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NUCLEAR REGULATORY COMMISSION

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10 CFR 2.206 PETITION REVIEW

TELECONFERENCE

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IN THE MATTER OF: :

Michael Mulligan's : 2.206 Petition No.

2.206 Petition, dated : G20110191

March 17th, 2011 :

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Wednesday,

April 6, 2011

The conference call was held, pursuant to notice, at 2:00 P.M., Tom Blount, Chairman of the Petition Review Board, presiding.

PETITION REVIEW BOARD MEMBERS:

Tom Blount, Chair

James Kim, Petition Manager

Tanya Mensah, PRB Coordinator

APPEARANCES:

On behalf of the Petitioner:

Michael Mulligan, Petitioner

On behalf of Entergy Nuclear:

James Devincentis

NRC STAFF PRESENT:

Eric Oesterle

Farhad Farzam

George Thomas

Kimberly Sexton

Thomas Setzer

Julio Lara

Vijay Meghani

Harold "Chris" Christensen

Thomas Farnholtz

P R O C E E D I N G S

(1:59 p.m.)

MR. KIM: Good afternoon. I'd like to thank everybody for attending this meeting.

My name is James Kim. And I am the Vermont Yankee project manager. We are here today to allow the Petitioner, Mr. Michael Mulligan, to address the Petition Review Board regarding 2.206 Petition dated March 17th, 2011.

I am the Petition Manager for the Petition, the Petition Review Board Chairman is Tom Blank. As part of the Petition Review Board's review of this petition, Mr. Michael Mulligan has requested this opportunity to address the PRB.

This meeting is scheduled from 2:00 to 3:00 p.m. The meeting will occupy 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 introductions. As you go around the room, please be sure to clearly state your name, your position, and the office that you work for within the NRC for the record.

I'll start off. This is James Kim. I am a Project Manager for the Division of Operating Reactor Licensing in NRR.

MR. OESTERLE: Eric Oesterle. I'm the Senior Policy Analyst for the Division of New Reactor Licensing, Office of New Reactors.

CHAIR BLOUNT: Tom Blount, the Office of Nuclear Reactor Regulations. I'm the PRB Chair.

MR. FARZAM: Farhad Farzam, Mechanical Civil Engineer Branch, NRR Office.

MR. THOMAS: George Thomas, Reactor Systems.

MR. MIRANDA: Sam Miranda, Technical Reviewer at the Reactor Systems Branch in Nuclear Reactor Regulations.

MS. SEXTON: Kimberly Sexton, attorney in the Office of the General Counsel.

MR. KOUTS: Chris Kouts, Nuclear Enforcement Specialist in the Office of Enforcement.

MS. BANIC: Merrilee Banic, Petition Coordinator.

MR. KIM: At this time, are there any interested participants for the Headquarters on the phone?

MS. MENSAH: Tanya Mensah, 2.206

Coordinator, Office of Nuclear Reactor Regulation.

MR. KIM: Are there any NRC participants from the regional office on the phone?

MR. SETZER: Yes, this is Thomas Setzer, NRC Region I, Senior Project Engineer.

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

MR. DEVINCENTIS: Yes, this is Jim Devincentis from Vermont Yankee.

MR. LARA: In Region III, this is Julio Lara, Division of Reactor Projects.

MR. MEGHANI: This is Vijay Meghani, DRF.

MR. LARA: That's it for Region III.

MR. CHRISTENSEN: In Region II, you have Chris Christianson, Division of Reactor Safety, Region II, Atlanta.

MR. FARNHOLTZ: In Region -- this is Thomas Farnholtz, I'm the Branch Chief, Engineering Branch I in the Division of Reactor Safety in Region 4.

MR. CLIFFORD: And an additional person in Region I, Jim Clifford, Division of Reactor Projects.

MR. KIM: Okay. Thank you.

Mr. Mulligan, would you please introduce yourself for the workers?

MR. MULLIGAN: I am a whistleblower. I had a whistleblower event at Vermont Yankee in 1992. And I've been associated with a lot of other whistleblower events outside of the nuclear industry. But that's about it.

MR. KIM: Okay. Thank you.

It isn't required for members of the public to introduce themselves for this call. However, if there are any members of the public on the phone that wish to do so at this time, please state your name for the record.

(No response.)

MR. KIM: Hearing none, I'd like to emphasize that we each need to speak clearly and loudly to make sure that the court reporter can accurately transcribe this meeting. If you do have something that you would like to say, please first state your name for the record.

For those dialing into the meeting, please remember to mute your phones to minimize any background noise or distractions. If you do not have a mute button, this can be done by pushing the keys star six. To unmute, push the keys star six again. Thank you.

At this time, I'll turn it over to the PRB

Chairman, Tom Blount.

CHAIR BLOUNT: Good afternoon. Welcome to the meeting regarding the 2.206 Petition submitted by Mr. Mulligan.

I'd like to first share some background on our process. Section 2.206 of Title 10 of the Code of Federal Regulations describes the petition process, the primary mechanisms for the public to request enforcement action by the NRC in a public process. This process permits anyone to petition NRC to take enforcement-type action related to NRC licensees or licensed activities.

Depending upon the results of its evaluation, NRC could modify, suspend, or revoke and NRC-issued license or take any other appropriate enforcement action to resolve a problem. The NRC staff's guidance for the disposition of 2.206 petition request is in Management Directive 8.11, which is publicly available.

The purpose of today's meeting is to give the Petitioner an opportunity to provide any additional explanation or support for the petition before the Petition Review Board's initial consideration and recommendation. This meeting is not a hearing nor is it an opportunity for the Petitioner

to question or examine the PRB on the merits or issues presented in the petition request.

