with the NRC or Entergy to not respond to a petitioners questions. I am the only one required to look stupid in these preceding. Everyone else has been ordered to keep their mouth shut. You got to wonder how the agency and Entergy would look if they were required to have a full and open technical discussion of the problems in a plant such as the Vernon Hydro dam. You know for a fact, the rules in this process are designed to make me look stupid. The required silence of the agency and Entergy makes them look smarter than they are.

The below is such a fraudulent, misleading and incomplete engineering statement by the agency I won't even comment on it. It is certainty/ uncertainty rules and code Ayn Rand word gaming. We should have a long discussion on the difference of the component and testing quality between the VHS and the VY emergency diesel generator. This is destructive engineering code and safety logic gaming and it is basically fraudulent! Yep, and it might be shallowly and incompletely be true, but it hides more than informs all the parties about the real situation. It is rules and regulations gaming by a federal regulator! It is twisting around the rules to give a particular party a hidden advantage.

*The reliability of the alternate AC power system should meet or exceed 95 percent as determined in accordance with Electric Power Research Institute standard NSAC-108, "Reliability of Emergency Diesel Generators at U.S. Nuclear Power Plants," September 1986, or equivalent methodology.*

Can you send me a copy NSAC-108?

I am sorry with the below, the gold standard for nuclear safety is to have actually done a preoperational and actual test of the holistic system. So at some point you would insert a LOOP (design accident) to the site...VY would line up the electric system and use the VHS to supply safety electrical loads to the nuclear power station. I just don't trust safety systems that have never been tested under operational condition...these mythological and illusory never been actually tested and operated safety systems. Can't anyone see the national consequences if we have to depend on these untested safety systems one day, we train the operator to use them and they fail because of a unseen flaw. Can anyone see the national consequences if we discover this stupidity in a accident. I don't care what the hyper technical rules that nobody ever understands and regulation says...it is doing the right thing in your the heart that matter. It is telling the complete truth that matters. You can't find that in a written code or rule, or within highly technical rules and code gaming done in the bowels of technical secrecy.

*Vernon Tie Load Test – Operating Procedure 4142 is performed once per operating cycle (i.e., 18 months) to demonstrate the ability of the Vernon Tie*

*to supply the SBO load. The load supplied is as close as practical to the actual SBO load. This test demonstrates that the Vernon Tie provides an adequate AC power supply and would be expected to perform its safety function during an emergency. (but with a lot lower set of quality standards than the diesel generator)*

Yea but, did you discuss the rusting towers of the below in relicencing...did you discuss if this is a symptom of long term inadequate maintenance of the switch yard? The agency cherry picked for a written discussion the equipment that was expected to function well, but was too chicken to talk about the rusting towers. Nothing in the license renewal review made a evaluation over this or in a past NRC inspection report. Again this assertion is incomplete, one side gains an advantage...it is a fraudulent disclosure. It is basically inspection results gaming and word games of incompleteness. All of this is a word games, communication and disclosure gaming.

*“During the license renewal review, NRR staff visited the VHS dam and switchyard. The staff inspected the components necessary to support the Vernon Tie and required the licensee to add additional components to the scope of their aging management program.”*

And the below represents a gross indicator of the quality and periodic inspection of the safety switchyard. Do they do material inspection there, or is everyone afraid of the switchyard? It is atrocious that national grid did not pick this up on their own, have a curiosity with a new degradation, then repair it on their own. Who knows how long it has been there? What does it imply about other problems at the site. It is not a hyper technical problem to be cheaply fixed by shoveling in new gravel, it is people basically not seeing and doing their jobs. You know, the hole is fixed now and new gravel is all around the tower. It is only me who got everyone curious with what is the engineering structure of the tower understructure...it wasn't self driven. I got the NRC and the hydro station to fix that hole...nobody did it on their own based on a excellence based organization. Not being self driven and in reactionary stance is a big problem! It is a culture problem, throwing gravel into a hole doesn't fix it. That is a big sin not to be driven to excellence.

*Regarding the hole, NRR staff concludes that gravel does not provide any structural support to the structure. It is only serves as ground-fill. The stanchion depicted is supported by an underground pad – the top of which is visible in a close-up photo provided by the petitioner. The underground pad should be a substantial structure and built to a depth to accommodate heaving of the ground due to repeated freeze/thaw cycles. Thus, the staff does not consider the surface hole to represent a significant material degradation or threat to the Vernon Tie.*

But not to the equivalency of the quality of a diesel generator, which the tie is accepted to replace. The tie is a Hugo car. Remember the plant and public has almost been completely stripped of safety systems and core protection systems when in this condition. They got no backups!

