

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: 10 CFR 2.206 Petition RE
Pilgrim Nuclear Power Station

Docket Number: (n/)

Location: teleconference

Date: Thursday, April 11, 2013

Work Order No.: NRC-4116

Pages 1-33

Edited by Rich Guzman, NRC Petition Manager

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
26

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

+ + + + +

10 CFR 2.206 PETITION REVIEW BOARD (PRB)

+ + + + +

TELECONFERENCE

+ + + + +

In the Matter of:

PILGRIM NUCLEAR POWER STATION

+ + + + +

Thursday, April 11, 2013

BEFORE:

JOSEPH G. GIITTER, Chairman

JOHN G. BILLERBECK

MERRILEE J. BANIC, Petition Coordinator

RICH V. GUZMAN, Petition Manager

EMILY L. MONTEITH

PRESENT:

JOSEPH LYNCH, Licensing Manager, Pilgrim

Nuclear

Power Station

MICHAEL MULLIGAN, Petitioner

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

(11:03 a.m.)

MR. GUZMAN: Good morning. My name is Rich Guzman. And I'm the Project Manager for Pilgrim Nuclear Power Station in the Office of Nuclear Reactor Regulation, or NRR.

I'd like to thank everyone for attending this meeting. The purpose of today's teleconference is to allow the petitioner, Michael Mulligan, to address the Petition Review Board, or PRB, regarding his 2.206 petition dated March 7th, 2013, as supplemented with email correspondence dated March 20 and April 5th, 2013 regarding his concerns with safety relief valves at Pilgrim. I'm the petition manager for this petition. The PRB Chairman is Joe Gitter.

The teleconference is being recorded by the NRC Operations Center and will be transcribed by a court reporter. The transcript will become a supplement to the petition and will also be made publicly available.

Before I briefly go over today's agenda, I would like to open the teleconference with introductions. As we go around the room and bridge line, please be sure to clearly state your name, your

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 position, and your office or organization for the
2 record. I'll go ahead and start off.

3 Again, this is Rich Guzman, Project
4 Manager in NRR.

5 MS. BANIC: Lee Banic, 2.206 Petition
6 Coordinator, NRR.

7 MR. BILLERBECK: John Billerbeck, PRB
8 member, mechanical engineer, NRR.

9 CHAIRMAN GIITTER: Joe Gitter. I'm the
10 PRB Chairman, NRR.

11 MR. GUZMAN: And we've completed
12 introductions here at NRC headquarters. At this
13 time, are there any NRC headquarter participants who
14 have dialed in on the phone?

15 (No response.)

16 MR. GUZMAN: Will the NRC participants
17 from regional offices introduce themselves if you're
18 on the line?

19 (No response.)

20 MR. GUZMAN: Okay. At this time, will
21 the representatives for Entergy, the licensee for
22 Pilgrim, introduce yourself?

23 MR. LYNCH: Good morning. This is Joseph
24 Lynch. I'm the Licensing Manager at Pilgrim Nuclear
25 Power Station.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. GUZMAN: And, Mr. Mulligan, would you
2 please introduce yourself for the record?

3 MR. MULLIGAN: Michael Mulligan,
4 whistleblower. I worked in the industry, worked at
5 Vermont Yankee, was a licensed operator for a while.
6 Thank you.

7 MR. GUZMAN: And, Emily, you are on the
8 line. Would you introduce yourself, please, Emily
9 Monteith?

10 (No response.)

11 MR. GUZMAN: Okay. With that, are there
12 any others, such as members of the public, on the
13 phone?

14 (No response.)

15 MR. GUZMAN: Okay. And, for our Court
16 Reporter, can you please restate your name?

17 THE REPORTER: Hi. I'm Matt Miller with
18 Neal R. Gross Court Reporters.

19 MR. GUZMAN: Thanks, Matt.

20 Okay. A brief overview of the agenda.
21 The teleconference is scheduled from 11:00 a.m. to
22 12:00 p.m. Eastern time. Following my introduction,
23 I will turn it over to the PRB Chairman, who will
24 provide opening remarks and briefly summarize the
25 scope of the petition under consideration. Mr.

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 Mulligan will then give his presentation. And,
2 finally, the PRB Chairman will conclude the
3 conference call with closing remarks.

4 I would like to emphasize that we each
5 need to speak up and speak clearly to ensure that the
6 Court Reporter can accurately transcribe this
7 teleconference. Also, if you have something you
8 would like to say, please state your name first for
9 the record. For those dialing into the
10 teleconference, please remember to mute your phones
11 to minimize any background noise or distractions. If
12 you don't have a mute button, this can be done by
13 pressing the keys *6 and then to unmute, press the *6
14 keys again. Thank you.