No decisions regarding the merits of this petition will be made at this meeting. Following this meeting, the Petition Review Board will conduct its internal deliberations. The outcome of this internal meeting will be discussed with the Petitioner.

The Petition Review Board typically consists of a Chairman, usually a manager at the Senior Executive Service Level at the NRC. It has a Petition Manager and a PRB Coordinator. Other members of the Board are determined by the NRC staff based on the content of the information in the petition request.

At this time, I'd like to introduce the Board. I'm Tom Blount, the Petition Review Board Chairman. James Kim is the Petition Manager for the petition under discussion today. Tanya Mensah is the Office's PRB Coordinator.

Our technical staff includes George Thomas and Farhad Farzam from the Mechanical and Civil Engineering Branch, Tom Setzer -- Thomas Setzer from the NRC Region I's Division of Reactor Projects.

As described in our process, the NRC staff may ask clarifying questions in order to better

understand the Petitioner's presentation and to reach a reasoned decision whether to accept or reject the Petitioner's request for review under the 2.206 process.

I would like to summarize the scope of the petition under consideration and the NRC's activities to date. On March 17th, 2011, Mr. Mulligan submitted to the NRC a petition under 2.206 in which you expressed a concern that Vermont Yankee Reactor Building outer shell is riddled with large concrete cracks resulting in a collapse of the reactor building in the case of a 6.0 earthquake.

Also, Mr. Mulligan stated that --

MR. MULLIGAN: Well, I never said that. I said that a wall could fall in and take out equipment. I never said anything -- you've got to be accurate what my explanation said, what my letter said. It talks about the collapse of a wall or something like that taking out safety equipment, not the whole building collapsing.

CHAIR BLOUNT: I stand corrected. I understand that your petition indicated that a wall could collapse -- possibly collapse as a result of a 6.0 earthquake. Is that correct?

MR. MULLIGAN: Yes, the design earthquake

-- lesser than a designed earthquake or in or around an earthquake or it could, you know, end of secondary containment with the cracks lengthening and stuff like that.

CHAIR BLOUNT: Okay. Understand. And thank you for that clarification.

Also in your petition, Mr. Mulligan, you stated that the last-ditch emergency source to prevent a Vermont Yankee Fukushima nuclear plant melt down depends on the Vernon switchyard and this switchyard couldn't withstand an earthquake.

In this petition request, Mr. Mulligan requests Vermont Yankee Nuclear Power Plant as well as Entergy Nuclear Power Plant be immediately shutdown;

Requested that top Vermont Yankee management staff be fired and replaced before start up;

Requested Entergy's corporate nuclear senior staff be fired and replaced before the restart of the plant;

Requested that the formation of a local public oversight panel around every plant;

And requested an emergency NRC senior official oversight panel with the aims of reforming the ROP;

Requested a national NRC oversight panel of outsiders to oversee and report on the Agency's activities. This should include a mixture of professional, academic people, and capable lay people;

And stated that there is some heavy-duty and exceedingly numerous findings of problems with Entergy plants during this inspection reporting cycle and should do an analysis of why this is occurring.

So allow me to discuss the NRC's activities to date. On March 29th, 2011, you requested an opportunity to address the PRB by telephone, which is the purpose of today's call. On April 4th, 2011, the PRB met internally to discuss a request for immediate action. The PRB denied the request for immediate action because there was no immediate safety concern to the plant or to the health and safety of the public. On April 4th, 2011, you were informed of the PRB's decision on the immediate action.

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

Thank you.

Mr. Mulligan, I'll turn it over to you to

allow you to provide any additional information you believe the PRB should consider as part of your petition.

MR. MULLIGAN: Thank you for being here today. I usually express myself in talking about the past, future -- the past, current, and future. I usually get into trouble when I talk about history because I can be inaccurate and on the other side of it, I try and predict the future. I've spent a lot of time analyzing how this will be and then saying well, how is this going to play out in the future.

It's interesting. The Agency generally wants proof from me but I mean if there is such an enormous burden -- barrier for me to see what's going on inside Vermont Yankee and within inside of Vermont Yankee and with inside the Agency. And there are complicated rules that you confuse yourself and stuff like that. It's almost impossible for me to provide any evidence that you guys -- engineering evidence that you guys are trained to look for and stuff like that.

That's why I'm originally in so much trouble, I think, with the Agency. You know with this Fukushima plant here, it asks us -- I think the task force at the head, it's just a knock off of Davis-

Besse and the Vermont Yankee tritium. You're going to have a bunch of people in there that are going to be promotional for the industry and the Agency. And they're not going to sit there and say what is best for our country. This is our fault. And these are the things we need to correct before we get into similar kind of trouble that Japan has gotten into.

Like I said, you want proof. And I want you to see. I want you to see what's going on out there and not putting this through all your procedures and your rules. And that's the sort of stuff where almost everybody, even yourselves don't know what your rules say.

They contradictory. And you can just pull out whatever you want. You have an outcome and then you pull out a rule to justify it. You know I would like to have a 2.206 on the NRC, an enforcement action on the NRC. I mean that's what I generally could like.

I would like to -- I mean I don't really want to shut Vermont Yankee down or any other plant. I just want to tell the truth as best as I can get it on the record. And make people see what's going on. And hope that they'll change their direction. Instead of being promotional or being out for themselves we

would think of something higher like out for the United States, that type of activity.

