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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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10 CFR 2.206 PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

RE

PALISADES

+ + + + +

WEDNESDAY

AUGUST 29, 2012

+ + + + +

The conference call was held, Michele Evans, Chairperson of the Petition Review Board, presiding.

PETITIONER: MICHAEL MULLIGAN

PETITION REVIEW BOARD MEMBERS

MICHELE EVANS, PRB Chairman, Director, Division of
Operating Reactor Licensing

TERRY BELTZ, Petition Manager for 2.206 petition

LEE BANIC, Petition Coordinator

NRC HEADQUARTERS STAFF

STEVE FRANKL, Acting Branch Chief, LPL3-1, NRR

CHRIS HAIR, Office of the General Counsel

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P R O C E E D I N G S

(10:03 a.m.)

1
2
3 MR. BELTZ: Okay. I want to thank
4 everybody for attending the meeting. My name is
5 Terry Beltz. I'm a Senior Project Manager in the
6 Division of Operating Reactor Licensing at NRC
7 Headquarters.

8 We're here today to allow the
9 Petitioner, Mr. Mike Mulligan, to address the
10 Petition Review Board regarding his 2.206 Petitions
11 dated July 27th (July 27th is actually Rev 1), and
12 July 28th, 2012.

13 I'm the Petition Manager for the
14 petition and the Petition Review Board Chairman is
15 Michele Evans.

16 As part of the PRB's review of the
17 petition, Mr. Mulligan has requested this
18 opportunity to address the PRB. The meeting is
19 scheduled from 10:00 to 11:00. The meeting is being
20 recorded by the NRC Operation Center and will be
21 transcribed by a court reporter.

22 The transcript will become a supplement
23 to the petition and will also be made publicly
24 available. Is the court reporter on the line?

25 COURT REPORTER: Sorry for the delay.

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1 Yes, I'm on line.

2 MR. BELTZ: Okay, good morning.

3 COURT REPORTER: Good morning.

4 MR. BELTZ: Okay. I'd like to open the
5 meeting with introductions. And as we go around the
6 room make sure to clearly state your name, your
7 position, and the office that you work for within
8 the NRC for the record.

9 Okay. My name is Terry Beltz. I'm a
10 Senior Project Manager in NRR DORL, and I am the
11 Petitioner Manager.

12 MS. EVANS: And I'm Michele Evans. I'm
13 the Director of DORL in NRR, and I'm the PRB
14 Chairman.

15 MR. FRANKL: I'm Steve Frankl. I'm Acting
16 Branch Chief for LPL3-1 at DORL.

17 MS. BANIC: Lee Banic, NRR, Petition
18 Coordinator.

19 MR. HAIR: Chris Hair, attorney with the
20 Office of the General Counsel.

21 MR. BELTZ: Okay. Are there any
22 additional NRC Headquarters participants on the
23 line? Do we have any NRC participants from the
24 Regional office on the phone? Okay. Are there any
25 representatives for the licensee on the phone?

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1 MS. DOTSON: Barb Dotson, Palisades
2 Licensing.

3 MR. BELTZ: Okay, thank you. What was
4 your last name?

5 MS. DOTSON: Dotson, D-O-T-S-O-N.

6 MR. BELTZ: All right. Good morning,
7 Barbara. Is that it?

8 MS. DOTSON: Yes, sir.

9 MR. BELTZ: Okay, thank you. Mr.
10 Mulligan, would you please introduce yourself for
11 the record?

12 MR. MULLIGAN: I'm Mike Mulligan, and I'm
13 a whistle blower, and I worked in the industry for a
14 number of years.

15 MR. BELTZ: Okay, good morning. Okay.
16 Although it's not required for other members of the
17 public to introduce themselves for the call, if
18 there are any other members of the public on the
19 phone that wish to do so at this time, please state
20 your name for the record.

21 Okay. Not hearing anyone, I'd like to
22 emphasize that we need to speak clearly and loudly
23 to make sure that the court reporter can accurately
24 transcribe this meeting. If you do have something
25 that you would like to say, please first state your

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1 name for the record.

2 For those individuals dialing into the
3 meeting, please remember to mute your phones to
4 minimize any background noise or distractions. If
5 you do not have a mute button, this can be done by
6 pressing the keys *6. To unmute, press the *6 keys
7 again. Okay, thank you.

