



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 8, 2010

Mr. Michael Mulligan
P.O. Box 161
Hinsdale, NH 03451

Dear Mr. Mulligan:

In an email dated June 15, 2010, addressed to the Nuclear Regulatory Commission's (NRC's) Allegation Desk, you submitted a petition pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, "Requests for action under this subpart," asking that the NRC take enforcement action by ordering the immediate shutdown of the Vermont Yankee Nuclear Power Station (Vermont Yankee). Your petition has been referred to the Office of Nuclear Reactor Regulation's Petition Review Board (PRB) for action. The NRC has made your petition publicly available in the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML101670176.

Your petition included a number of photographs of the Vernon Hydroelectric Station (VHS) switchyard. The VHS provides a backup 4 kV AC power source for Vermont Yankee. 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 13.2 kV VHS power source ties into the site via a transformer where the power source is stepped down to 4 kV. 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 pursuant to 10 CFR, Part 50, Appendix R, and 3) a back-up power source for remote shutdown panels at Vermont Yankee if the control room becomes uninhabitable.

The structures in the photographs include components supporting the AC power source leading to Vermont Yankee 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. You expressed a safety concern regarding the overall material condition of the VHS switchyard. In your petition, you indicated that the photographs, by themselves, provide a convincing argument that the VHS power source to the Vermont Yankee station is unreliable and should not be used as a backup power source.

On June 21, 2010, the PRB met and considered your request for the NRC to order the immediate shutdown of Vermont Yankee. The PRB did not identify any immediate safety concerns. Therefore, the PRB denied your request. You were informed of the PRB's decision not to order the immediate shutdown of Vermont Yankee on June 25, 2010.

On June 29, 2010, a teleconference was held between you and the PRB in which you provided further explanation and support for your petition. A transcript of that phone call, which supplements your petition, has been provided to you and is publicly available (ADAMS Accession No. ML101930382).

On July 13, 2010, the PRB met to discuss your petition concerning the adequacy of the Vernon Tie to Vermont Yankee and make its initial recommendation in accordance with Management Directive 8.11 (ADAMS Accession No. ML041770328). The initial recommendation of the PRB was that the issues raised in your petition have already been reviewed, evaluated, and resolved by the NRC. Therefore, your petition meets the criteria for rejection. More specifically, the PRB made the following findings regarding the requests made in your petition:

1. Order the Immediate Shutdown of Vermont Yankee.

The PRB met and concluded that there was no immediate safety issue justifying 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.

You are requested to refer to the following NRC public web site which provides key correspondence regarding Vermont Yankee:

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

By letter dated March 1, 2010 (ADAMS Accession No. ML100570237), the NRC issued a Demand for Information regarding the veracity of statements made by Entergy officials to the state of Vermont regarding underground piping at Vermont Yankee. In the licensee's response dated March 31, 2010 (ADAMS Accession No. ML100910420), they reference an independent investigation performed as part of the state regulatory proceeding before the Vermont Public Service Board (VPSB) related to the issuance of a Certificate of Public Good by the VPSB for the continued operation of the Vermont Yankee Nuclear Power Station after 2012. The NRC has not identified any instances in which Entergy staff or officials have provided incomplete or inaccurate information to the NRC (ADAMS Accession No. ML101670271).

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.

During the SBO review of Vermont Yankee, the NRC staff concluded that the VHS power supply provides an acceptable alternate AC power source. Regulatory Guide 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 (ADAMS Accession No. ML060050024).

Regarding 10 CFR 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.

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

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. The VHS switchyard was reviewed, inspected, and found acceptable in the staff's safety evaluation dated March 30, 2007 (ADAMS Accession No. ML070870378), supporting license renewal for Vermont Yankee.

By email dated July 23, 2010, you were informed of the PRB's initial recommendation and provided with a detailed discussion that included the basis of our findings. By email dated August 2, 2010, you responded to the PRB's initial recommendation and requested that your response be made part of the record. Accordingly, your email supplements your original petition and has been made publicly available (ADAMS Accession No. ML102210068).