*“In consideration of the testing and maintenance described above, the PRB concludes that the Vernon Tie is adequately tested and will perform its emergency function as designed.”*

Again the below is completely engineering and safety word gaming....it is engineering codes and federal rules gaming...this description is functionally and professionally fraudulent. All these structures are connected by electrical cables. A tower over there falls down or collapses, then it pulls down by a cable something to do with the tie safety tower or stanchion. A electrical high voltage tower might fall over when a degraded component fails and land on top of the so called independent tie structures. Again, you are depending on a casual observation of the SRI at ground level to determine the strength of a tower. You need a independent professional engineering firm that is task to identify all tower degradation. You just might need to get off the ground to do a detailed inspection. You need to task this to a professional independent engineering firm, with the failed maintenance of the VHS, can we anticipate future problems with the tie? Again for relicencing, Entergy should have made assessment that National Grid and TransCanada are not going to be a reliable partner for the next 26 years with supplying emergency electrical loads to VY. Either get hydro station to clean up their act or get new on site diesel generators

*“Regarding the rusted high voltage transmission towers, these support the electrical grid surrounding Vernon, Vermont, and do not support the tie-line to the Vermont Yankee facility. The transmission towers have been observed by both the NRR license renewal staff and the Vermont Yankee Senior Resident Inspector (SRI). While showing visible signs of rust, the transmission towers were considered to be of sufficient strength and not a threat of imminent collapse. The SRI focused on the material condition of the 115 kV to 13.8 kV transformer that supports the Vernon Tie along with supporting components. The SRI considered the material condition of the transformer, breakers, insulators, and supporting structures to the Vernon Tie to be intact, rugged, sturdy, and in overall good condition. Thus, the staff does not consider the material condition of the structures and components supporting the Vernon Tie to be unacceptably degraded.”*

In the below, if the culture of the VHS, the NRC and Entergy is seen to be observed as so defective through the problems of the VHS, then Vermont Yankee should be shutdown until the cultures of these organization are repaired! If any of these organizations are word, communication, engineering code or rule gaming then VY should be immediately shut down. Gaming generally consist of creating a false image or giving selective fraudulent communication or information to obtain a individual selfish outcome. A not “just” outcome.

*“There is no immediate safety issue that would justify an immediate plant shutdown. The VHS switchyard only provides a backup electrical power source for the Vermont Yankee facility.”*

Request a petition board local open public meeting and discussion over the quality of the SBO and alternate shutdown emergency electrical power. I am absolutely certain with the below NRC statement, the public would not approve of this agency and Entergy recklessness over the quality of emergency electrical power supplied to core cooling components. So the rules and codes says one thing, but the public demand a high standard of electrical quality. It should be noted this falls outside the SBO event and is part of the regular VY emergency procedures associated with the alternate shutdown outside the control room.

*“PRB Response: Regarding SBO: RG 1.155 does not require that the alternate AC source for SBO conditions possess the same quality standards as the emergency onsite AC sources. The NRC staff has previously reviewed, evaluated, and resolved the reliance that the Vermont Yankee licensee has on the VHS power supply for SBO conditions.”*

Again, the below statement talks of a make believe system. It is a illusory cheap and untested nuclear safety system. It has never been pre operationally or operationally tested in a real world condition. Tell me how many times the tie or alternate shutdown system has ever safety brought a nuclear plant to a safe shutdown condition. This is the gold standard of nuclear safety and public protection. This is all a make believe system and there is no factual objective data that proves these systems could work holistically together with the operating crews...the Vernon tie and the alternate shutdown systems. You got extraordinarily mindboggling complex procedures, and the codes and regulation that supports the mirage of a safety system, but it is forcing all the employees to run hither and yonder all over this large nuclear plant in a dire emergency in the dark. I am absolutely sure if investigated by a outside independent authority you defaulted into using the tie because the alternate shutdown system is poorly designed and incapable of protecting the public. It just engineering, code and regulation word and communication gaming...none of this is the objective facts. The NRC has been doing this kind of destructive cultural word code or rules gaming for many years now. It is also “altruism abuse” with the wording of “This approach is preferable in that it would minimize the time necessary to place the plant in a cold shutdown condition”. The overall good of bringing the plant to a timely cold shutdown hides the intent of Entergy and the NRC to cover up the facts that Entergy is to cheap to design a functional and non complicated alternate shutdown system at this uprate power or throughout the history of VY. The new outcome is to blindly depend on the luck of flicking one switch to connect our futures with depending on the cheap Hugo car VHS and the alternate shutdown system. Would not that be about the most humorous thing ever seen with the operators, using the emergency RHR/SW emergency cross connect and safety cooling tower for the first time in a dire emergency.