8 At this time I'll turn the discussion
9 over to Michele Evans, the PRB Chairman.

10 MS. EVANS: Okay. Good morning, everyone.
11 Welcome to this meeting regarding the 2.206 petition
12 submitted by Mr. Mike Mulligan.

13 I'd like to first share some background
14 on our process. Section 2.206 of Title 10 of the
15 Code of Federal Regulations describes the petition
16 process, the primary mechanism for the public to
17 request enforcement action by the NRC in a public
18 process. This process permits anyone to petition NRC
19 to take enforcement type action relating to NRC
20 licensees or licensed activities.

21 Depending on the results of this
22 evaluation, NRC could modify, suspend or revoke an
23 NRC-issued license or take any other appropriate
24 enforcement action to resolve a problem. The NRC
25 staff's guidance for the disposition of 2.206

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1 petition requests is in Management Directive 8.11,
2 which is publicly available.

3 The purpose of today's meeting is to
4 give the Petitioner an opportunity to provide any
5 additional explanation of support for the petitions
6 before the Petition Review Board's initial
7 consideration and recommendation.

8 This meeting is not a hearing, nor is it
9 an opportunity for the Petitioner to question or
10 examine the PRB on the merits for the issues
11 presented in the petition request. No decisions
12 regarding the merits of this petition will be made
13 at this meeting.

14 Following this meeting, the Petition
15 Review Board will conduct its internal
16 deliberations. The outcome of this internal meeting
17 will be discussed with the Petitioner.

18 The Petition Review Board typically
19 consists of a Chairman, usually a manager at the
20 Senior Executive Service level at the NRC, and has a
21 Petition Manager, and a PRB Coordinator. Other
22 members of the Board are determined by the NRC staff
23 based on the content and the information in the
24 petition request.

25 At this time, I would like to introduce

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1 the Board. I'm Michele Evans, the Petition Review
2 Board Chairman. Terry Beltz is the Petition Manager
3 for the petitions under discussion today. Lee Banic
4 is the Office's PRB Coordinator. Dave Pelton is the
5 Branch Chief for the Generic Communications Branch
6 responsible for coordination of the 10 CFR 2.206
7 petition process. Steve Frankl is the Acting Branch
8 Chief for Plant Licensing Branch 3-1 which includes
9 Palisades.

10 The following individuals are from the
11 regional office, Jack Geissner is the Branch Chief
12 for Project Branch 4, Region III, Division of
13 Reactor Projects. Jay Lennartz is a Project Engineer
14 in Project Branch 4, Region III, Division of Reactor
15 Projects. We also obtain advice from our Office of
16 General Counsel represented by Christopher Hair.

17 As described in our process, the NRC
18 staff may ask clarifying questions in order to
19 better understand the Petitioner's presentation, and to
20 reach a reasoned decision whether to accept or
21 reject the Petitioner's request for review under the
22 2.20 petition process.

23 I would like to summarize the scope of
24 the two petitions under consideration, and the NRC
25 activities to date.

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1 The first petition, on June 27th, 2012
2 Mr. Mulligan submitted to the NRC a petition under
3 2.206 regarding concerns associated with leakage
4 from the safety injection refueling water tank at
5 the Palisades Nuclear Plant.

6 In this petition, Mr. Mulligan requested
7 that the Palisades Nuclear Plant remain shut down.
8 Mr. Mulligan is critical of Entergy, the NRC, and
9 the programmatic aspects of the regulatory program,
10 including the Agency staff and the ROP based upon
11 recent events at Petition Review Board and other
12 Entergy plants as to the values of Entergy and a
13 lack of NRC regulatory oversight.

14 He focuses on the recent leak of the
15 safety injection and refueling water tank at
16 Palisades, but also discusses past events at both
17 Palisades and other Entergy-owned facilities. The
18 Petitioner also discusses a lack of adequate safety
19 culture environment at Palisades.

20 Mr. Mulligan requests the following
21 actions be taken. One, the shut down resulting from
22 the safety injection refueling water tank leak
23 should be categorized as unplanned. Two, the NRC
24 move the Palisades' performance indicator from red
25 to the next level 5, unacceptable performance.

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1 Three, an outside authority, not the OIG, should
2 determine why the NRC did not force Palisades to
3 thoroughly investigate the safety injection
4 refueling water leak when the leak first appeared.
5 Why didn't the NRC make Entergy fix the leak in the
6 last safe shutdown period according to the Agency's
7 own nuclear safety culture philosophy?