On August 26, 2010, a second teleconference was held with you and the PRB in which you provided further explanation and support for your petition. The transcript of that phone call, which supplements your petition, is enclosed and is publicly available (ADAMS Accession No. ML102440275). During that call, you requested that your email, sent earlier that day that included excerpts on papers discussing the cultural theory of risk and identity-protection cognition, be made part of the record. Accordingly, your email supplements your original petition and has been made publicly available (ADAMS Accession No. ML102380520).

In summary, the PRB concludes that 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. The PRB's final recommendation is to reject this petition for review as the issues you raise have already been reviewed, evaluated, and resolved by the NRC.

Thank you for your interest in these matters.

Sincerely,



Theodore R. Quay, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosure:
Transcript of August 26, 2010,
Conference Call

cc w/encl: Distribution via Listserv

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| LPL1-1 R/F | RidsNrrDorl | RidsNrrDorlLp1-1 |
| RidsNrrPMVermontYankee | RidsNrrLASLittle | RidsNrrMailCenter |
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| TQuay, DPR | RidsOGCRp Resource | RidsEDOMailCenter |
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| RidsNrrWpcMail | RidsNrrDirRasb | DNguyen, DLR |
| KMiller, EEEB | DSpindler, R1 | DDodson, R1 |
| RidsNrrPmCalvertCliffs | | |

Package: ML102380122 Incoming: ML101670176 Response: ML102380170
Petitioner's Email of 8/2/10: ML102210068 Petitioner's Email of 8/26/10 ML102380520
Transcript of 6/29/10: ML101930382 Transcript of 8/26/10: ML102440275

*By email

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|--------|--------------------|----------------|-------------------|-----------------|
| OFFICE | LPL1-1/PMR | LPL1-1/LA | DLR/RASB | DE/EEEB/BC |
| NAME | DPickett | SLittle | RAuluck | RMathew (A) |
| DATE | 9/1/10 | 08/31/10 | 08/30/10 | 08/30/10 |
| OFFICE | LPL1-1/BC | RI/DRP/PB5/BC* | 2.206 Coord | DPR/DD |
| NAME | NSalgado <i>NS</i> | DJackson* | TMensah <i>TM</i> | TQuay <i>TQ</i> |
| DATE | 9/3/10 | 08/30/10 | 9/9/10 | 9/8/10 |

Official Record Copy

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: 2.206 Petition Review Board
RE Vermont Yankee Nuclear Power Station

Docket Number: (n/a)

Location: (telephone conference)

Date: Thursday, August 26, 2010

Work Order No.: NRC-403

Pages 1-25

Transcript edited by Douglas Pickett, NRC

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Enclosure

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
+ + + + +
10 CFR 2.206 PETITION REVIEW BOARD (PRB)
CONFERENCE CALL
RE
VERMONT YANKEE NUCLEAR POWER STATION

+ + + + +

THURSDAY

AUGUST 26, 2010

+ + + + +

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

PETITIONER: MICHAEL MULLIGAN

PETITION REVIEW BOARD MEMBERS:

TED QUAY, Deputy Director, Division of Policy and
Rulemaking, Office of Nuclear Reactor Regulation

DOUGLAS V. PICKETT, Petition Manager

DOUGLAS DODSON, Region I, Division of Reactor Projects

TANYA MENSAH, Petition Coordinator, NRR

KENN MILLER, NRR, Electrical Engineering Branch

DUC NGUYEN, NRR, Aging Management of Structures

Electrical and Systems Branch

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PETITION REVIEW BOARD MEMBERS: (cont.)

NANCY SALGADO, NRR, Chief, Plant Licensing Branch I-1

OTHER NRC PERSONNEL PRESENT:

JAMES KIM, Project Manager, Division of Operating
Reactor Licensing

ALICIA CALERO, General Engineer, Division of Policy
and Rulemaking

HEATHER JONES, NRC Region I, Vermont Yankee
Resident Inspector

ALSO PRESENT:

JIM DeVINCENTIS, Licensing Manager, Entergy

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Ted Quay, Chairman

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

10:04 a.m.