15 At this time, I will turn it over to PRB
16 Chairman Joe Giitter.

17 CHAIRMAN GIITTER: Good morning,
18 everybody. Welcome to this meeting regarding Mr.
19 Mulligan's 2.206 petition.

20 First, I would like to start off to ask
21 the question, does anybody -- would anybody like some
22 background on this process or is everyone familiar
23 with it?

24 MR. MULLIGAN: I'm good.

25 CHAIRMAN GIITTER: Okay. If I don't --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. MULLIGAN: Mike Mulligan.

2 CHAIRMAN GIITTER: Yes. Thank you. So
3 if that is okay with you, Mr. Mulligan, I would like
4 to go ahead and skip that background discussion.

5 So the purpose of today's teleconference
6 is to give Mr. Mulligan, the petitioner, an
7 opportunity to provide any additional details or
8 explanation to support his petition before the PRB.
9 And that is to -- prior to the PRB's initial
10 consideration and ultimately recommendation.

11 This meeting is not a hearing, nor is it
12 an opportunity for the petitioner to question or
13 examine the PRB on the merits of the issues presented
14 in the petition request. No decisions regarding the
15 merits of this petition will be made during this
16 teleconference. And following the teleconference,
17 the PRB will conduct its internal deliberations. And
18 the outcome of this internal meeting will be
19 discussed with the petitioner.

20 As everyone probably knows, the PRB
21 typically consists of the Chairman, which is me in
22 this case; usually a manager at the Senior Executive
23 level. It also has a petition manager and a PRB
24 coordinator. Other members of the Board are
25 determined by the NRC staff based on the content of

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 the information in the petition request. And today
2 we have John Billerbeck from the Component
3 Performance and Testing Branch within NRR; Mr.
4 Muhammad Razzaque from the Reactor Systems Branch.
5 Unfortunately, he's off sick today. We also have
6 advice from Office of General Counsel. I understand
7 Emily Montieth is being tied in from Region III.
8 Emily, did you --

9 MS. MONTEITH: Yes.

10 CHAIRMAN GIITTER: Okay. So, as
11 described in our process, the NRC staff may ask
12 clarifying questions in order to better understand
13 Mr. Mulligan's presentation and to reach a reasoned
14 decision once you accept or reject a petitioner's
15 request for review under the 2.206 process.
16 Additionally, the licensee may ask questions to
17 clarify the issues raised by the petitioner.

18 So I would like to very briefly summarize
19 the scope of the petition under consideration. On
20 March 7th, 2013, Mr. Mulligan submitted to the NRC a
21 petition under 2.206 regarding concerns with the
22 safety relief valves at Pilgrim Nuclear Power
23 Station. In this petition request, Mr. Mulligan
24 requests the NRC immediately shut down Pilgrim
25 Nuclear Power Station on the basis that the licensee

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 is operating the plant in an unsafe condition with
2 defective or inoperable safety relief valves.

3 The petitioner also indicates, in part,
4 that Entergy is incapable of maintaining safety and
5 quality at the plant. The petitioner also requests
6 the NRC to not allow the Pilgrim plant to restart
7 following shutdown until they understand pass/failure
8 mechanisms of defective SRVs at Pilgrim.

9 Additionally, Mr. Mulligan is concerned
10 that the repeated nature of the failure of the SRVs
11 at Pilgrim demonstrates that Entergy does not
12 understand the mechanisms of failure and that the
13 defective or inoperable SRVs at a nuclear power plant
14 resulted in unsafe condition.

15 Mr. Mulligan alleges that NRC allowing
16 the plant to operate with unsafe SRVs until the next
17 refueling outage and is covering up an unsafe
18 condition at Pilgrim. Mr. Mulligan requests an
19 investigation by the Office of the Inspector General
20 for this concern.

21 In terms of NRC activities to date, the
22 PRB met initially on March 18th to review the
23 petitioner's request for immediate action. And based
24 on that meeting, the PRB concluded there is no
25 immediate safety issue to the plant or to the health

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 and safety of the public to justify the petitioner's
2 request for immediate action, which would be an
3 emergency plant shutdown. Mr. Mulligan was informed
4 of that decision on March 25th, 2013.

5 As a reminder, for the phone call
6 participants, please identify yourself if you make
7 any remarks as this will help us in the preparation
8 of the meeting transcript, which is being prepared by
9 Mr. Miller. And that transcript will be made
10 publicly available.