8 Number four, top Palisades management staff be fired
9 and replaced before startup. Number five, Entergy's
10 corporate nuclear senior staff be fired and replaced
11 before restart. Number six, assign two additional
12 NRC inspectors to Palisades and to the rest of the
13 Entergy nuclear plants. Number seven, formation of a
14 local public oversight panel around every plant.
15 Number eight, formation of an emergency NRC senior
16 official oversight panel to reform the reactor
17 oversight process. Number nine, a national NRC
18 oversight panel of outsiders, a mixture of
19 professional and academic people, as well as lay
20 people, to oversee and report on Agency activities.
21 Number ten, perform an analysis of the exceedingly
22 numerous findings of problems with Entergy plants
23 during this inspection reporting cycle. Number
24 eleven, evaluate if Region III has enough personnel
25 and resources. Number twelve, Palisades remains

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1 shutdown until all procedures are fully implemented
2 and corrected, all technical and maintenance
3 backlogs are updated and corrected, all training
4 completed, and all reports and safety processes are
5 fully completed and implemented. Number thirteen, an
6 independent outside investigation review the
7 insufficient process outcome of the 2008-2009
8 Palisades security falsification, investigation,
9 safety survey local and fleet wide training and
10 safety surveys. Fourteen, President Obama fire
11 Chairman Jaczko and the four Commissioners.

12 Okay. The second petition, on June 28th,
13 2012 Mr. Mulligan submitted to the NRC a petition
14 under 2.206 associated with roof leakage at
15 Palisades Nuclear Plant.

16 In this petition, Mr. Mulligan requests
17 that the Palisades Nuclear Plant remain shut down.
18 Mr. Mulligan focuses on roof leaks at Palisades, and
19 also discusses past events at both Palisades and
20 other Entergy-owned facilities.

21 He discusses the lack of adequate safety
22 culture environment at Palisades, and is also
23 critical of the NRC staff for tolerating and
24 covering up very serious safety problems at
25 Palisades, and throughout the Entergy organization.

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1 Mr. Mulligan included specific questions
2 related to roof leaks at Palisades. Number one, what
3 is a safety-related roof? Number two, is the roof
4 above the emergency diesel generators or control
5 room a critical nuclear safety-related barrier?
6 Third, where are the current roof leaks at
7 Palisades, and are there any safety-related
8 components near these leaks? Number four, list all
9 the roof leaks at Palisades in the last 10 years and
10 is the trend of roof leaks increasing or decreasing?
11 Number five, is Palisades properly evaluating roof
12 leaks and repairing them in a timely manner?

13 In addition to the requests mentioned in
14 the first petition, Mr. Mulligan also states that
15 the following actions be taken. Entergy be prevented
16 from starting up until all the safety problems at
17 the site have been publicly identified and the
18 safety culture repaired.

19 Two, heads need to roll in Region III
20 and at Headquarters for tolerating and covering up
21 these very serious safety problems at Palisades and
22 throughout the Entergy organization. This all has
23 the potential to gravely damage our nation.

24 Third, report on why the 2.206 petition
25 process failed so utterly for us, for the Agency to

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1 hold officials accountable to the plant employees
2 and me with not doing their jobs and trying to
3 understand what was gone on at the site, and not
4 repairing the organization at the earliest point.

5 The whole Entergy organization is
6 involved and they have a huge costly hole to dig out
7 of. It is easier digging the hole than crawling out
8 of one.

9 This request appears to be based on
10 final determinations made in past 2.206 petitions
11 and that Entergy and the NRC processes failed to
12 detect and resolve safety culture issues.

13 Fourth, Mr. Mulligan also requested a
14 meeting with the Palisades inspector and other
15 inspectors to discuss the conditions of Palisades
16 before the Petition Review Petition Board's pre-
17 hearing.

18 Allow me to discuss the NRC activities
19 to date. The PRB met internally on July 10th and July
20 31st to discuss the request for immediate action
21 associated with the June 27th and June 28th petitions
22 respectively.

23 The PRB denied Mr. Mulligan's request
24 for immediate action on the basis that there was no
25 immediate safety concern identified that would

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1 prohibit a Palisades Reactor Plant start up, or had
2 an affect on the health and safety of the public.
3 His requests also do not provide any new information
4 or information specific enough for the NRC to
5 further consider making an immediate action
6 determination.