BOARD MEMBER PICKETT: Thanks, everybody,
for attending this meeting.

My name is Doug Pickett.

We are here today to allow the Petitioner,
Mr. Michael Mulligan, his second opportunity to
address the Petition Review Board, who we'll refer to
as the PRB regarding his 2.206 petition, dated June
15, 2010, on the adequacy of the Vernon Hydroelectric
Station Tie-In to the Vermont Yankee Nuclear Power
Station located in Vernon, Vermont.

I am the Petition Manager for the
petition.

The PRB Chairman is Ted Quay.

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

This meeting is scheduled to conclude by
approximately 11:00 a.m. The meeting is being
recorded by the NRC Operations Center and will be
transcribed by a court reporter. The transcript will
become a supplement to the petition. The transcript
will also be made publicly available.

I'd like to open this meeting with

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1 introductions. As we go around the room, please be
2 sure to clearly state your name, your position, and
3 the office that you work for within the NRC for the
4 record.

5 I'll start off. I'm Doug Pickett. I'm
6 from NRC. I'm the Petition Manager for the petition.

7 BOARD MEMBER SALGADO: Nancy Salgado. I'm
8 the Branch Chief from Division of Operator and Reactor
9 Licensing.

10 BOARD MEMBER KIM: James Kim, Project
11 Manager from the Division of Operating and Reactor
12 Licensing, NRR.

13 COURT REPORTER: Folks, I'm sorry, but
14 this is the Court Reporter. The folks on the staff
15 who I think are on a speakerphone are not making it
16 onto the record.

17 BOARD MEMBER PICKETT: This is Doug
18 Pickett.

19 I can send you an email with everybody's
20 name on it so we have -- if you want to go over it
21 again.

22 BOARD MEMBER MILLER: On the line is Kenn
23 Miller, NRR, Electrical Engineering Branch.

24 CHAIRMAN QUAY: Okay. You got Ted Quay,
25 the PRB Chairman in Headquarters, NRR.

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1 BOARD MEMBER PICKETT: And from Region I.

2 BOARD MEMBER DODSON: Doug Dodson, Region
3 1, Project Engineer.

4 BOARD MEMBER PICKETT: The Residence
5 Office.

6 BOARD MEMBER JONES: Heather Jones.

7 BOARD MEMBER PICKETT: And the licensee?

8 MR. DeVINCENTIS: Jim DeVincentis.

9 BOARD MEMBER PICKETT: And Mr. Mulligan.

10 PETITIONER MULLIGAN: Yes. This is Mike
11 Mulligan. I'm the petitioner.

12 BOARD MEMBER PICKETT: And is there anyone
13 who has not introduced themselves on the phone. Okay.
14 Then we'll move on.

15 We've completed our introductions and
16 we've got the representative from the licensee on the
17 phone. And Mr. Mulligan has introduced himself. And
18 no one else.

19 I'd like to emphasize that we need to
20 speak clearly and loudly to make sure that the Court
21 Reporter can accurately transcribe this meeting. If
22 you do have something that you would like to say,
23 please state your name for the record.

24 For those dialing into the meeting, please
25 remember to mute your phones to minimize any

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1 background noise or distractions. If you do not have
2 a mute button, this can be done by pressing the key
3 star 6. To unmute, you press star 6 again.

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

6 CHAIRMAN QUAY: Welcome to this meeting
7 regarding the 2.206 petition submitted by Mr.
8 Mulligan.

9 I'd like to first share some background
10 information on our process.

11 Section 2.206 of Title 10 of the Code of
12 Federal Regulations describes the petition process;
13 the primary mechanism for the public to request
14 enforcement action by the NRC in a public process.
15 This process permits anyone to petition the NRC to
16 take enforcement-type action related to NRC licensees
17 or licensed activities. Depending on the results of
18 its evaluation, the NRC could modify, suspend or
19 revoke an NRC-issued license or take any other
20 appropriate enforcement action to resolve a problem.

