

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: 10 CFR 2.206 Petition RE
Michael Mulligan

Petition Number: G20110191

Location: (telephone conference)

Date: Wednesday, April 6, 2011

Work Order No.: NRC-827

Pages 1-50

ORIGINAL

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

10 CFR 2.206 PETITION REVIEW
TELECONFERENCE

-----:

IN THE MATTER OF: :
Michael Mulligan's : 2.206 Petition No.
2.206 Petition, dated : G20110191
March 17th, 2011 :

-----:

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

On behalf of the Petitioner:

Michael Mulligan, Petitioner

On behalf of Entergy Nuclear:

James Devinentis

NRC STAFF PRESENT:

Eric Oesterle

Farhad Farzam

George Thomas

Kimberly Sexton

Thomas Setzer

Julio Lara

Vijay Meghani

Harold "Chris" Christensen

Thomas Farnholtz

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

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

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

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

11 MR. THOMAS: George Thomas, Reactor
12 Systems.

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

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

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

20 MS. BANIC: Merrilee Banic, Petition
21 Coordinator.

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

25 MS. MENSAH: Tanya Mensah, 2.206

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Coordinator, Office of Nuclear Reactor Regulation.

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

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

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

8 MR. DEVINCENTIS: Yes, this is Jim
9 Devinentis from Vermont Yankee.

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

12 MR. MEGHANI: This is Vijay Meghani, DRF.

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

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

17 MR. FARNHOLTZ: In Region -- this is
18 Thomas Farnholtz, I'm the Branch Chief, Engineering
19 Branch I in the Division of Reactor Safety in Region
20 4.

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

23 MR. KIM: Okay. Thank you.

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

6 MR. KIM: Okay. Thank you.

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

12 (No response.)

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Chairman, Tom Blount.

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

13 Also, Mr. Mulligan stated that --

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

21 CHAIR BLOUNT: I stand corrected. I
22 understand that your petition indicated that a wall
23 could collapse -- possibly collapse as a result of a
24 6.0 earthquake. Is that correct?

25 MR. MULLIGAN: Yes, the design earthquake

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

24 Thank you.

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 making it enormously susceptible to rust and steel
2 oxidation.

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

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

25 Everybody wants to be happy and triumphal.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

19 MR. MULLIGAN: Sure.

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 around the facts.

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

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 their direction and stuff like that.

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

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

17 CHAIR BLOUNT: And so --

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIR BLOUNT: Okay.

2 MR. MULLIGAN: For one.

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

18 CHAIR BLOUNT: Okay. I understand your
19 point there.

20 MR. MULLIGAN: Thanks.

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

4 And when you have that there, you build a
5 building that there's no cracks. There's hardly a
6 crack in there or none and stuff like that if you use
7 the right skills and the right materials. I know the
8 '70s are way back a long time ago but they had those
9 skills and we built good buildings and we built
10 buildings without cracks and stuff like that.

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

13 CHAIR BLOUNT: Okay.

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

3 Hello?

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

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

9 MR. MULLIGAN: I'm looking around.

10 CHAIR BLOUNT: Oh, okay. Sorry.

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 switchyard or national grid or TRANSCANADA and stuff
2 like that.

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

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

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

12 CHAIR BLOUNT: Oh, I do.

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

9 CHAIR BLOUNT: Thank you for that, sir.

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

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

6 CHAIR BLOUNT: Only --

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

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

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

19 MR. MULLIGAN: Yes.

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

22 (No response.)

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

3 MR. DEVINCENTIS: No questions.

4 CHAIR BLOUNT: Understand.

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

7 (No response.)

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

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

17 COURT REPORTER: I do not.

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

6 (Whereupon, the above-entitled
7 teleconference was concluded at 3:08 p.m.)
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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: (phone 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.