*“Regarding Appendix R: In the event that the control room had to be evacuated (i.e., fire) and operators had to shut down the plant from an alternate shutdown panel, the operators would use the VHS power supply before relying on the onsite diesel generators. The VHS would provide an immediate source of power. Operators would not need to wait for onsite diesel generator startup and loading. This approach is preferable in that it would minimize the time necessary to place the plant in a cold shutdown condition. Operators would still have the onsite emergency diesel generators as a backup if needed. The NRC staff has previously reviewed, evaluated, and resolved the reliance that the Vermont Yankee licensee has on the VHS power supply for alternate shutdown.”*

So you got a time constraint to fuel melt. The alternate shutdown add on system is too clunky to use, so we go use the tie for convenience and quick profits. They added this system because of TMI. If the tie fails because a rusting tower falls over, or a too eager family of woodchucks takes over the sleepy hydro station, we go use the clunky alternate shutdown system that we didn't want to use first. It is circular crazy logic and technical words games. What, do you take us for idiots?

I got to inform you of the truth. These nuclear industry's gaming of language, words, communications, the engineering codes or rule gaming are a severe intimidation threat to any employee in the industry. Hell, most of this stuff is voluntary anyway. Similarly, risk informed regulation, with how it is played in the industry today, is a dire intimidation threat to any employee. It translates into a "nothing ever matters" mentality, we don't have to confront our problems and fix it, because nothing is ever safety related or has any consequence relations. Everyone is just waiting around for the big boom and fire, before we recognize we got a industry wide culture problem.

Believe me, the next event that shatters the nuclear industry, it will all be related back to the "nothing ever matters" mentality of the Ayn Rand republican philosophy of risk informed regulation. This is the genesis of the VY tritium issue and it political problems in Montpelier and Concord NH.

Could this message be place on the record?

Sincerely,

Mike Mulligan  
Hinsdale, NH

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**From:** "Pickett, Douglas" <Douglas.Pickett@nrc.gov>  
**To:** "steamshovel2002@yahoo.com" <steamshovel2002@yahoo.com>  
**Cc:** "Salgado, Nancy" <Nancy.Salgado@nrc.gov>; "Mensah, Tanya" <Tanya.Mensah@nrc.gov>; "Spindler, David" <David.Spindler@nrc.gov>; "Kim, James" <James.Kim@nrc.gov>  
**Sent:** Fri, July 23, 2010 10:13:59 AM  
**Subject:** Initial Recommendation of NRC Petition Review Board RE: Your 2.206 Petition of June 15, 2010

Mr. Mulligan:

As you know, the NRC reviews 2.206 petitions in accordance with the guidance of Management Directive 8.11, "Transmittal of Directive 8.11, "Review Process for 10 CFR 2.206 Petitions." I have attached a copy of the Management Directive for your convenience. I am also attaching a copy of the transcript of your presentation before the NRC Petition Review Board (PRB) on June 29, 2010.

The PRB met on July 13, 2010, to discuss your petition of June 15, 2010, concerning the adequacy of the Vernon Tie to the Vermont Yankee Nuclear Power Station and to make its initial recommendations. Pages 11 and 12 of the Management Directive list two sets of criteria that were considered by the PRB. They are the Criteria for Reviewing Petitions Under 10 CFR 2.206 and the Criteria for Rejecting Petitions Under 10 CFR 2.206. In summary, the PRB concluded that your petition meets the criteria for rejection because the issues raised in the petition have already been reviewed, evaluated, and resolved by the NRC. A detailed summary follows.

#### **SUMMARY OF REQUEST FOR IMMEDIATE ACTIONS:**

The petitioner provided photographs of the Vernon Hydroelectric Station (VHS) switchyard. The structures in the photographs include components supporting the AC power source leading to the Vermont Yankee Nuclear Power Station as well as the local distribution grid to Vernon, Vermont. The photographs focus on rusted transmission towers and a surface hole of unknown depth adjacent to a stanchion. The petitioner has safety concerns regarding the overall material condition of the VHS switchyard. The petitioner believes that the photographs, by themselves, provide a convincing argument that 1) the VHS switchyard is degraded beyond repair and 2) the power supply to the Vermont Yankee station is unreliable.