21 The NRC's staff's guidance for the
22 disposition of 2.206 petition requests in its
23 Management Directive 8.11 which is publicly available.

24 The purpose of today's meeting is to give
25 the petitioner his second opportunity to provide any

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1 additional explanation or support of the petition
2 before the Petition Review Board makes its final
3 recommendation on whether or not to accept this
4 petition for review.

5 This meeting is not a hearing, nor is it
6 an opportunity for the petitioner to question or examine
7 the PRB on the merits or the issues presented in the
8 petition request.

9 No decisions regarding the merits of this
10 petition will be made at this meeting.

11 Following the meeting, the Petition Review
12 Board will conduct its internal deliberations. The
13 outcome of this internal meeting will be discussed
14 with the petitioner.

15 The Petition Review Board typically
16 consists of a Chairman, usually a manager at the
17 senior executive service level at the NRC. It has a
18 Petition Manager and a PRB Coordinator. Other members
19 of the Board are determined by the NRC staff based on
20 the content of the information in the petition
21 request.

22 At this time, I would like to introduce
23 the Board.

24 I am Ted Quay, the Petition Review Board
25 Chairman.

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1 Doug Pickett is the Petition Manager for
2 the petition under discussion today.

3 Tanya Mensah is the office's PRB
4 Coordinator.

5 Our technical staff includes:

6 Duc Nguyen from the Office of Nuclear
7 Reactor Regulations' Aging Management of Structures,
8 Electrical, and Systems Branch;

9 Kenn Miller from the Office of Nuclear
10 Reactor Regulation's Electrical Engineering Branch;

11 Nancy Salgado from the Office of Nuclear
12 Reactor Regulation's Plant Licensing Branch 1-1, and;

13 Doug Dodson from NRC's Region I, Division
14 of Reactor Projects.

15 As described in our process, the NRC staff
16 may ask clarifying questions in order to better
17 understand the petitioner's presentation and to reach
18 a reasoned decision whether to accept or reject the
19 petitioner's requests for review under the 2.206
20 process.

21 I would like to summarize the scope of the
22 petition under consideration and the NRC activities to
23 date.

24 On June 15, 2010, Mr. Mulligan submitted
25 to the NRC a petition, under 10 CFR 2.206 regarding

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1 the Vernon Hydroelectric Station's power supply to the
2 Vermont Yankee Nuclear Power Station.

3 In this petition request, Mr. Mulligan
4 requested the following:

5 (1) The immediate shutdown of the Vermont
6 Yankee facility;

7 (2) An independent investigation, outside
8 of NRC and Entergy, to determine whether fraud and/or
9 falsification of issues were involved in the license
10 renewal efforts for Vermont Yankee;

11 (3) An investigation on what the petition
12 describes as a subtle shift from reliance on diesel
13 generators to the Vernon Hydroelectric Station by the
14 Vermont Yankee licensee without the appropriate
15 quality of a nuclear grade electrical power supply,
16 and;

17 (4) An inspection by the NRC or other
18 responsible organization of the Vernon Hydroelectric
19 Station dam and switchyard.

20 On June 21, 2010, the PRB met and
21 considered the petitioner's request for the NRC to
22 immediately order the shutdown of the Vermont Yankee
23 Nuclear Power Station. The PRB did not identify any
24 immediate safety concerns. Therefore, the PRB denied
25 the request for immediate shutdown. Mr. Mulligan was

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1 informed of the PRB's decision on June 25th.

2 On June 29th, a teleconference was held
3 with you, the Petitioner, and the PRB in which you
4 provided further explanation and support for your
5 petition. A transcript of that phone call has been
6 provided to you and is publicly available in ADAMS.