You know I think of it in holistic systems, you know, how will everything work together at this thing, you know, the procedures, those are for other people. I mean, you know, usually other people make those procedures, the designs of Vermont Yankee, the designs of the reactor building, and, you know, all those sort of stuff, those are usually engineers behind the scenes way back and stuff like that. And really for an operator and operators, we just want to see that this stuff works.

We want to have a sense, a feeling that when these safety systems are called into action, that they work for us. And we don't have to fiddle around with complex rules or complex interpretations. These are rather simple things that we should be able to do. And we should have a feeling that when we use this equipment, it is going to work the first time type of thing. I mean holistically, I mean that's what we really want.

And, you know, and then you get into all these different agencies' actions and procedures and policies and the stuff we can't see going on underneath all this sort of stuff. And I mean it is

nothing but complication and complexity and it takes away from what we really have to do.

You know it's all you guys playing games up in Washington within the corporate office and stuff like that. And you're making too much complexity. And you're forgetting what the real job is of an operator of Vermont Yankee.

I wrote this on September 11th, 2009. And I was going by the dam, the Vernon Dam. And I made an observation and played it around in my head, you know, because I have special training or I had special training. And if you want to get a taste of -- this is the quote -- if you want to get a taste of the conditions of our electric system, our power-producing grid and electrical distribution system, you could take a look at this disgusting, severely chipping and rusting hole, the structures holding up the breakers, lines, and transformers.

It's an accident waiting to happen. A tree falling on a line or a windstorm, heavy wet snow or a big ice storm would probably knock it over and collapse the station. The question is what does this disgusting-looking rust and bubbling over tank, does it represent a loss of the dam's electricity, there is no paint left on the local carbon steel structure,

making it enormously susceptible to rust and steel oxidation.

Is the dam enough as far as supply emergency electrical power to Vermont Yankee safety system? Could the inoperable damn force Vermont Yankee to enter a technical specification limitation?

So in pondering this, should I write a 2.206? I write a lot of 2.206s. I'm getting sick of it and stuff. And so I'm kind of saying, you know, I'll let this wait and stuff like that. And so it's interesting, a year later, almost September 8th, 2010, I get my final response from the PRB and stuff. And it was a tremendous year that next year.

So, you know, you can look at this at the Topix Brattleboro forum, you can do a Google search under Mulligan Vernon Dam and Topix and it will get you to what I'm talking about.

So September 11th, 2009, it starts. I get an FBI interview about a month later because I probably entered this thing November 16th, 2009. And, you know, I'm talking to -- they're interviewing me for two hours, two of them, and stuff like that and wondering what I was doing around Vermont Yankee.

And so here in May 28th, 2010, there's a huge thunderstorm at Vermont Yankee. A huge

thunderstorm, there's tornado-force winds. Larry Smith says that Vermont Yankee measured 83 mile per hour winds, there's trees all down all over the place. And basically this took out the plant and a tie transformer. They had a short on the transformer and stuff like that. So that happened at May 28th, 2010.

Within a few months, you know, they had one portable -- huge portable transformer. Then within another -- within a couple of months after that, they have another. Something else gives out. And they have two portable transformers. There is a portable transformer junkyard in Vernon at the dam station. These are huge, humongous machines.

And, you know, back when like this thing first started in September 11th, the tritium business was ramping up. It wasn't detected yet. In November, they start getting readings and all that sort of stuff. And then we all know about the transformer business.

I got them to fix that hole that I complained about. They later trimmed the trees nearby. You know there's still -- like that one tree that they trimmed 90 percent probably of the limbs, there's another tree right near it that's a lot taller. And any of these things if they're hit by a

wind, they're big enough that they could knock over the Vernon Dam Tie and stuff like that.

And I mean -- and so, you know, anything around -- to me, to me, you know, I don't care what your codes and standards say. I know that you're not supposed to have any tree limbs or trees in the vicinity anywhere near where they could touch these high-voltage lines.

I know that's the right way to operate. I don't need no code, or Federal, or ISO, or NUREG or anything like that. Common sense tells you that an electrical substation, you don't have any trees around it. But we've still got trees. We still, after all that's been said about it, we've still got trees that could knock out the Vernon Tie.

And it's atrocious. It's atrocious you've got to go through all these activities. And people don't seem to get what you're trying to say and stuff.

Here's some Mulligan -- this is my transcripts from the June 29th, 2010, 2.206 petition board. And there's some interesting stuff here. The letters -- one of the best ones is -- and this is a quote, "new way to do it nowadays is you have a set of conflicting codes and regulations. You have five or six of them all intertwining, and intermingling and

very few people can understand. And you have an outcome in mind and you twist these codes and rules and regulations around until you get the outcome you want.

Nowadays we play games. We twist around regulations and we make believe that the regulations, you know, are going to tell us the ultimate truth. If we obey the regulation, it's going to tell us the ultimate truth and the perfect outcome. If we just follow the rules, there's going to be a perfect outcome.

So Mr. Pickett asked me one more -- Doug Pickett, he's asking me a question, Mr. Mulligan, are you making a -- you are making a number of statements about codes and regulations that are twisted by regulators to get the desired results. And so now we've got the LER business that came up and popped up and stuff and we see exactly what I said, you know, codes and rules and regulations.

I mean it's hard coming up with the evidence. There's so many barriers in front of me that I can't get out of. I can't get at the information to contradict what you guys are doing, to make you people see and stuff. That's the hard part of this 2.206 business, you know?