11 Mr. Mulligan, I will now turn it over to
12 you to allow you to provide any information you
13 believe the PRB should consider as part of this
14 petition.

15 MR. MULLIGAN: Hi. I'm Mike Mulligan.
16 And, you know, so I'm just going to, you know, quote
17 here. This is from Palisades February 22nd, 2010.
18 This is a 2.206. It failed again to do anything.

19 Don't you wish you had a button on your
20 computer where it would give you a yellow, red, or
21 green light? How are you doing now? How will the
22 whole of Entergy do in a year, two years, or five
23 years? Where will the NRC be stationed in the next
24 decade? Is it going to boggle the mind, what the NRC
25 discovers the next year or two at Palisades just like

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 the last two years? I say they are going to find
2 bigger and more repetitive problems, not that this
3 will present our nation's long-term interest making
4 --

5 CHAIRMAN GIITTER: Mr. Mulligan, I'm
6 sorry to cut you off, but I'd really like to stick to
7 the issues at hand. And since we're talking about
8 Pilgrim, I'm not sure what the relevance of Palisades
9 is at this point.

10 MR. MULLIGAN: Well, the relevance of
11 Palisades is that it shows a pattern of problems at
12 Palisades, at Arkansas, at Vermont Yankee, at
13 Pilgrim, and stuff like that. And it lends to a
14 pattern that Entergy is a rogue company and they're
15 out of control. And the NRC can't control them.

16 CHAIRMAN GIITTER: Okay. If you don't
17 mind, could you get to the heart of the matter: your
18 concern about the SRVs at Pilgrim?

19 MR. MULLIGAN: Don't I have an ability to
20 lend out what I want to say without --

21 CHAIRMAN GIITTER: I just want to make
22 sure that the focus -- because we only have an hour
23 here. And I do have to leave for a public meeting in
24 less than an hour. I just want to make sure that,
25 you know, we give you ample time to discuss your

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 issue on Pilgrim.

2 MR. MULLIGAN: Well, you know, I'm
3 probably one of the most skilled guys that are doing
4 these -- failing on these 2.206s. And if you have
5 any knowledge of me and stuff like that, I generally
6 wrap it up in the right time frame and stuff like
7 that.

8 CHAIRMAN GIITTER: Okay. All right. Go
9 ahead.

10 MR. MULLIGAN: I've done this over and
11 over again and to say that, you know, I'm keyed like,
12 you know, I'm going to go rogue, you know.

13 CHAIRMAN GIITTER: No. I just want to
14 make sure that you have ample time to focus to
15 provide us with the information on the Pilgrim SRVs.
16 Go ahead. I'm sorry to interrupt.

17 MR. MULLIGAN: Do you get what I'm
18 saying? I'm saying that --

19 CHAIRMAN GIITTER: Yes. I understand. I
20 understand what you're saying. Go ahead.

21 MR. MULLIGAN: History teaches us
22 unimaginable things are going to go on behind the
23 security fence of Palisades. And the NRC misses the
24 really important stuff, better than the NRC doesn't
25 have the power to make Entergy meet the greater aims

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 of us all.

2 And so, you know, I was trying to get the
3 NRC to -- you know, to engage with Entergy and
4 behavior. You know, the problems seems to jump into
5 one plant, then jump into another, then jump into
6 another. They must send a lot of personnel or
7 expertise over the troubled plant and then another
8 plant gets ignored and that type of thing, which I'm
9 worried about. And so here, you know -- you know,
10 I'm trying to lay that out. Give me a second here.

11 Let's talk about the timeline. January
12 1st, well-known electric shortage was developed in
13 our New England grid; April, May 2011, New SRV valves
14 installed. December 26th, 2011, Pilgrim plant had
15 its first leak. It was shut down for a three-day
16 shutdown. November 27th, 2012, November 27th -- I've
17 got that mixed up, but, anyway, moving on ISO, sir,
18 the grid crisis over natural gas has begun. We have
19 a shortage of electricity. January 20th, 2003,
20 second week, requires plant shutdown and then another
21 three-day outage. January 21st, 2001, going on ISO
22 search grid emergency, mandatory rolling blackouts
23 and really cold weather. January 24th, 2013, New
24 England ISO says natural gas shortage began in
25 earnest with 300 megawatts of electricity. January

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 of --

2 CHAIRMAN GIITTER: Excuse me, Mr.
3 Mulligan. We have the timeline in front of us, which
4 we can read. Is there something you would like to
5 elaborate on the timeline?