7 On July 13th, the PRB met internally to
8 discuss your petition concerning the adequacy of the
9 Vernon Tie to the Vermont Yankee Nuclear Power Station
10 and make its initial recommendation in accordance
11 with Management Directive 8.11. The initial
12 recommendation of the PRB is that the issues raised in
13 your petition have already been reviewed, evaluated
14 and resolved by the NRC. Therefore, your petition
15 meets the criteria for rejection.

16 In summary, the PRB concluded that the NRC
17 staff has extensively reviewed the power supply
18 provided by the Vernon Hydroelectric Station and the
19 reliance placed on this power supply by the Vermont
20 Yankee facility. During the Station Blackout review
21 of Vermont Yankee, the staff concluded that the Vernon
22 Hydroelectric Station power station supply provides an
23 acceptable alternate AC power source. In addition,
24 the Vernon Hydroelectric Station switchyard was
25 reviewed, inspected and found acceptable in the

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1 staff's Safety Evaluation dated March 30, 2007,
2 supporting license renewal for Vermont Yankee.

3 By email dated July 23, 2010, you were
4 informed of the PRB's initial recommendation and
5 provided a detailed discussion that included the basis
6 for our findings.

7 On July 30, 2010, you requested a second
8 opportunity to address the PRB for the purpose of
9 providing additional supporting information for your
10 petition.

11 Following today's discussion, the PRB will
12 meet internally to discuss the additional information
13 provided today and make its final recommendation in
14 accordance with Management Directive 8.11

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

19 Thank you.

20 And at this point, Mr. Mulligan, I'd like
21 to turn it over to you. And you have approximately 35
22 minutes, as Mr. Pickett previously informed you.

23 PETITIONER MULLIGAN: Thank you, sir.

24 I'd just like to say, I'm self aware of
25 how fortunate I am to be a citizen of the United

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1 States. Because, you know, essentially the
2 Constitution gives us the ideals for this type of
3 thing. And I just -- you know, I feel very fortunate
4 to be a citizen of the United States and be able to
5 talk to you guys, really, when it gets down to it.

6 Basically I attest that all of what was
7 talked about as far as the petition, you didn't -- the
8 NRC didn't talk -- the NRC and Entergy didn't talk
9 about rusting conditions of the electric towers. They
10 didn't do a detailed inspection. I don't know what
11 codes.

12 I mean, this whole is -- there -- there's
13 a lack of information. You know, you go into this
14 thing and you kind of want the information, you want
15 to get your ducks in order and everything. But when
16 you really get down it, very little information is
17 provided for a petitioner to-- to be able to fight
18 back you guys according to your rules and stuff.

19 And so, the SER and I suspect Entergy,
20 really hasn't -- I haven't found any place in here
21 that they talked about the rusting towers. This is
22 what happened with the rusting towers, this is the
23 condition of the rusting towers and explained it
24 thoroughly in engineering terms. All you guys are
25 engineers, you know what I'm talking about.

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1 And then made an open evaluation of --
2 this isn't necessarily about is inoperable. This is --
3 - the question is essentially is licensing --
4 relicensing adequate, is it thorough? What's missing
5 in this thing, and stuff like that.

6 And what was missing is an evaluation of
7 what the rust -- rusting towers mean. And if you guys
8 were competent, you would have covered that. You would
9 have known how to protect yourselves and Entergy. You
10 would have covered it thoroughly, exposed everything
11 and then I wouldn't have had a leg to stand on, and
12 stuff like that.

13 I can't find anything in the written trail
14 here of anybody discussing the rusty towers, or -- and
15 that, of course, questions, you know.

16 Is that switchyard going to be taken care
17 of appropriately for the next 20 years of relicensing?

18 So essentially, maybe this isn't
19 necessarily all about whether the running dam is
20 adequate for Vermont Yankee. This is a kind of
21 language thing, you know. Help in communication type
22 of thing.