All I can do is I try and record the information. I mean that's what I'm doing here and stuff. And God help us one day if it, you know, I've always got this stuff recorded and I can always revert back to it. You know I did my job. I gave you a warning. And I tried to show you, yourselves, and gave you an opportunity to change your ways. And hopefully it will be your future.

Corrupt engineers, you know, gas station attendants, electric meter readers, I mean they don't do damage to our world. They do very little damage. We look at them as very disreputable people. And I worked as a gas station attendant. And a lot of them I had -- one guy that I worked with was a sex offender. And, you know, other ones had been to jail and stuff.

So those are the kinds of people that are in that area. You don't respect them and probably we shouldn't. But the idea is well, how much damage can they do to us, you know?

On the other hand, you've got engineers. They really aren't required to act in our interest. They're required to act in their organization's interest. If they don't do what you say, if they don't do what the organizations say, they should fire

them. Or you paint them so bad that they'll ever work in the industry again and stuff.

And so, you know, one engineer can do a million people worth of gas station attendants' amount of damage. We seen the gas station attendants didn't damage the rig out there in the Gulf. It wasn't there -- they weren't there in TMI or they weren't there in Davis-Besse. They were all engineers and usually highly paid people -- highly paid engineers.

And honest, to be truthful, I don't think engineers are God. They're just like me and you. And they have incentives to not serve our interests. They've caused us tremendous damage over the years with playing games, word games, and rule games, and barrier games and stuff like that.

I have the feeling that if we could see what's going on, we could stop it. You know, these barriers in front of us, doesn't give the public any chance to interact with what's going on. Those are the things that bother me.

Just to reiterate, as a group, engineers are, as far as damage to our society, they're very corrupt and stuff. And, you know, I think a lot of this has to do with ethics. And there should be a sense of ethics that these engineers have to serve

other than corporate goals or even the agency, the NRC Agency's goal, they have to serve something better than an organization. They have to serve something bigger than an organization or a group. They have to serve our greater good.

There should be rules. And if they don't -- if they get caught not serving our interests, you know, there should be punishment and firing. And if it's worse than that -- you know, the object of this whole thing is to make people tell the truth. I mean that's what you're doing when you punishing people. You're not just punishing them, you're putting an idea on their head if you don't tell the truth, the whole truth, that there is going to be a consequence.

And people are going to see that consequences and everybody is going to start telling the truth. I think that is unbelievably important and we don't get that from the engineers. I don't know why we don't get it from the engineers. Again, we get this promotional thing, all our media tell us to be promotional and not deal with problems and always take the best take on what's going on around us in the world. They don't ask us to ask -- they don't ask us to ask the difficult questions.

Everybody wants to be happy and triumphal.

Nobody wants to be sad and concerned and worried about the world. And I have a problem with that, that we can't be strong enough to be all those things and not always to be triumphal and promotional. And, you know, you know, we have to act like everybody else does in those ways. It's a problem.

Black hole organization -- a black hole star is a huge star and it has a gravitational field that it is so strong that it doesn't -- you don't see any light. There's nothing coming from a black hole, a stellar black hole and stuff. And organizations can't become like that.

And organizations can become like that. We see them all around us. The Fukushima over here with the TEPCO and their regulator and stuff like that. Those are classic blackhole organizations.

CHAIR BLOUNT: Mr. Mulligan, this is Tom Blount. I'd like to ask a question if I might.

MR. MULLIGAN: Sure.

CHAIR BLOUNT: Could you help me understand the discussion regarding the large concrete cracks in the reactor building's wall and what information you have relative to those cracks.

MR. MULLIGAN: Was I getting a little bit uncomfortable to you.

CHAIR BLOUNT: Oh, no, sir. I was just trying to stay in line with the petition that you submitted.

MR. MULLIGAN: Could I finish my blackhole thing? And then I'll get on to that.

CHAIR BLOUNT: I was certainly interested in the petition because that was the purpose of the phone call was to hear more additional information --

MR. MULLIGAN: No, that's interpretation of my petition, right? I mean my interpretation was that I had the cracks and I also talked about the tie. And I'm trying to give you some background on the tie, what drives -- what really drives the behaviors of the Agency into not dealing with the tie or the conditions of the cracks in the reactor building.

CHAIR BLOUNT: And so with that in mind, I'd like to continue down the factual basis associated with either the cracks or the tie that you have available for us to use. And I don't want to --

MR. MULLIGAN: 2.206 basically doesn't ask me to give you any factual information. It just asks me to give an explanation of how I feel about a situation. Is that correct?

CHAIR BLOUNT: No, I'm sorry, sir. It does require that you provide -- well, you can provide

whatever you like. But it's up to you to provide a basis for making the petition. And so I'm interested in understanding the factual basis supporting your petition request.

MR. MULLIGAN: Well, that's a fallacy, right, that's a fallacy of the Agency that I can support that. I mean that's a fallacy in thinking that I have that ability because you -- the NRC -- and I mean the security fences around the facility and there's, you know, there's all sorts of barriers that the Agency puts in front of me as far as rules and regulations and all that sort of stuff. So to think that I can do that is quite amazing.

CHAIR BLOUNT: Well, sir, if I might, that's the process that you are in, that you requested to participate in. So I just want to make sure that that's what you intended, sir. And if I understood your last statement, it seemed to imply that you have no additional information or facts to provide to us in that regard.

MR. MULLIGAN: Well, then we get into definition of information or -- I mean could you quote me where the 2.206 process -- I mean I've read pretty thoroughly on this and it basically says I just have to give you a set of explanations of what I feel about

a situation. I don't -- I mean you either can -- you use your own criteria of facts and stuff like that to -- on your reports and stuff like that.