6 MR. MULLIGAN: Well, on the timeline, it
7 basically says, you know, you look at this thing and
8 the NRC has the inability to control Entergy and the
9 Pilgrim plant and Arkansas Nuclear Plant and stuff
10 like that. And then you see that the New England
11 grid itself, New England ISO, is mired in some sort
12 of political game and may have the inability to
13 anticipate problems and set the grid up to be
14 reliable.

15 You know, this whole thing should have
16 been taken care of a couple of years ago, seen, and
17 they should have manipulated their components and
18 system around and so there was never ever a threat of
19 a shortage of electricity. And then you see this.
20 You've got a blizzard coming up and stuff like that.

21 And then you see that the plant trips during the
22 blizzard and that type of thing. And it's just
23 mind-boggling that we don't have a reliable grid
24 system. And that's what this New England business --

25 CHAIRMAN GIITTER: Okay. I'm trying to

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 understand how that relates to the SRV concern.

2 MR. MULLIGAN: How does it relate?
3 Because everything is connected. You know,
4 everything is connected. Whether it's the grid is
5 reliable and that asks us, you know, if the grid
6 isn't reliable, will we have an issue where we won't
7 be able to provide electricity in an emergency to a
8 plant like Pilgrim plant and that type of thing?

9 Then next you've got -- you go down that
10 timeline and stuff like that. It's mind-boggling why
11 we would even have a plant trip in places like that
12 when you really get down to think about it. You
13 know, you have the grid lines were fluctuating in and
14 out and all that sort of stuff. And I'll talk about
15 they had many plant trips in so-called severe weather
16 and all that sort of stuff. It's a repetitive
17 pattern of not having the grid prepared for the
18 climate.

19 CHAIRMAN GIITTER: Okay. We have the
20 timeline. Do you have any additional comments on the
21 timeline?

22 MR. MULLIGAN: So we had a plant trip,
23 right? When we had a plant trip, we had a loop, one
24 of the most consequential accidents you can have at a
25 plant without a meltdown. This really threatens

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 everybody. They actually had two loops. And then
2 according to the New England ISO and all that sort of
3 stuff, during all of this SRV business and stuff like
4 that, the grid itself was threatened repeatedly with
5 shortages of electricity and high spiking
6 electricity. It's mind-boggling that you set up a
7 grid like this that is supposed to support a nuclear
8 power plant and emergency. And then all of these
9 things intertwine together where you end up in pretty
10 serious trouble. And then you have SRVs over
11 numerous incidences indicate leakage and that type of
12 stuff.

13 And so I just want everybody to
14 understand this, the system behind this. It's not
15 just a broken relief valve. It's a broken set of
16 regulators that creates this situation. And, instead
17 of seeing it in a rules-based type of situation
18 that's primitive at best, it's better to think of
19 this as holistically. You know, how does the
20 political system control doing an ISO, create a
21 stable grid? And how does the NRC control? How does
22 the NRC control the reliability of the Pilgrim
23 station?

24 Just give me a second here.

25 (Pause.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. MULLIGAN: So facts about doing the
2 grid, you know, a different -- the loops. The plant
3 was without electricity for a couple of days more or
4 less I think like that and talks about a tap on the
5 main transformer that is causing the short and stuff.

6 And now my computer is not working. I can't pull up
7 this LER. And there is another LER in 2008 that
8 essentially has the same issue. Well, it's on a
9 start-up transformer.

10 And Entergy basically promises that ice
11 was falling off the main transformer and another
12 resistor or something like that. You know, the lines
13 weren't qualified for the grid or qualified for the
14 weather and stuff like that. And they promised to
15 look into that thoroughly. And then the same thing
16 happens during a plant trip with the SRVs and stuff
17 like that.

18 And then we find out that, you know, they
19 really didn't -- you know, the 2,000 LER promises
20 that they were going to make the grid more -- their
21 transmission system -- their switchyard system more
22 reliable. And they were going to look into all of
23 these ice-falling things and causing shorts and stuff
24 like that. And, of course, then we have the loop
25 over an ice that shouldered the thing.

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 So we have issues with the SRV. We have
2 inappropriate operation of the plant when the
3 blizzard was approaching and causing surges in the
4 line from the plant. I am surprised. I don't even
5 know if Entergy had any kind of meeting before the
6 blizzard and talking about all the other past events
7 where they had severe weather and it caused a plant
8 to trip.

9 In this LER, 2008 with the ice trip, they
10 identify 4 or 5 other severe weather trips and stuff.

11 And in this thing, it talks about severe weather,
12 severe weather, severe weather, severe winter
13 blizzard. And then you start looking up the weather
14 report, and it was just a regular snowstorm.