The petitioner has requested the following actions:

1. The immediate shutdown of the Vermont Yankee facility;
2. An independent investigation, outside of NRC and Entergy, to determine whether fraud and/or falsification of issues were involved in the license renewal efforts for Vermont Yankee;
3. An investigation on what the petitioner describes as a subtle shift from reliance on diesel generators to the VHS by the Vermont Yankee licensee without the appropriate quality of a nuclear grade electrical power supply; and
4. An inspection by the NRC or other responsible organization of the VHS dam and switchyard.

### **BASIS FOR THE REQUEST**

The VHS provides a backup AC power source for the Vermont Yankee Nuclear Power Station. This power source is provided through an underground cable stretching from the VHS switchyard to the Vermont Yankee facility. At the Vermont Yankee switchyard, the VHS power source ties into the site via a 13.2 kV to 4 kV transformer. This transformer is referred to as the Vernon Tie. This power source is used for 1) the alternate AC power source for station blackout (SBO) conditions, 2) fire pumps used for fire protection under 10 CFR Appendix R, and 3) a back-up power source for remote shutdown panels at Vermont Yankee if the control room becomes uninhabitable.

The petitioner has safety concerns over the reliability of the power source that the VHS supplies to the Vermont Yankee facility. The photographs focus on rusted high voltage power line towers in the VHS switchyard and a surface hole of unknown depth adjacent to a tower stanchion. The petitioner believes that the photographs, by themselves, demonstrate that the material condition of the VHS dam and switchyard makes the power supply to the Vermont Yankee facility unreliable, extremely fragile, and dangerous. The petitioner believes that the VHS power supply is not sufficiently robust and that the licensee should replace the VHS power supply with something equivalent to the emergency AC onsite power supply at Vermont Yankee. The petitioner suggested that the VHS power supply be replaced by diesel generators.

### **DOES IT MEET CRITERIA FOR REVIEW?**

**NO**

#### **Criteria for Reviewing Petitions Under 10 CFR 2.206:**

1. The petition contains a request for enforcement-related action such as issuing an order modifying, suspending, or revoking a license, issuing a notice of violation, with or without a proposed civil penalty.

**YES.** The petitioner requests enforcement action that orders the immediate shutdown of the Vermont Yankee facility.

2. The facts that constitute the bases for taking the particular action are specified. The petitioner must provide some element of support beyond the bare essentials. The supporting facts must be credible and sufficient to warrant further inquiry.

**YES.** The petitioner notes that the Vermont Yankee facility relies on the VHS as a source of backup AC power. The petitioner has safety concerns over the material condition and overall reliability of the VHS dam and switchyard. The petitioner supported these concerns by providing photographs that focus on rusted transmission towers and a hole of unknown depth and significance adjacent to a stanchion.

3. There is no NRC proceeding available in which the petitioner is or could be party and through which the petitioner's concerns could be addressed.

**YES.** There is no other NRC proceeding available.

#### **Criteria for Rejecting Petitions Under 10 CFR 2.206:**

1. The incoming correspondence does not ask for an enforcement-related action or fails to provide sufficient facts to support the petition, but simply alléges wrongdoing, violations of NRC regulations, or existence of safety concerns.

**NO.** The petitioner has requested enforcement action for the immediate shutdown of the Vermont Yankee facility. In addition, the petitioner voiced safety concerns over the material condition and overall reliability of the VHS dam and switchyard. The petitioner supported these concerns by providing photographs that focus on rusted transmission towers and a hole of unknown depth and significance adjacent to a stanchion.

2. The petitioner raises issues that have already been the subject of NRC staff review and evaluation either on that facility, other similar facilities, or on a generic basis, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question.

**YES.** The NRC staff has extensively reviewed the power supply provided by the VHS and the reliance placed on this power supply by the Vermont Yankee facility. During the SBO review of Vermont Yankee, the staff concluded that the VHS power supply provides an acceptable alternate AC power source. In addition, the VHS switchyard was reviewed, inspected, and found acceptable in the staff's safety evaluation supporting license renewal for Vermont Yankee.