But I mean what does the rule say? You know you seem to be asking me one thing and the rules say another.

CHAIR BLOUNT: I believe -- and let me -- I'm taking a look now -- do you happen to have our Management Directive with you?

MR. MULLIGAN: That's deep in my computer and it will take a while.

CHAIR BLOUNT: Okay, so relative to the criteria for reviewing our petitions or for reviewing petitions, it states in the criteria the petition contains a request for enforcement-related action such as issuing an order, modifying, suspending, or revoking -- and the next criteria is the facts that constitute the basis for taking the petitioner action are specified.

MR. MULLIGAN: That's what you guys go by, right?

CHAIR BLOUNT: That's what we expect as part of the review. But we expect the petition to have had that information provided in order for us to make that judgment. This phone call is intended to

allow you an opportunity to provide additional facts as I indicated in my opening remarks. So I'm just trying to make sure that you understand what the purpose of this activity is.

MR. MULLIGAN: Yes, and like I said, it's a fallacy that I can -- that, you know, I've done this so many times -- it's a fallacy because of the barriers that I have as far as just like, you know, I mean in order for this to work, you'd have to, you know, basically I'd have to be given -- to be fair, this whole thing is a fallacy, this 2.206 process and stuff.

It says you've got to have a set of facts but we're not going to -- we're going to set up the system where you can't challenge the Board, you can't challenge -- I mean I don't have access to a lot of stuff the NRC does. I don't have access to the engineering of the plant. I can't ask anybody any questions. They don't have to give me any answers and stuff like that.

And then you come out -- and then the Board comes out and says, Mike, what facts you got? And stuff. And, you know, like I say, there's more than the facts. There's more than the facts. You don't need the facts. Most of our lives are not based

around the facts.

We look at the world around us and we make an analysis of what's happening in our past and we do like I did with this -- with the tie. I make an assumption. I have a model I my head on how the rust, what it means and all that sort of stuff. Then I try and interact with it as best I can.

CHAIR BLOUNT: So what you're telling me, if I understand you correctly, is you currently do not have any additional facts but you do have a model and you do have assumptions that you're making about the situation. Is that an accurate depiction?

MR. MULLIGAN: Would you say that again one more time?

CHAIR BLOUNT: You currently do not have any additional facts. But you do have a model, a working model in mind and you've made assumptions.

MR. MULLIGAN: The facts, like I was trying to talk about -- the facts of what I was trying to talk about is a black hole organization where they have such controls over the people and the organizations that an accident can be brewing in the background and the agency is so disconnected from society and our political system and stuff like that that they can keep spinning and nobody can direct

their direction and stuff like that.

They're an entity unto themselves. And nobody can stop them and stuff like that because they think they know everything and nobody can question their thoughts. And you get into like Fukushima. And Davis-Besse, TMI are all the same, these same kind of things. And that's what I'm saying is going on right now with the NRC.

They are that kind of an agency, an organization. And you so control the information. You so control the output of our employees and stuff like that that the world can't interact with you guys and either make you better or to stop an accident because we don't have any access and we don't have an vision of what's going on inside there. And there's no way of making you guys do the right thing.

CHAIR BLOUNT: And so --

MR. MULLIGAN: And that's what I think is going on here with the tie and with the tritium and with the cracks in the building and stuff like that. You're the guys that don't by facts.

CHAIR BLOUNT: Are you suggesting that our process is flawed?

MR. MULLIGAN: Your process, a lot of processes. The 2.206 is flawed.

CHAIR BLOUNT: Okay.

MR. MULLIGAN: For one.

CHAIR BLOUNT: So what I would suggest is to correct that, we would need to get into rulemaking, which is not this process but another. And I'm not suggesting we go there but I'm just trying -- what I want to help us do is address things appropriate to this particular methodology. Unfortunately it's the rules that we need to operate under.

And that being the case, I'd like to make sure that we are dealing with it in the appropriate venue. If you think that we, the staff, are doing something inappropriate, then there is a mechanism to deal with that. And that is through our Office of Inspector General. And we have a phone number where you can contact them or there is an email address. And we'd be glad to --

MR. MULLIGAN: I've dealt with the NRC OIG and I've dealt with a lot of different -- the allegations of people and stuff. And generally what I see they're all doing is when you first contact them, the first thing they tell you is somebody -- this is not in this -- you know, it's a black hole organization. You know our rules and regulations are so complex, you've got to go to somebody else.

And then normally what happens is then, you know, I go down the rat hole and I start looking -- and I go to the next person. And they tell me it's not -- you know -- and they keep doing that going down the rat hole of different agencies and different heads and different people and stuff like that. And you just end up chasing this thing around and doing nothing. You could do it for decades.

CHAIR BLOUNT: And so I don't want you to waste your time in the wrong process. So here what I'd like to help us do is focus on the concrete cracks and the Vernon Dam situation. And help us get as much information on those areas such that we can assess them appropriately. Does that make sense?

MR. MULLIGAN: It really doesn't because I have no power of transparency. I have no ability to gather the documents or to ask the NRC questions. You make me powerless in this. And the only power that I have is through this limited forum of transcripts and other people seeing what I say on the internet -- on your website. That is -- I have a very limited set of power in this deal and stuff like that.

Like I said, you know, if this was to be a truly functional thing where it was my job to criticize the Agency and Vermont Yankee, you would

have to give me a sense of power that I could demand documents and that the documents are truthful and full and stuff. And we could dance around these and talk about these issues and come to a conclusion based on the facts. That's the only fair way to do it.