23 Is the Agency and Entergy capable of
24 communicating, identifying problems and solving them,
25 and stuff like that? It's a disease with the

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1 bureaucracy more that concerns me. The symptoms are
2 the switchyard. The disease is, essentially, the
3 twisted language that's being used here. And, you
4 know, and you don't have any idea of the quality
5 behind a lot of these terms, and stuff like that. You
6 don't have any -- I can't see it in the documents.
7 It's an issue with the way you document everything, or
8 don't document everything, or the rules of the
9 documenting -- and documenting stuff. And so I don't
10 have -- as an outsider, I don't have the information.
11 I really don't have the information, very much
12 information. Just bits and piece of stuff like that.

13 And so, I mean that's essentially where
14 the big problem is: Language, the ability of
15 everybody to talk and communicate, and the essence to
16 know that there's a quality behind this stuff instead
17 of all this -- you know, an institutional failure like
18 we've seen in the Gulf of Mexico, and all this sort of
19 stuff, it's about language. It's about the garbage
20 dump of language and communication.

21 Essentially, it's like throwing your divan
22 in -- you know, you have an old piece of furniture, a
23 divan. You throw it in the garbage -- the garbage
24 dump. Then you go back later on and you're trying --
25 you know, you go back, you look for that divan. And

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1 all you find is pieces of the arms and the legs, and
2 they're all disconnected and fragmentary, and you
3 can't make heads or tails. You can't make heads or
4 tails really what the components are, and stuff.

5 And so this is what I'm talking about with
6 language and stuff.

7 I wish -- see, I'm on a different phone.
8 I'd like to reference the petition that talked about
9 NSAC, N-S-A-C 108. NSAC. That's derived from the
10 Electric Power Research Institute, and stuff. And
11 basically the petition referenced that as a standard
12 for diesel generators, and stuff.

13 And, you know, I wish I had -- I wish -- I
14 wanted -- I don't have my computer and I wanted to
15 quote what the Petition Board said about the 95
16 percent or higher reliability of the diesel
17 generators. But I don't have that. I'm not -- I
18 don't have access to my computer anymore.

19 But basically, the petition said that it
20 was referenced -- the 95 percent was referenced by
21 EPRI and NSAC-108.

22 You know, you start going through NSAC-108
23 or NSAC-108, you start going through it the only quote
24 it says about 95 percentibility, and it's a quote here
25 "Generally industry and the NRC like independent EDG

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1 reliabilities to be 95 percent or higher."

2 So, you know, the way the petition quoted
3 it to me was the 95 percent standard comes from EPRI.
4 And then, you know, you gave me the reference number -
5 - the reference number. And I looked it up. And Doug
6 gave me a copy, and stuff. But then it really -- it
7 doesn't really identify is a standard.

8 You know, it's just this circular kind of
9 logic business. So, like I said, I mean the only
10 thing that referenced 95 percent was what I just
11 quoted, and stuff. And it really doesn't identify.

12 This is EPRI -- this -- this should be
13 EPRI standard that emergency diesel generator
14 reliability should be greater than 95 percent
15 reliable, and stuff like that.

16 You guys are all engineers and you know,
17 I'm going to talk about the grid out -- outside
18 Vermont Yankee. I mean, you know basically -- I mean,
19 I was there when we lost a grid, and stuff. So -- and
20 -- and all we had were diesel generators. So, you
21 know, it happens. And basically, you know, the grid
22 normally stays energized 100 percent -- 100 percent
23 reliability. You could essentially say that, and
24 stuff like that. But that -- that's not enough.

25 We know that in the past that we've had

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1 troubles with the grid. So we don't depend -- we
2 don't know that that is a high enough quality for us
3 for electricity for a nuclear power plant. So that's
4 why we have the diesel generators and to power up all
5 your electricity and stuff like that.