7 He was informed on July 17th, and again
8 on August 8th of the PRB's decision to deny his
9 request for immediate action related to the two
10 petitions under consideration.

11 On August 8th, the Petition Manager
12 contacted him to discuss the 10 CFR 2.206 process
13 and to offer an opportunity to address the PRB by
14 phone or in person. He was also informed that the
15 petitions he submitted would be consolidated since
16 the petitions were submitted at or about the same
17 time, the requested actions were against the same
18 licensee, and with a few unique issues addressed
19 essentially the same specific concerns.

20 Consolidation of the petitions does not
21 reduce the importance of the circumstances being
22 discussed, but does streamline the NRC staff's
23 review process and response.

24 On August 9th, he informed the Petition
25 Manager of his desire to address the PRB by phone

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1 prior to its internal meetings to make the initial
2 recommendation to accept or reject the petition for
3 review.

4 On August 21st, a discussion was held
5 between Mr. Mulligan and the Regional staff
6 regarding ongoing issues at Palisades. On August
7 23rd, Petition Manager informed him that the PRB
8 could support a teleconference today, and he agreed
9 to that date and time.

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

15 Mr. Mulligan, I'll now turn the meeting
16 over to you to allow you to provide any information
17 you believe the PRB should consider as part of these
18 petitions. Please bear in mind that you have
19 approximately 40 minutes to address the PRB. Thank
20 you.

21 MR. MULLIGAN: Hi, 59 percent. I want to
22 thank the Staff for talking with me over Palisades
23 issues. I found that the staff was very
24 knowledgeable and they were very polite to me and
25 stuff.

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1 The problems I have, though, is that
2 this is a very problematic plant, and I found a lot
3 of the times they were justifying and rationalizing
4 the behavior of Palisades. You know, they were
5 buffing up Palisades and their troubles, and stuff
6 like that. They really weren't giving me an
7 objective, accurate assessment of what was happening
8 at Palisades.

9 My ability to be effective here is to be
10 able to know what's -- to objectively know what's
11 going on at the plant and express my problems across
12 the Petition Board, and stuff like that.

13 I mean, I would have thought there would
14 have been a lot more negative towards Palisades, you
15 know. These are the problems they have, and these
16 types of stuff, instead of rationalizing, placing a
17 happy tune on them, and things like that. It bothers
18 me that the staff would -- and I find that at the
19 NRC as a whole. They do that all the time. They put
20 a happy tune on a lot of these things. They're
21 always in defense of the industry instead of being a
22 cold -- a regulator with a cold heart, this is
23 what's happening and stuff like this. You know, set
24 limits.

25 We will not tolerate this kind of

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1 behavior in the United States. We will not tolerate
2 this kind of disorganization, and this type of
3 chaos, this type -- this equipment conditions that
4 repeatedly happen over and over again across many
5 plants, and especially at Palisades. We're better
6 than that.

7 I found as a whole a lot of these issues
8 and stuff like that, you know, I think the NRC
9 employees are good people, and really good people.
10 And I think Palisades' employees are really good
11 people, and they're trying really hard.

12 The problem I have is that the rules and
13 regulations, over and over again you see these
14 rules and regulations coming up, and tolerating
15 leaks, and repetitive leaks, and acceptance of
16 leaks, and we don't have that philosophy of -- we
17 have control of the facility, we have the ability to
18 -- we have the resources, and we have the technical
19 and the intellectual ability to control our
20 facilities under our feet. And our first object is
21 to understand what's happening at our facilities. If
22 degradation comes up and stuff we have the heart to
23 fix it immediately. And if it takes -- and if we
24 don't fix -- if we have all this degradation going
25 around us and we don't fix it in the outage and

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1 stuff like that, well, we have the heart to shut
2 that plant down and fix it right. And we pay the
3 price for our inability to control our facilities,
4 instead of sitting there rationalizing hey, you
5 know, it's only a leak. It's not a safety system,
6 it's a low-pressure system and stuff like that, you
7 know.

8 This is very important stuff for our
9 nation, and we're sitting under a lot of energy as
10 far as with the fuel, and the radionuclides
11 underneath it and stuff like that. And I find it
12 amazing.