Now you're asking me in a thing that's not fair and stuff like that to give you the facts.

CHAIR BLOUNT: Well, sir, what the 2.206 process is a methodology by which a member of the public such as yourself can make a claim or a petition for the Agency to take action because they have -- that individual making the petition -- has information that we don't have. Now if we have the information and have evaluated and assessed the situation --

MR. MULLIGAN: Yes, you're gods, you think you're gods. And you're always right. And that's Fukushima.

CHAIR BLOUNT: Okay. I understand your point there.

MR. MULLIGAN: Thanks.

CHAIR BLOUNT: But the 2.206 process is an opportunity for members of the public to provide us something that we may have missed based on the facts that they have collected and are sharing with us or providing to us.

MR. MULLIGAN: Well, if I read the -- if I read the -- see, that's what you're supposed to judge me on and stuff. But if I read what my responsibility is, I'm supposed to give you my interpretation of what my petition is on these types of things. And so I'm giving a lot -- you're kind of limiting me into what you're supposed to do.

CHAIR BLOUNT: I don't want to take away from your time because it is your time to provide us that input.

MR. MULLIGAN: Well, you don't have to worry about wasting my -- you don't have to worry about wasting my time. That's not your responsibility. That's my responsibility to figure out if it's wasted or not and stuff like that. So it's really none of your business if it's wasted or not. I make that judgment on my own. And think this is worthy of me and you.

CHAIR BLOUNT: I was really referring to our time here on this phone call, sir. That's what I didn't want you to be expending in additional dialogue unnecessarily. So let me offer that there is a FOIA process where -- there's a Freedom of Information --

MR. MULLIGAN: Oh, here we go down the rat hole again --

CHAIR BLOUNT: I'm just offering that that exists if you care to exercise that. And with that, please continue with your presentation. And I apologize for the interruption.

MR. MULLIGAN: So we went over the cabal of the black hole organization, right. You know could the people have one thing in mind and they become disconnected from society and they spin along until they finally get into an accident and their politics and their power is such that many people in the organization know that they're heading for a catastrophe but nobody can stop them because they have absolute power.

You know I never have any history of the switchyard. If you want to start talking about cracks, you know when I went in there, when I worked there as an employee, there were these huge cracks in there. And this is not my first time engaging the NRC with those cracks. About a decade ago, I made a -- had people looking at it.

You know talking about Crystal River, they do crack mapping. I wonder if Vermont Yankee ever did any crack mapping. And I seen humongous cracks, you know? They were usually like -- they were half the width of the building long when I was in there. I

know they got epoxy in there now but there was leakage through it in storms, you know, through the cracks, there was leakage through it. This was 20 years ago and stuff.

And I never -- there was leakage. It was numerous and stuff, the cracks. Like I said, you know, I don't even need you guys, the NRC. If you give me those pictures and let me show them around the community, they'd yank your license, then yank the license of Vermont Yankee. This is what I'm taking about. You know other people than you making a determination behind high-security fences. We've bypass you if we had those pictures.

There's my evidence. So why doesn't people give me that evidence and I'll change the nature of the game by those pictures? Well, because everybody wants to protect themselves.

So those cracks, they're numerous. Too numerous to count when I was in there walking around the reactor building 20 years ago. There was leaks in it. They did a -- they put in epoxy and stuff, you know?

You ask me for my proof and I'd come back and say what's your proof that that building could survive the design earthquake accidents? You know you

have a brand new reactor there with the proper amount of concrete -- you know, the proper concrete, the proper skills to lay that concrete.

And when you have that there, you build a building that there's no cracks. There's hardly a crack in there or none and stuff like that if you use the right skills and the right materials. I know the '70s are way back a long time ago but they had those skills and we built good buildings and we built buildings without cracks and stuff like that.

And so, you know, you make probably a set of rules and stuff like that that you find those types of things acceptable and stuff. And so, you know, I mean you can't -- normally you would -- sometime in the past, you'd make a model of it. I mean nowadays we do it with computers but those are still questionable and stuff.

You would make a model of it. And you would make the model of those cracks in the building. And you would shake it around and you would do the types of things, maybe over-pressurize it a time or two and stuff like that. And you would experiment with that kind of degraded concrete.

And you would gather information. This is how it responds and stuff like that. Who knows if

this isn't settling of the reactor building? Who knows what's going on underneath the ground with the concrete? I know there's conduits that leaked when I worked there and that stuff. That's 20 years ago.

And so we have -- you know, I have no idea, I mean, how this would work. You give me the power of transparency. You give me the power of being able to go inside Vermont Yankee. Let me take my pictures. Let me go look in your documents and stuff like that. And we'll change the whole direction of the nuclear if you ever gave me that power to do that.

And that's what I'm talking about -- that's what I'm supposed to be able to do. If there's something going wrong, I'm supposed to be able to -- and if I have adequate skills, I'm supposed to be able to change the direction of the NRC so that we don't another -- we don't have a type of Fukushima accident going on here in the United States.

So, you know, those are my visual indications. And I don't know what they've done in 20 years to do that but I don't think -- I don't know how they documented it. I don't know how the monitored it, you know. They've got all sorts of stuff nowadays that -- lasers and GPS and stuff and you can model that pretty accurately all those cracks and stuff.

And you could have watched this thing over a decade and stuff and made a determination as to if the building was settling and that type of thing of what was going on and stuff.

But I'll tell you, you know, like I said, all our design accidents are based on meeting the codes in place, you know, that you build a valid concrete structure without defects in it. And you would expect that it would act in a way that was conservative, you know, that would be overly conservative type of thing.