6 So you want a higher quality of
7 electricity -- of electricity. And so how you test
8 it? You test it through the plant's two-way system.
9 You just test -- you know, you test it once a month,
10 or whatever you guys do now. And it runs for an hour,
11 or sometimes you do it for -- I mean, that's how
12 there's an assurance of high quality power to an
13 electric station is -- I mean, that's the gold
14 standard. It's not -- it's not that the grid is --
15 the grid is energized, although that is nice -- that
16 is really nice to have. Everyone knows that, that we
17 don't want -- we want to use a diesel generator; we
18 want to use the grid. But we know that the grid is --
19 is not adequate, and stuff like that. So then we flip
20 to the -- we use the diesel generators in case of --
21 in an emergency and stuff.

22 And so, I mean -- so, the wording that you
23 gave me with the petition basically says -- the way --
24 the way the wording is, you frame it's -- it's 95
25 percent reliability because the grid is -- because

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1 that line is energized more than 95 percent of the
2 time, and stuff like that. And, you know, it isn't
3 the same. It is -- you know, you kind of say, well
4 the way you word it, it's not clear. The way you word
5 it is, it's equivalent to a diesel generator, but it's
6 really not even close to being as reliable as a diesel
7 generator.

8 And, you know, this garbage dump -- this
9 garbage dump of words and language really bothers me,
10 and stuff. And this kind of circular stuff, and
11 you're referencing an EPRI document and then you start
12 looking into -- you know, more looking in the dump
13 trying to figure out what's going on, and stuff. And
14 getting bits and pieces of information, and stuff like
15 that. And the EPRI document doesn't even really
16 reference the quality of diesel generators. It
17 doesn't -- it's not a reference. It doesn't
18 specifically state this is a reference.

19 We -- EPRI would like you to have -- in
20 that document, that document that was referenced to
21 me, we would like to have all plants have greater than
22 95 percent reliability of the diesel generators, you
23 know.

24 You know, I mean, but then you're kind of
25 saying that's what -- you're kind of -- you're kind of

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1 inferring that's what the reliability of the Vernon
2 Tie is, and stuff like that. And we don't -- you know,
3 it's not the same thing as -- it's not the same
4 standard as what we use for diesel generators. It's -
5 - it's kind of deceptive.

6 And -- and -- you know, you got an -- it's
7 like I've talked before. You've got an incidence on
8 one side and then on the other side you've got five or
9 six codes or rules and you throw them up in the air.
10 None of them really fit. And then what falls back down
11 to the earth, you pick up five or six of these pieces
12 of the codes and stuff, and -- and you come out
13 authoritative -- authoritatively talking that the code
14 says that we're allowed to use -- we're allowed to use
15 the Tie, it's equivalent.

16 I know that if I was to run around with my
17 photograph and said "Okay, that Vermont Yankee is --
18 we're -- we're in dire emergency and we want to use --
19 and want to use the Vernon Tie, we want to use the
20 Vernon Dam and its offshoots. We want to use that for
21 emergency power." And if I showed them that picture,
22 you know 95 percent of the people in my community
23 would say "Oh, no. That's not right. You can't use."
24 You know, they would -- they would tell you that's not
25 adequate. They would tell you that's an abomination,

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1 depending upon that grid, the visual effects.

2 I think that's -- you know, you got this
3 goggledygook of technical stuff and it doesn't make
4 sense.

5 And I think the impression of people
6 looking at the grid and saying what you -- I mean,
7 looking at the Tie or looking at the dam -- excuse me.
8 I think, you know that -- that impression that you
9 want in a dire emergency and you're going to depend
10 upon that switchyard to power up Vermont Yankee and
11 prevent a core melt, I think if you showed them, if
12 you said that "Do you want to depend on this -- the
13 switchyard," I think 95 percent of the people would
14 say the NRC's nuts.

15 Having overly complex and numerous sets of
16 codes and rules is worse than having no codes and
17 rules at all, you know. That's what I think. I think
18 you can pick up these bits and fragments and pieces of
19 these codes, and nobody understands them. And I don't
20 even think the Agency half the time really understands
21 them the way they talk and stuff.