13 I was working -- I'm working on -- this
14 is another example, you know. It's not associated
15 with Palisades, but it is an example -- my problem
16 with the NRC. I'm working on NOEDs, and license
17 amendment associated with the drought and heat
18 conditions. And, essentially, what comes up is over
19 one NOED at Braidwood and one license amendment at
20 Millstone, basic temperatures were increasing and
21 stuff. And all of a sudden we get into this kind of,
22 you know, through the NOEDs, and through a license
23 amendment we get into oh, it's an emergency.

24 And then they go into talking about the
25 conditions of the plant, and this is why we need

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1 this special permission to stay up at power and
2 stuff like that. And they get the technical
3 justifications and stuff like that. But it's only
4 half the story, you know.

5 You know, a lot of this stuff, there's
6 very little science behind it, behind their
7 justifications and stuff. There's no sense of, you
8 know, what got us into this, you know, through the
9 piece processes, the NOEDs and license amendment.
10 What got us to this point? What are our failures in
11 this point? What have we failed to see and stuff
12 like that? How come we weren't anticipating this?
13 And how come we weren't building in cooling
14 capacity? How come the NRC processes didn't force
15 these utilities to take a look at the historical
16 record, you know? Take a look at the -- you know,
17 take a look at the heat sink temperature rates and
18 stuff. Was the heat sink temperatures coming up
19 through the last decade? And, of course, they were,
20 but the license amendment and the NOEDs were -- they
21 didn't explain that, you know.

22 They didn't say, you know -- we have a
23 right to understand how these utilities are
24 operating. You know, we have a right to understand
25 that these guys were measuring heat sink

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1 temperatures. They were measuring and, you know, you
2 put it on the ground, you see the trends where
3 they're going, and then you say oh, by this date,
4 you know, we're going to have troubles with the
5 cooling capacity of keeping a plant up at power and
6 stuff like that.

7 That's science and engineering, that's
8 basic science and engineering. And that should be in
9 these license amendment requests. So, you sit back
10 and you talk to a lot of the NRC officials, and you
11 get this all the time, this spin, you know, this
12 well, the rules tell me I can tell you part of the
13 truth. And I don't have to tell you everything and
14 stuff. It's all about spin, and what I am -- what
15 the rules tell me I can tell you what's going on at
16 a plant. Not what your heart shows you, not what
17 your heart tells you what's going on, not what your
18 heart knows what you should be doing and stuff like
19 that.

20 And like I said, you know, that should
21 have been in there with the NOEDs and the license
22 amendment requests, you know. We've seen those
23 temperatures coming up and we failed to act. We
24 failed to act responsibly to our society.

25 The utility industry has a

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1 responsibility not just to make profits, but to
2 serve the American public. And really they -- you
3 know, if you're an American, you know, we're
4 supposed to serve our greater good. We're not
5 supposed to serve our pockets and stuff. And I see a
6 lot of this stuff going on here with like rules and
7 regulations all gained towards serving the money in
8 our pockets, not the knowledge in our heads, and it
9 bothers me a lot when I see this.

10 So, that's the repetitive pattern I see
11 over not just Palisades, but a lot of things I've
12 been doing and watching these plants over the years
13 and stuff like that, you know. Ideology and group
14 customs trumps science. Ideology and group rules
15 and customs, and these mechanical rules that are so
16 insufficient and so limiting, and contain so little
17 information trumps what you know in your heart is
18 right.

19 And I know a lot of you guys know in
20 your heart a lot of this stuff is wrong, and for a
21 number of reasons you can't change it. But I don't
22 find that a good enough excuse, you know. If you
23 know something is wrong, especially if it's national
24 in scope, then you have a responsibility to try all
25 your might to change it, and not just sit back and

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1 collect money in your pockets.

2 The example with -- you know, I was
3 reading the inspection report, the last inspection
4 report, and the licensee determined that the root
5 cause management oversight contributing to plant
6 issues was that managers and supervisors had focused
7 more on work practices rather than on supervisory
8 oversight and employee development.

9 The contributing cause identified was
10 that some managers and supervisors do not always
11 understand that what they perceived as distractions
12 are part of their roles and responsibilities. And
13 reviewing licensee performance over the first and
14 second quarters of 2012, the inspectors know the
15 issues were being encountered in the area of
16 management and oversight. Multiple condition
17 reports, observation by inspectors and causal
18 evaluation conducted on issues that arose during the
19 most recent refueling outage has identified
20 insufficient oversight and vendor control as a
21 contributor to rework activities that increased
22 accumulation of dose over the outage.