And you just can't tell me those cracks set us up to be acting in those conservative ways. You just can't give me any -- there's just no confidence there that that building could do it -- function like I said. Who knows what -- you know an earthquake happens with all those cracks in there, I don't know if you guys -- I mean you'd have a different frame of reference if you people had seen those cracks in there in the reactor building and stuff like I have.

You know and then you could postulate all the different things, you know, a side of the building falling off, knocking out some safety equipment and stuff. You know you guys are into big accidents and

stuff like that. I'm into, you know, the existence of the nuclear industry. How would this play out if we had a 5.9 or 6.0 -- 6.4, I think 18 Gs, whatever it is, and stuff -- how would this play out if we had a small earthquake and it did more damage than we thought and stuff, you'd destroy the industry.

And people don't worry about that. They have these exotic risk things and stuff and that's all they care about. And they don't care about these lesser things that would give us clues to prevent the bigger ones.

And that's basically -- so that's, you know, that's when I get down to talking about the papier mache systems -- when engineers spend a tremendous amount -- they make a tremendous amount of money over making documents and rules and regulations, papering safety systems -- making and creating a papier mache system -- safety system or quality assurance type of organizations and there's no heft to it when you get into --when you start questioning in what's going on here on a big deal.

When I was in there and they were doing the snubbers on the towers in the cement and stuff like that, you know, you got all them cracks in the cement, well how do you know, you know, that

challenges the quality of the cement and stuff like that. And those snubbers in the tours, you know, they're both into the cement and stuff.

We used to joke, you know, they bring all this equipment in, you know, right? You know bring all this equipment, this heavy metal stuff in there and snubbers and all sorts of, you know, the engineers and stuff, and they bolt this equipment into that cement. Well, they probably put epoxy in them bolts, too, like they did in Big Dig, who knows and stuff like that.

So you just sit there and you say, you know, these engineers, they say they design these things for 8Gs or 18Gs, whatever it is, or 6.0 earthquakes, what they do is they hire engineering firms, Vermont Yankee says, you know, give me your estimate on this contract here. And then the engineers come back and say we'll do this and stuff like that.

They'll bring in so many tons of iron. We'll make the systems look pretty and stuff. You'll see a lot of heft around it and stuff like that. But we'll make a lot, you know, and the engineering firm will make a lot of money because we do this. We'll create an illusion and stuff.

And so at the end of it all, the only thing that works, the only thing that, from an operator's perspective, is will it work, you know? You know you've got to test the system. You've got to figure out some way of testing it.

In the old days, we'd take it out in the dessert and we'd build a scale -- a model of it or a scale model if it and we'll shake this thing around. We'll build it -- you know, the defects in it and stuff like that, and we'll experiment and we'll play and we'll figure out what happens. And then we'll go from there with the evidence there.

But none of this has any of that in there. And I'm not an engineer but I know, like I said, we always had -- we always thought it was humorous, the operators in there, bringing all the equipment in there, knowing the construction guys and stuff, I could tell you stories about these construction people coming in and what they did and all that sort of stuff. That would be entertaining but I'm not going to.

And so I mean how do we know, if we have an earthquake, how do we know everything is safe. I don't have the evidence. I don't have the evidence to say how the system will response.

CHAIR BLOUNT: Mr. Mulligan, this is Tom Blount. Two things. One, I just want to let you know we've got about five minutes left. And two, a question.

You described a couple different time periods. I was wondering if you were indicating that while they were bringing the snubbers in that was during construction. And were you part of -- were you there during the construction of the facility?

MR. MULLIGAN: No, I was there during -- I became working there as an AO and later on a licensed operator in 1980.

CHAIR BLOUNT: Okay.

MR. MULLIGAN: So I basically seen the -- I seen the --

CHAIR BLOUNT: This was a period of operation. And they were doing some additional work to install the snubbers?

MR. MULLIGAN: The tower snubbers, you know, they did a lot of -- there's snubbers and then there's other plates on the floor that they put in there and stuff. So those are the things that I witnessed in the towers.

And also, you know, the area -- the ACU units and stuff. So, you know, we seen a lot of the -

- I seen a lot of that stuff over the 13 years that I worked there.

Hello?

CHAIR BLOUNT: Yes, sir, we're still here. Thank you for that insight. I just wanted to make sure I understood it.

Do you have more for your presentation, Mr. Mulligan?

MR. MULLIGAN: I'm looking around.

CHAIR BLOUNT: Oh, okay. Sorry.

MR. MULLIGAN: To get back to my -- the tie and stuff like I said, I really don't care, you know, how you swing it around with the rules and the regulations. I know that if you showed the pictures to the public and stuff, if people took an interest of it -- in it -- and stuff, I know, you know, a lot of times, the Agency depends on the procedures of the ISO and RMVAC and other organizations. They say well, you got procedures. And that's how we know that you've got quality and stuff like that.

And I think that's bogus. You know you're basically dependent upon a nuclear function -- a safety function of a nuclear plant. And I think those safety functions aren't invisible. I don't think you can pawn it off on the grid or on the dam or the

switchyard or national grid or TRANSCANADA and stuff like that.

I just think you have to make your own -- you have to gather your own evidence and make your own determination. And not depend upon, you know, these secondary sources, you know. Just, well, we got the procedures and stuff like that. But you don't really test -- you don't make your own tests of the Vernon Dam. And I have issues with that.