15 So, you know, honesty and ethics. How
16 does Entergy get away with mischaracterizing the
17 weather conditions in their interests, you know, like
18 the severe blizzard, out of our ability to control
19 and stuff like that?

20 Again, this blizzard, this Nemo business
21 and stuff like that, that was only the fifth worst
22 blizzard we ever had. So that questions, you know.
23 Is the grid reliable enough to support the plant?
24 Why is the Pilgrim plant having all of these plant
25 trips in severe weather? How come? You know, it

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 shouldn't have happened in 2008 if they did what they
2 said they were going to do and repair and inspect the
3 plant and never trip that plant again.

4 And especially it wasn't just the plant
5 trip. It was a plant trip that then caused another
6 loop. You had two loops there and stuff like that;
7 again, one of the most riskful events a plant can
8 have. It really drives the plant and a risky
9 behavior and stuff.

10 And so, like I said, that snowstorm was
11 really a minor snowstorm and stuff like that. But
12 they put it on the LERs severe storms, severe winter
13 blizzard. So it questions the truthfulness as far as
14 being able to -- and it questions whether Entergy can
15 keep that -- figure out how to keep that plant from
16 shifting during blizzards, especially during the
17 reliability of that plant, whether it's
18 weather-related, either blizzards, other storms, and
19 stuff like that.

20 How come you can't -- it's easy
21 engineering to keep that plant reliable. How come
22 they can't do that? How come they have a repetitive
23 pattern of not keeping that plant in the condition
24 whether the normal weather or maybe a moderate or a
25 minor blizzard -- how come they can't keep that plant

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 reliable?

2 You know, if Pilgrim is unreliable and
3 stuff like that, it gives everybody an excuse to jack
4 up electric rates and stuff like that. And everybody
5 plays around and, you know, as I said, I think the
6 New England ISO was a corrupt organization. I think
7 right there where the Enron and the California
8 debacle as far as our electric prices and this here
9 we've got a miracle of natural gas fracturing, dragging
10 the prices down, across the board, throughout the
11 country.

12 And here we've got -- you know, they've
13 got us in a bottleneck with natural gas. And their
14 regulatory people can't between themselves figure out
15 what is best for the United States and what is best
16 for New England and that type of thing. And so
17 that's what I -- you know, so it all fits together,
18 you know, a plant in trouble and --

19 CHAIRMAN GIITTER: All right. I
20 appreciate your comments, Mr. Mulligan.

21 MR. MULLIGAN: You know, this is --
22 you're throwing me off. This is what really is
23 happening here. You throw me off.

24 CHAIRMAN GIITTER: I thought you were
25 done.

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 MR. MULLIGAN: No. Wait. Wait. Listen
2 to me. Would you listen to me? I have been doing
3 this over and over again. And they let me usually
4 say my piece and stuff like that. And this is
5 different. What is going on here is different than
6 it ever has been going on in the past. Now, if you
7 would have called me and explained to me how you are
8 going to be different, I would --

9 CHAIRMAN GIITTER: I thought you were
10 done talking. I apologize.

11 MR. MULLIGAN: Well, if you knew anything
12 about how I -- if you knew anything how I interacted
13 in the past over numerous times and stuff like that
14 and talked to your buddies, you would have
15 understood. We have a pattern here. We have always
16 had a pattern of you let me talk and you don't
17 disrupt me.

18 And, actually, I think this is part of
19 the coverup. The NRC is trying to disrupt me and not
20 let me get my say out of here and stuff like that and
21 unnerve me.

22 And it's radically different than how the
23 NRC during a 2.206 ever treated me in the past in the
24 last five years. So I don't know what's going on as
25 far as what all this disruption, interruption, and

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 all this sort of stuff are you've done. Nobody has
2 ever done that to me in the past. So this is
3 radically different than it's ever -- how the NRC has
4 ever treated me.

5 So, anyway, you know, a problem. So, you
6 know, that you had -- you had two shutdowns, right,
7 then just before the Nemo snowstorm? The plant had
8 been restricted to 80 percent power. Then you went
9 into the Nemo snowstorm, and the plant tripped. You
10 started back up after -- I don't know -- a week or so
11 like that. Within another couple of weeks, another
12 leak developed. Within another couple -- so you
13 restricted to 90 percent power. Then after another
14 week like that, another -- until recently, I think
15 March 30th and stuff like that, you went down to 84
16 percent power.