23 As an example, installing and replacing
24 the reactor head, you know. You had troubles -- they
25 had troubles -- I mean, this is fundamental. They

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1 had troubles taking off the head, and then they
2 damaged equipment putting the head back on. That's
3 an example of these continuing problems and stuff
4 like that, that happen over and over again.

5 In the inspection report, one of the
6 things was in aspects dealing with conservative
7 assumptions under the decision making component of
8 human performance crosscutting areas. The inspectors
9 discovered during the review that some of the
10 corrective actions developed by the licensee had
11 either been incorrectly stated as incomplete or
12 still pending completion.

13 You know, I mean just the idea that -- I
14 mean, that's falsifying paperwork as far as I'm
15 concerned. And that's the essence of, you know, are
16 we honorable people? Are we men and women of our
17 words? Are we men and women of our conscience? Do we
18 know right and wrong? Do we aspire to being
19 something bigger than we are, instead of people that
20 just, you know, put money in their pockets? Do we
21 have principles and ideals that are higher than
22 ourselves?

23 I mean, that's what I'm asking. And you
24 know what, people don't talk like I do and stuff,
25 but that's what I'm asking, you know. What's in your

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1 heart? Do you tell the truth? Do you tell the full
2 truth? Do -- if the rules prohibit you from telling
3 the full truth and explaining what's going on, you
4 know, you either change them or -- you know, I hate
5 to say it but, you know, sometimes you have to break
6 the rules. You know, consider rules, like a rule
7 like crossing a street, you know, crossing a busy
8 avenue and stuff like that.

9 You know, the typical -- the rule that
10 my mother taught me, you know, look both ways before
11 you cross the street. And play it conservative and
12 stuff like that. The rules that's going on around
13 here is like, you know, in order to cross -- the
14 rule goes in order to cross the street you've got to
15 look at your shoelaces, and you've got to walk
16 across the street without looking at -- looking to
17 see what the traffic does. And then it comes back,
18 you know, and then you come back with, you know, the
19 -- you collect a certain set of evidence and you say
20 oh, well, he crossed that street five times looking
21 at his shoelaces, so that's -- it must be safe.

22 I mean, that's what I think of a lot of
23 your rules. I think rules are good and bad. They're
24 not just God's rules. Rules, you have -- there has
25 to be a part of you that's set apart from everything

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1 else. And a lot of times you follow the rules
2 instinctively, and I do, and it's not really right.

3 There's got to be a part of you, a
4 little bug inside of you that says okay Mike, you've
5 got to look at this rule in the big picture. Is it
6 good, or is it bad? Rules can make you a better
7 person. It can open up the world to you if you
8 follow the rules, if you follow this set of
9 standards. You see a bigger picture of the world,
10 you become a better person.

11 Following the rules could do the exact
12 opposite. You could end up, you know, being blind,
13 you could walk towards being more blinded. You could
14 walk towards being a lesser person and stuff like
15 that. And that's the nature of rules and stuff. And
16 I -- you know, rules are either good or bad. They
17 either open up the world, or they close the world
18 down for you.

19 You can see more and experience more, or you can see
20 less, put more money in your pockets. That's what I
21 think about rules.

22 You know, back on February 22nd, 2001,
23 this is in my petition. And here's a quote for you.
24 "God help us all. Can you see the problems with the
25 repetitive nature of Entergy having instincts not to

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1 do the proper inspections, to do it over and over
2 again like in Mad Men. They are laughing at us and
3 the NRC because these employees and managers know we
4 can't control them. The NRC has no ability to
5 control Palisades. That is my Goddamned political
6 statement to the NRC."

7 And here we are, you know, we've got,
8 you know, with this roof leak -- is it a roof leak?
9 With the SIR FWT tank, whatever, you know, there's
10 insinuations that a Commissioner was pressuring the
11 staff to, you know, withholding information to a
12 Chairman about Palisades. And the Chairman wanted an
13 investigation of it, and Ostendorff or whatever his
14 name yelled at a woman, a staff person about it. And
15 he tried to influence having the investigation, you
16 know.

17 The instinct there was this was not a
18 useful use of NRC resources and stuff. And this is
19 the stuff that bothers me, that the Commissioners,
20 you know, they're so disorganized. They're in a
21 state of war with each other, that we might not be
22 overseeing the nuclear industry like we should.