And, again, I think you'll find that you know you say, you know, the cubbyhole thing, we only check up to the Vernon tie dam transformer, the first transformer there, and stuff like that. But the electricity goes through all of the other stuff, you know, it goes through all them towers and stuff.

And I think that's a, you know, a fallacy to think that, oh, well, the regulation says we only have to look at these things up to the first transformer or the first breaker and we don't have to holistically worry about what the system is capable of doing in a high-consequence action.

And I don't think it is tested adequately. You know you don't say all of a sudden, let's have a drill type of thing. And, you know, say that we have an accident where we're going to need the juice from

the Vernon Dam and actually, you know, nobody is prepared for it.

And I think the way you test that everybody is prepared for it, they study for it, they prepare for it, and wait. But we know that the operators up in that control room are going to have moments to decide, and they're going to have moments to notify the Vernon Dam.

And I think that's a whole fallacy to think that that dam is going to be available unless you test this. You know I think that's the gold standard of nuclear safety as far as you test them like we're going to use them, you know, yearly or at every outage or in a periodical way.

CHAIR BLOUNT: Well, Mr. Mulligan, this is Tom Blount again. I think we've heard your additional information. We appreciate your presentation. Unfortunately, we do need to wrap up.

So with that, does that pretty much cover your information you wanted to share with us?

MR. MULLIGAN: Did I tell you, just for the heck of it, did I tell you on the letter to Vermont governor back in 1991 before the loop my three concerns were the fuel pool intimate and short, that was one thing I complained about. I didn't trust the

NRC. I wrote a letter to the governor and got her in hot water. The fuel pool pin leak --

CHAIR BLOUNT: So regarding this particular petition, do you have any additional insight regarding this --

MR. MULLIGAN: I thought I was just giving you that.

CHAIR BLOUNT: I thought you were relaying something that you had written to the governor.

MR. MULLIGAN: See, you don't think I'm smart enough to respond to your question.

CHAIR BLOUNT: Oh, I do.

MR. MULLIGAN: I mean that's what it really comes down to. You interrupt me halfway through it and you don't wait until a comment -- until I'm done. You make an assumption that I'm not going to give you any valuable information.

And that's the arrogance of engineers and the NRC is they play this kind of stuff.

And the third thing was when I was a licensed operator, I complained to the government about can't perform a shutdown outside the control room. We don't have the people and the systems behind it won't work. So I'm just giving you an idea why this is in 1991 and I carry forward until even right

now with that Vernon switchyard, I have a history of worrying about how we're going to supply electricity to the grid -- I mean to the power plant when we're in a dire emergency.

And like I said, I've seen pretty serious emergencies at Vermont Yankee when I was working there. So that was my response to you as to do I have anything else to add. And --

CHAIR BLOUNT: Thank you for that, sir.

MR. MULLIGAN: Boy, I tell you what --

CHAIR BLOUNT: I appreciate that additional information. The problem I have right now is there are other folks that are trying to get into this conference room. And so that's why I need to bring this meeting to a close. So --

MR. MULLIGAN: Well, you interrupted my presentation with telling me that I wasn't saying the right things or wasn't giving you the right information for about ten minutes or 15 minutes we had that discussion, you know?

CHAIR BLOUNT: Yes, sir. And part of this Petition Review Board process is that I can ask clarifying questions. And that's what I was attempting to do. I apologize if it didn't come across that way.

MR. MULLIGAN: Well, no, you were trying to control what I was saying, right? You were trying -- in a way, you were trying to control my presentation. You were trying to direct it in a certain direction and stuff like that.

CHAIR BLOUNT: Only --

MR. MULLIGAN: I mean you, as the PRB Chairman, the last guys just let me talk. You came in there and start interrupting me and that sort of stuff so I'm confused as hell.

CHAIR BLOUNT: And I can understand that. And my apologizes for confusing you.

But as I said, I do need to bring this meeting to a close. So unless you have further information that you think is pertinent to this specific petition, I'd like to ask the other members if they have some questions for you as well. Would that be all right?

MR. MULLIGAN: Yes.

CHAIR BLOUNT: Great. So anyone here at Headquarters have any questions for the Petitioner?

(No response.)

CHAIR BLOUNT: Seeing none, anyone from the Region have any questions for the Petitioner?

MR. LARA: No, thank you, no questions.

CHAIR BLOUNT: Hearing none, any questions from the Licensee for the Petitioner?

MR. DEVINCENTIS: No questions.

CHAIR BLOUNT: Understand.

With that then, we have no additional questions. Are there any members of the public?

(No response.)

CHAIR BLOUNT: Okay. Mr. Mulligan, on behalf of the PRB, I want to say thank you very much for taking the time to give us your additional insights. We appreciate the fact that you have submitted your petition. And we look forward to continuing on.

Before we close the meeting, the Court Reporter, do you have any questions for or do you need any additional information?

COURT REPORTER: I do not.

CHAIR BLOUNT: Understand. With that, the meeting is adjourned and we'll be terminating the phone call.

MR. MULLIGAN: I would just like to say one more thing. I find it puzzling the change in attitude here. This all changed since my last thing. I don't know, is this going to be the way it is always going to be now?

CHAIR BLOUNT: I have been doing these for a couple of years. And this is the way I run the meetings if that's what you're referring to.

But we're off the record. So thank you very much.

(Whereupon, the above-entitled teleconference was concluded at 3:08 p.m.)

CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of: Michael Mulligan, 03.17.11

Name of Proceeding: Petition Review

Petition Number: G20110191

Location: (telephone conference)

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

James Salwen
Official Reporter
Neal R. Gross & Co., Inc.