17 And there's been no discussion of why
18 those are leaking, what was leaking post-Nemo.
19 There's been no LER on the second shutdown and stuff
20 like that. So this is all a coverup. This is all a
21 coverup to get the plant into an outage to get the
22 plant out of the severe grid crisis with not having a
23 lot of electricity, enough electricity to support the
24 New England and stuff like that.

25 So, you know, how come the plant is so

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 unreliable? How come the plant has one of the
2 largest grid crises we've had in recent memory? How
3 come this SRV business that has been churning out
4 here with the plant shutdowns and then there are
5 certain secret leaks with SRV?

6 How come this behavior of harassing me
7 when I'm in the 2.206 process and stuff like that?
8 How come we can't get to the root of this? How come
9 people can't discuss things honestly and talk about
10 it and lay out what they think is the problem going
11 on here? And why does the NRC have to be so
12 militaristic with me as far as disrupting me and all
13 that sort of stuff? You know, this is just a pattern
14 of a coverup.

15 And, like I have been saying, whether the
16 NRC was listening to me since -- as I was discussing
17 back in Palisades time and Vermont Yankee and stuff,
18 we wouldn't have had this problem. If you would have
19 been listening to me, we wouldn't have had this
20 problem with a death at Arkansas 1 and stuff. You
21 won't have had -- you won't have lost two plants.
22 They're struggling to get another plant up and stuff.
23 You don't know what the nature of the damage with
24 the turbine building of the scatter that fell off a
25 crane and that type of stuff. And so it seems like

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'm just trying to have a nice -- here for -- what is
2 it? -- the moments, the minutes that I had if I
3 wasn't -- been disrupted so much, militaristically
4 disruptive.

5 And, like I said, you know, as far as the
6 NRC talking with me in the last -- about -- I called
7 up the revenue inspector. I called up the NRC
8 inspector, I mean, the PR guy. And, you know, you
9 think that the -- you know, you guys would want to
10 talk to somebody like me, who has a little bit of
11 experience, and we could talk about the issues and
12 why this is happening and all that sort of stuff.
13 But you just -- you know, you threw up a security
14 shield on me more or less.

15 What is that nature of all the secrecy
16 with the NRC? Do you have issues with one of the
17 local groups and the NRC -- they caught the NRC with
18 the use fuel pattern, pattern stuff, and the NRC was
19 disruptive. They immediately admit that this pattern
20 was being constructed. What is the secrecy?

21 Why does everybody use rules to create
22 secrecy instead of using rules to, you know,
23 communicate and talk? How come you guys can't talk
24 in a manner that brings confidence to the public at
25 large and a lot of the people around the nuclear

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 plants? How come you can't -- what is going on with
2 this militaristic type of stuff with the NRC in
3 attacking people and that type of stuff? Is it where
4 you don't want to get the story out that, you know,
5 the natural gas thing and a lot of plants are
6 threatened.

7 And there's a lot of noise underneath it
8 that's screaming out to the NRC that we're in trouble
9 and you have to put a floor on some of this poor
10 performance of a lot of these plants and stuff like
11 that and that type of thing? Is that what's going on
12 here is that the NRC wants to not get the story out
13 of what is really going on? And I'm concerned about
14 that.

15 I'm just checking. Are you still on the
16 line?

17 CHAIRMAN GIITTER: Yes. Mr. Mulligan?

18 MR. MULLIGAN: Yes. I was just checking
19 to make sure you are still on the line.

20 CHAIRMAN GIITTER: Oh, yes. We're here.
21 I didn't want to unintentionally interrupt you.

22 MR. MULLIGAN: Well, I was wondering if
23 -- good. Can I go on? Can I finish a little bit?

24 CHAIRMAN GIITTER: Yes, sir.

25 MR. MULLIGAN: So we know that safety

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 relief valves are behind three feet of concrete, one
2 of the most dangerous components of a plant. They're
3 behind many feet of concrete. And there is a huge
4 radiation field for you. You really don't -- you
5 know, they are permanently instrumented up and the
6 like and stuff. So you really -- it's just
7 deafening.

8 And a plant like Entergy usually -- you
9 know, they get in their direction that benefits them.

10 They don't necessarily get in a way that shows the
11 public the safety. And Davis-Besse, two of the worst
12 accidents in the United States came out of safety
13 relief valves or pilot-operated relief valves.

14 Davis-Besse had a ghost leak essentially,
15 a leak of a pressure-operated relief valve. It was
16 going into the tank, and it was leaking. The plant
17 was leaking for years in a host of other areas and
18 stuff like that. And then it was leaking into this
19 tank. And they did a whole bunch of stuff.