22 And you open -- start opening up the
23 curtains, you know you start walking past the Vernon
24 Switchyard and you say "How about this rust here?"
25 "Oh, they had a relicensing." I wonder what -- I

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1 wonder how -- I wonder how that's situated in the
2 relicensing documents and stuff. And then you go in
3 there, and nothing's even mentioned about it. And
4 then you start -- then you go through a petition
5 process and they -- they -- they -- they reference
6 this NSAC-108 business and you start looking into
7 that. And, you know, fragments of information, that's
8 all. It's no clear-cut -- no clear-cut -- at least
9 what I can see, reference to a reliability rate, and
10 stuff.

11 And, you know the reliability rate of
12 diesel generators across the board, you know it's been
13 noted through all the years that everybody plays games
14 with figuring out, you know, identifying whether it's
15 a real failure or not a failure. I mean games --
16 everybody games that, the diesel generator
17 reliabilities things, you know, to make it -- want to
18 make it look better, and stuff.

19 You know, I -- so that's -- so that's -- I
20 wish I had -- you know, Mr. Pickett, I wanted to read
21 that email I sent you into the record today, but I
22 don't have my computer next to me. And, you know, I
23 don't know if you could read it into the record for
24 me, because I don't have it because of my phone --

25 BOARD MEMBER PICKETT: Doug Pickett here.

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1 We have the email you sent to us and the
2 write-up in it. And we will include that as a
3 supplement to your petition, and we'll put it in
4 ADAMS.

5 PETITIONER MULLIGAN: Okay. I'm just
6 trying to think of anything I want to say -- anything
7 else I want to say. I think I pretty well much
8 covered it.

9 Oh. And I made -- I made a spelling
10 mistake. The lessons from Forsmark in my letter to
11 you initially about the petition. And that's F-O-R-S-
12 M-A-R-K. That's the lessons from Forsmark electrical
13 event. That's an NRC document. And I just wanted to
14 correct the spelling in that.

15 Would that letter -- is that letter going
16 to be entered into ADAMS?

17 BOARD MEMBER PICKETT: Are you talking
18 about your email from this morning?

19 PETITIONER MULLIGAN: The email I sent
20 you, I don't know, a week ago, two weeks ago, or
21 whatever, in response to the --

22 BOARD MEMBER PICKETT: Oh, yes. That's in
23 ADAMS. And we're making it publicly available. That
24 was at your request.

25 PETITIONER MULLIGAN: Yes, I think -- I

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1 think that I -- I'm done.

2 CHAIRMAN QUAY: Okay. At this time, does
3 the staff here at Headquarters have any questions for
4 Mr. Mulligan? Okay.

5 Seeing none, does the license have any
6 questions?

7 MR. DEVINCENTIS: Entergy has no questions
8 or comments.

9 CHAIRMAN QUAY: Okay. Does the Region
10 have any questions?

11 BOARD MEMBER DODSON: The Region has no
12 questions or comments.

13 CHAIRMAN QUAY: Okay. I believe there
14 were no members of the public identified.

15 So, Mr. Mulligan, I want to thank you for
16 taking time to provide the NRC staff with clarifying
17 information on the petition you've submitted.

18 Before we close, does the Court Reporter
19 need any additional information for the meeting
20 transcript? We did agree to provide you with the
21 names of the individuals here. Is there anything else
22 that's needed?

23 COURT REPORTER: No. And Mr. Pickett can
24 either email me or he can call me. Does he want my
25 number right now.

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1 BOARD MEMBER PICKETT: That would be
2 helpful.

3 COURT REPORTER: It's 202-234-4433 ask for
4 John. I'm the only one in the office, the only one
5 named John.

6 BOARD MEMBER PICKETT: Okay. Thank you.

7 PETITIONER MULLIGAN: And I'm want -- and
8 I want to thank you for this opportunity to speak
9 again.

10 CHAIRMAN QUAY: You're welcome.

11 And I guess with that, I guess this
12 meeting's concluded. And thank you again, Mr.
13 Mulligan.

14 (Whereupon, at 10:32 a.m. the meeting was
15 concluded.)

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