The NRC staff review of SBO and the alternate AC source at Vermont Yankee was reviewed against the recommendations of Regulatory Guide (RG) 1.155, "Station Blackout." RG 1.155 specifies the review criteria for an alternate AC source for SBO. Included in the criteria is the recommendation that the alternate AC source should be inspected, maintained, and tested periodically to demonstrate operability and reliability. The reliability of the alternate AC power system should meet or exceed 95 percent as determined in accordance with Electric Power Research Institute standard NSAC-108, "Reliability of Emergency Diesel Generators at U.S. Nuclear Power Plants," September 1986, or equivalent methodology.

During the phone call with the petitioner on June 29, 2010, the petitioner stated that procedures to demonstrate operability of the Vernon Tie have never been used and that it wouldn't work during an emergency. However, the licensee was subsequently contacted on this matter and they stated that the following tests and maintenance are performed to demonstrate continued operability of the Vernon Tie:

- Vernon Tie Load Test – Operating Procedure 4142 is performed once per operating cycle (i.e., 18 months) to demonstrate the ability of the Vernon Tie to supply the SBO load. The load supplied is as close as practical to the actual SBO load. This test demonstrates that the Vernon Tie provides an adequate AC power supply and would be expected to perform its safety function during an emergency.
- Vernon Tie Availability – Voltage is monitored continuously by an undervoltage alarm in the Vermont Yankee control room. Voltage is measured at the 4kV switchgear. Thus, control room operators at the Vermont Yankee facility would know almost immediately if the power supply from the Vernon Tie was unavailable.
- Transformer Oil Sample – An oil sample is taken and analyzed annually. This was last performed on October 15, 2009.
- Transformer Inspection – An external transformer inspection is performed once per operating cycle. This was last performed on April 1, 2010.
- Transformer Diagnostic Testing – Testing is performed once every third operating cycle (i.e., once per 4.5 years). This was last completed on November 19, 2006.

In consideration of the testing and maintenance described above, the PRB concludes that the Vernon Tie is adequately tested and will perform its emergency function as designed.

During the license renewal review, NRR staff visited the VHS dam and switchyard. The staff inspected the components necessary to support the Vernon Tie and required the licensee to add additional components to the scope of their aging management program.

Through photographs, the petitioner implies a material condition that is degraded to the point of being un-repairable. The photographs focus on a surface hole of unknown depth adjacent to a tower stanchion and rusted high voltage transmission towers in the VHS switchyard.

Regarding the hole, NRR staff concludes that gravel does not provide any structural support to the structure. It only serves as ground-fill. The stanchion depicted is supported by an underground pad – the top of which is visible in a close-up photo provided by the petitioner. The underground pad should be a substantial structure and built to a depth to accommodate heaving of the ground due to repeated freeze/thaw cycles. Thus, the staff does not consider the surface hole to represent a significant material degradation or threat to the Vernon Tie.

Regarding the rusted high voltage transmission towers, these support the electrical grid surrounding Vernon, Vermont, and do not support the tie-line to the Vermont Yankee facility. The transmission towers have been observed by both the NRR license renewal staff and the Vermont Yankee Senior Resident Inspector (SRI). While showing visible signs of rust, the transmission towers were considered to be of sufficient strength and not a threat of imminent collapse. The SRI focused on the material condition of the 115 kV to 13.8 kV transformer that supports the Vernon Tie along with supporting components. The SRI considered the material condition of the transformer, breakers, insulators, and supporting structures to the Vernon Tie to be intact, rugged, sturdy, and in overall good condition. Thus, the staff does not consider the material condition of the structures and components supporting the Vernon Tie to be unacceptably degraded.

3. The request is to deny a license application or amendment.

**NO.**

4. The request addresses deficiencies within existing NRC rules.

**NO.**

**IS THERE A NEED FOR IMMEDIATE ACTION:** (If Yes, describe)

**NO.**

There is no immediate safety issue that would justify an immediate plant shutdown. The VHS switchyard only provides a backup electrical power source for the Vermont Yankee facility. As previously stated, the NRR staff reviewed the VHS power supply in the SBO review. In addition, the VHS switchyard was reviewed, inspected, and found acceptable in the staff's safety evaluation supporting license renewal for Vermont Yankee.

**SPECIFIC ACTIONS REQUESTED BY THE PETITIONER:**

The specific actions requested by the petitioner and the PRB recommended resolutions are as follows:

1. The immediate shutdown of the Vermont Yankee facility.

PRB Response: The PRB previously met and concluded that there was no immediate safety issue justifying the immediate shutdown of the Vermont Yankee facility. The petitioner was informed of this decision on June 25, 2010.

2. An independent investigation, outside of NRC and Entergy, to determine whether fraud and/or falsification of issues were involved in the license renewal efforts for Vermont Yankee.