20 Actually, they finally got the leak
21 stopped, but when Davis-Besse, the leaks began, a
22 so-called ghost leak appeared. In other words, they
23 kept saying -- using the rationale that "Oh, it might
24 be that, a pilot-operated relief valve leaking again.

25 We have a history of that valve leaking in the

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 containment. And that is what is causing our
2 problem" and stuff. But it wasn't leaking. And they
3 kept using that excuse, too, you know. They shut
4 down. And somebody stumbled across the broken relief
5 valve.

6 In Davis-Besse, they had, again -- TMI.
7 Sorry. TMI they had issues with maintenance of the
8 relief valves and poor operation. They had a caution
9 tag not to operate it, operate the valves. And then
10 the event happened and they got confused. The tag
11 was -- they got confused on the indication. They had
12 support springs and stuff like that.

13 And this relief was implicated in the
14 reason, among other things, why the plant melted
15 down. But, yet, two accidents essentially revolved
16 around a lot of the relief valves, these relief
17 valves and BWRs.

18 And, of course, they're implicated in all
19 of our bad accidents, really. They really didn't
20 cause a meltdown. There are a lot of other things
21 involved in it, but it created the justification to
22 not take the safe way out and just shut the plant
23 down and fix the problems and all that sort of stuff.

24 I'm just laying out the case that safety
25 relief valves are nothing to be playing around about,

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 nothing to be playing with. They should be -- if
2 they show indications of it being -- indications of
3 leakage, they should have to burden that they have
4 that valve in a condition where no leaks are
5 tolerated during operation and stuff. It should be
6 reliable valves.

7 Here they are new valves, brand new
8 valves and stuff. And, of course, the first LER, the
9 only LER in the LER update, basically says, "We find
10 no problems with the SRV valve." They had the
11 Southern Company. They have Entergy. And what is
12 the other company? Who was the other? They had a
13 host of people looking over this valve, over the new
14 SRV valve, saying that, "Nothing is wrong with your
15 leak of the new SRVs."

16 And then they had, like I said, another
17 shutdown. Then they had another big leak. They shut
18 down. Within a week or two, they set it up. Some
19 other valve leaked. You know, then you had the down
20 to 80 percent -- I mean, to 90 percent. And then it
21 went down to restriction of 80 percent. And so you
22 sit here and say, "Why? Who chose these unreliable
23 valves? How did these valves become so unreliable?"

24 And, like I'm saying with the Arkansas Nuclear, you
25 know, all their troubles, 700, that 600 data was

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 rolled in that over there at first. The record
2 weighed 400 tons. And this guy weighed something
3 like 600 tons.

4 And let me tell you the Arkansas plant
5 there, the two facilities, it looks like a NASCAR
6 crash as far as incidents and stuff like that.

7 Palisades, unbelievable set of
8 operational problems. And also they list human
9 health when they're fiddling around with an up in
10 D.C. circuit, you know, and stuff like that without
11 the proper safeguards and stuff like that. So
12 Entergy has a pattern of being careless over employee
13 safety and stuff. You would think this would --

14 CHAIRMAN GIITTER: Mr. Mulligan?

15 MR. MULLIGAN: Yeah.

16 CHAIRMAN GIITTER: Yeah. I didn't want
17 to interrupt again, but did you have any additional
18 comments?

19 MR. MULLIGAN: How many more minutes have
20 I got?

21 CHAIRMAN GIITTER: Excuse me?

22 MR. MULLIGAN: Do you know how many more
23 minutes I have?

24 CHAIRMAN GIITTER: No, I don't, but we do
25 need to wind up here fairly quickly because we did

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 reserve an hour. I just wanted to make sure because
2 you had paused again. I didn't want to interrupt you
3 if you had more to offer.

4 MR. MULLIGAN: I've got some notes. I'm
5 just looking quickly through it.

6 Oh, you know, in this storm here,
7 Millstone had more snow than Pilgrim did. So how
8 come they operated through a storm? I don't know
9 what their record of plant shutdowns is in severe
10 weather, blizzards, and stuff like that, but how come
11 Millstone was able to operate through the storm? How
12 come Pilgrim wasn't when they had a lot less storm
13 and stuff? So that's the thing.

14 We know that in 2003, LER -- excuse me.
15 In a 2003 storm, one of the worst -- Pilgrim didn't
16 fit. So what causes -- why is it tripping? Is it
17 old and obsolete equipment? What is the nature of
18 it?