23 I asked the NRC Region III Staff could a
24 Commissioner intimidate you? They all answered me,
25 of course, we wouldn't let a Commissioner intimidate

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1 me. I'd never allow the NRC Commissioners to make me
2 do something wrong. So, I mean, that was the
3 response to me. I asked the question.

4 Anyway, with the safety injection
5 refueling water tank, you know, over and over again
6 the first instinct was it's a roof leak. And then
7 over and over again through the outage and stuff,
8 everybody is making guesses of what's causing the
9 leak and stuff, and how bad it is, and how riskful
10 it is, and all that sort of stuff.

11 And, oh, God, in the outage it's fixed.
12 And then they retest it, and it's still leaking and
13 stuff. And then they had to go do something to --
14 and over and over again, you know, they missed what
15 was --- first missed what was causing the leak. They
16 had an improper interpretation of the risk of the
17 leak. They had an improper interpretation that they
18 fixed the leak. Over and over again, you know, they
19 didn't get it right, you know.

20 They didn't call -- I see a red light,
21 you know, and it was a red light, you know. They
22 weren't -- they didn't get it right over and over
23 again. Numerous times, both the Palisades staff and
24 the NRC didn't put your foot down and say, you know
25 what, we ought to fix this thing right the first

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1 time.

2 And I think you destroy the staffs of
3 the NRC and Palisades when you don't have that
4 attitude, you know. We are in control of our
5 facility , we have adequate resources, we have
6 adequate enough resources with the parent company
7 that a shutdown won't bother us. We take things
8 seriously, and we will shut that plant down and find
9 out where that leak is and fix it immediately.

10 A situation like the refueling storage
11 tank, you know. It eats up resources, you know.
12 Repetitive issues of broken equipment and stuff like
13 that eats up plant resources, intellectual and
14 engineering resources. And, you know, like I say to
15 everybody, you know, it might not just be related to
16 risk-relatedness of the component. It might be that
17 small problems end up overwhelming the staff, and
18 they don't pick up on the big problems. They don't
19 pick up on developing or emergency problem because
20 they were too busy doing this other stuff that they
21 should have taken care of.

22 And they started banging into these
23 reports and processes, and they get consumed by the
24 processes. And they can't effectively operate the
25 plant because they're too busy with their heads in

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1 the processes of degraded and failing components.
2 It's just -- I mean, it's an easy thing to
3 understand. To me it is, anyway, because I've seen
4 it.

5 As far as the war within the
6 Commissioner's office, I've been in a war. I've been
7 in a war at a plant, ended up me getting fired. And
8 I ended up, you know, playing these rules, these
9 wars, and inflicting, you know, inflicting rules on
10 other people, you know. You did this wrong and stuff
11 like that, and then they do it back at me. And I've
12 seen it. I've seen it between groups of people at a
13 plant, you know, two different groups fighting each
14 other.

15 It's terrible. It is traumatic because,
16 you know, employees, your families are involved. You
17 could go home, you're not the same person you are
18 because you're in this big battle of rules and
19 interpretations. It consumes everything about a
20 person when you get in these employee battles, you
21 know, over ideals and stuff. It consumes -- I've
22 seen it when I was anonymous at the plant, when I
23 was doing this stuff. And I've seen the employees
24 talking about me. And they were talking about me
25 when I was there. Of course, they didn't know it was

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1 me and stuff like that.

2 I could see who the -- you know, they
3 were talking about who do you think it is? Who do
4 you think it is? What do you think is behind this?
5 And they spent a lot of time -- the staff spent a
6 lot of time, you know, talking about me, if you know
7 what I mean, because I was anonymous. And I was
8 doing a lot of the stuff behind the scenes, and
9 stuff like that. So, I've seen how traumatic it can
10 make the environment and stuff. How consuming it
11 becomes on the person, how much damage it does to
12 the personhood, everybody involved and stuff.

13 And it affects your ability and your
14 judgment, and it clouds everything. And it's
15 terrible, it is utterly terrible to live in that
16 environment. You know, post traumatic stress and all
17 that involved in it and, you know, I got wounded,
18 and I know I wounded a lot of other people. I'm just
19 saying that, that it happens, and somehow you've got
20 to put a stop to it before people get hurt, and
21 careers get destroyed, and families break up, you
22 know.