PRB Response: Refer to the following location at the NRC public web site:

<http://www.nrc.gov/info-finder/reactor/vy/key-correspondence.html>

The above web site lists key correspondence regarding Vermont Yankee. Specifically, an independent investigation was performed in response to the NRC Demand for Information issued on March 31, 2010. The licensee's response and follow-up documentation are identified at this site.

3. An investigation on what the petitioner describes as a subtle shift from reliance on diesel generators to the VHS by the Vermont Yankee licensee without the appropriate quality of a nuclear grade electrical power supply.

PRB Response: Regarding SBO: RG 1.155 does not require that the alternate AC source for SBO conditions possess the same quality standards as the emergency onsite AC sources. The NRC staff has previously reviewed, evaluated, and resolved the reliance that the Vermont Yankee licensee has on the VHS power supply for SBO conditions.

Regarding Appendix R: In the event that the control room had to be evacuated (i.e., fire) and operators had to shut down the plant from an alternate shutdown panel, the operators would use the VHS power supply before relying on the onsite diesel generators. The VHS would provide an immediate source of power. Operators would not need to wait for onsite diesel generator startup and loading. This approach is preferable in that it would minimize the time necessary to place the plant in a cold shutdown condition. Operators would still have the onsite emergency diesel generators as a backup if needed. The NRC staff has previously reviewed, evaluated, and resolved the reliance that the Vermont Yankee licensee has on the VHS power supply for alternate shutdown scenarios.

4. An inspection by the NRC or other responsible organization of the VHS dam and switchyard.

PRB Response: As described above, the VHS switchyard, and more specifically the components necessary to support the Vernon Tie, have been inspected and examined separately by both Region 1 and NRR personnel.

#### **RECOMMENDED APPROACH (Next Steps):**

The petition meets the acceptance criteria for rejection under Management Directive 8.11. The petitioner will be informed of this recommendation by the PRB.

In accordance with the Management Directive, the petitioner has a second opportunity to address the PRB before the PRB meets to make its final recommendations. The purpose of a second presentation, if requested by the petitioner, would be to provide comment on the PRB recommendations and provide any relevant additional explanation or support to the original petition.

Please let me know if you would like to schedule an additional presentation before the PRB.

Doug

Douglas V. Pickett, Senior Project Manager  
Division of Operating Reactor Licensing

Office of Nuclear Reactor Regulation  
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(148.184.100.43) with Microsoft SMTP Server id 8.1.393.1; Mon, 2 Aug 2010  
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X-Ironport-ID: mail1

X-SBRS: 5.3

X-MID: 19439139

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result:

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X-IronPort-AV: E=Sophos;i="4.55,302,1278302400";  
d="scan'208,217";a="19439139"

Received: from web120516.mail.ne1.yahoo.com ([98.138.85.243]) by  
mail1.nrc.gov with SMTP; 02 Aug 2010 09:48:13 -0400

Received: (qmail 59565 invoked by uid 60001); 2 Aug 2010 13:48:12 -0000

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=yahoo.com; s=s1024;

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Version:Content-Type;

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s=s1024; d=yahoo.com;

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Message-ID: <442991.58729.qm@web120516.mail.ne1.yahoo.com>

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Received: from [24.63.202.49] by web120516.mail.ne1.yahoo.com via HTTP; Mon,  
02 Aug 2010 06:48:12 PDT

X-Mailer: YahooMailRC/420.4 YahooMailWebService/0.8.105.279950

References: <8C658E9029C91D4D90C6960EF59FC0D6129033FABF@HQCLSTR02.nrc.gov>

Date: Mon, 2 Aug 2010 06:48:12 -0700

From: Michael Mulligan <steamshovel2002@yahoo.com>

Subject: Re: Initial Recommendation of NRC Petition Review Board RE: Your 2.206 Petition of  
June 15, 2010

To: "Pickett, Douglas" <Douglas.Pickett@nrc.gov>  
CC: "Salgado, Nancy" <Nancy.Salgado@nrc.gov>,  
"Mensah, Tanya" <Tanya.Mensah@nrc.gov>,  
"Spindler, David" <David.Spindler@nrc.gov>, "Kim, James" <James.Kim@nrc.gov>  
In-Reply-To:  
<8C658E9029C91D4D90C6960EF59FC0D6129033FABF@HQCLSTR02.nrc.gov>  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
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Return-Path: steamshovel2002@yahoo.com