19 Another thing I'm going to say is I was
20 talking to the Mass. Attorney General office. And
21 they said the problem with them is that they have no
22 agreement, really, to talk with -- or no mandate for
23 Entergy or Pilgrim to disclose issues at the plant.
24 I mean, a lot of it is voluntary, but there is no
25 hard-core agreement.

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 And I just want you to know that up in
2 Vermont, there was a requirement that -- and stuff
3 like that in a very detailed manner reported from
4 Vermont Yankee to the state agency in charge of
5 nuclear power and stuff like that. So how come? You
6 know, it's just interesting that Massachusetts
7 basically -- the Attorney General office basically
8 said, you know, "We don't have any strict requirement
9 or agreement for Pilgrim to report to us. It's all
10 voluntary" and hit or miss as far as who to notify
11 and all that sort of stuff and it's not a point
12 person like a state nuclear engineer, the report to
13 the DPS or the report to the Attorney General's
14 office and stuff like that. So that's a pattern of
15 Massachusetts not setting the ground rules and
16 concrete and defining what Pilgrim is going to report
17 to the state.

18 And, you know, that gives the politicians
19 a plausible deniability, "Oh, well. You know,
20 Pilgrim never reported that problem to us. So you
21 can't blame us" and stuff. So a lot of times, a
22 situation like this when reportability state is not
23 required and stuff like that, this is to protect the
24 politicians and the people in the other offices at
25 DPS and whatever you call it and the Attorney General

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 -- you know, they don't -- you know, you can't --
2 Pilgrim could be a problem, you know, down the line
3 here. And behind -- you know, because of this setup,
4 the state could say, "Oh, we never knew how bad
5 Pilgrim was" and stuff. And that's a big problem.

6 We had that with Vermont Yankee. And I
7 took care of that problem by creating a situation
8 where we created a statewide debate on, you know, a
9 memorandum of understanding, operate the new
10 memorandum of understanding, as far as, you know,
11 what can be said, what can be disclosed and stuff.
12 So most of the stuff Vermont Yankee just reported to
13 the state engineer.

14 And so, you know, I'm just saying the
15 Attorney General office told me that it's not the
16 case with Pilgrim. It's hit or miss. There's no
17 requirement or no direct mandatory requirement that
18 the report -- or, you know, most things going on at
19 the plant, especially --

20 CHAIRMAN GIITTER: I'm sorry. Mr.
21 Mulligan?

22 MR. MULLIGAN: Yes?

23 CHAIRMAN GIITTER: We're going to have to
24 wind down here because I have to provide an opening
25 for a public meeting that starts in about ten

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 minutes. So what I'd like to do is see if the staff
2 here at headquarters has any additional questions for
3 you if --

4 MR. MULLIGAN: They don't have any
5 questions for me.

6 CHAIRMAN GIITTER: I have to ask them
7 anyway. So does anybody have any questions for Mr.
8 Mulligan?

9 (Whereupon, there was a chorus of "No.")

10 CHAIRMAN GIITTER: Okay. Before I
11 conclude the meeting, I would also ask if there are
12 any members of the public that may provide comments
13 regarding the petition or ask questions about the
14 2.206 petition process. I don't think we had any on
15 the phone, but I'll ask the question in case somebody
16 has joined.

17 (No response.)

18 CHAIRMAN GIITTER: Okay. It sounds like
19 we don't have anybody.

20 MR. MULLIGAN: And I just want to get one
21 more thing.

22 CHAIRMAN GIITTER: Yes?

23 MR. MULLIGAN: I think that in the
24 beginning, you were -- the NRC. I won't get
25 personal, but the NRC was really rude to me and

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 disruptive because they didn't know all the other
2 ones went. This was off normal as far as how it was
3 -- you disrupted me and got me off my thought train
4 and stuff. And I interpreted it as being rude and
5 disrespectful and part of a coverup. Thank you.

6 CHAIRMAN GIITTER: Okay. Well, thank you
7 for that feedback.

8 Mr. Mulligan, I'd like to thank you for
9 taking the time to provide the NRC staff with the
10 clarifying information on the petition you have
11 submitted. Before we close, does the Court Reporter
12 need any additional information for the meeting
13 transcripts?

14 THE REPORTER: I'm all set. Thanks.

15 CHAIRMAN GIITTER: Okay. Thanks. With
16 that, the meeting is concluded. And we will
17 terminate the phone connection here.

18 MR. MULLIGAN: Thank you.

19 CHAIRMAN GIITTER: Thank you, Mr.
20 Mulligan.

21 (Whereupon, the foregoing matter was
22 concluded at 11:50 a.m.)
23
24
25

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

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

(202) 234-4433

www.nealrgross.com