23 So, we went -- I talked about the
24 inspectors kind of realize that there was still
25 problems with the plant during that last inspection

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1 report. And, you know, here we are. You had a month
2 of shutdown because of the refueling water tank. You
3 had -- you're in two weeks plus of a shutdown. You
4 operated, I mean, from the last outage 108 days.
5 Right? You've had 44 days of outages, then 109 days
6 of -- since the last outage, and 109 days -- it's
7 been 109 days since the last outage. You have a 59
8 percent plant capacity factor.

9 This thing is worse. In these last three
10 or four months from the outage have been -- it's
11 terrible problems with the plant. You know, does it
12 raise to a rule-based safety issue? You know, can
13 you see it principally that you're unsafe, or can
14 you see that the organization is in chaos and
15 disorder and stuff like that? And, you know, they
16 might be missing emerging information that's
17 important and stuff. And the repetitive nature of
18 these leaks, the refueling water tank was leaking
19 for a year. The control rod drive mechanism was,
20 you know, it emerged after the outage, and it was
21 leaking for the next month, and increasing. And you
22 think you know where the leak is coming from, and
23 then you find out once it's shut down -- how come
24 when the first leak went you didn't know that it was
25 a pressure boundary leak that says that you need to

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1 shut down and stuff like that?

2 How come a month before that leak start
3 --- when that first leak started, how come people
4 didn't get curious and say, you know, I don't like
5 this, and we're going to find -- God help us, we're
6 going to find out what's causing that leak. And
7 we're going to pay whatever price it is to stop it.
8 How come it took a month? And everybody kind of, you
9 know, was dozing away as the leak was increasing
10 and stuff like that.

11 I like the circular logic with the
12 industry, you know, when a plant is sitting there,
13 you know, has a lot of capacity -- you know, has
14 breaker to breaker operation without no shutdowns.
15 They brag that, you know, we're safe because we've
16 got high capacity factors. And then when you get a
17 low capacity factor and you have to shutdown, then
18 they say we're safe because we do shut downs and
19 stuff like that.

20 Well, when are you degraded, you know?
21 When are you -- I mean, everything is about spin,
22 you know. Everything justifies the happy tunes and
23 stuff, and nobody takes the hard, you know, the hard
24 choices and pays the fiddler, you know. And puts
25 their integrity on the line, and put their foot down

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1 and says this got to stop and stuff, you know.

2 And the NRC, you know, with Palisades
3 you're sending a message to the rest of the plants.
4 You can paper whip these plants to death, you know,
5 as far as having all these rules and regulations
6 that there's no teeth in it. And nobody is afraid of
7 you. Or on the other hand you could, you know,
8 punish a bunch of -- a few plants and you could, you
9 know -- and create fear in the eyes of the utilities
10 and stuff. And if you say boo, that they
11 automatically will, you know, do the right thing and
12 stuff, instead of wasting all this resource on these
13 paper whipping rules that nobody is afraid of and
14 stuff. And then, you know, you see that -- we know
15 that -- in the recent New York Times article, you
16 know, Clinton -- he was appeasing the utilities by
17 hiring pro utility Commissioners, and you had a
18 mismatch of power, you had four Commissioners that
19 were extremely pro utility and stuff, while you had
20 one guy that was, you know --- he was kind of pro
21 utility, but he wasn't like the rest of the four.
22 And there was a power mismatch. You couldn't -- you
23 didn't have equal sides of the argument with equal
24 powers, you know, talking about the issues. You had
25 one side overriding the other and stuff. And that

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1 was Obama. I'm sorry to say that that was Obama the
2 way he set up the NRC Commissioners as being -- as
3 appeasing the utility people.

4 Then you see this Presidential-type of
5 influence with Exelon, and the utilities in general,
6 how the utilities across the United States have so
7 much influence on the state governments and federal
8 government, how most of the utility -- there's an
9 assortment of utility people that step in to
10 actually help us govern. They don't have anybody
11 else. These guys are skilled at governance. These
12 utility guys are skilled at governance, and we can't
13 get along without them.

14 And all I'm saying is that's a lot of
15 influence. Utilities have a lot of influence over
16 President Obama, and the Republicans, and stuff. And
17 there's no counteracting power against that. There's
18 no equivalent force, and money, and intellectual,
19 and access to the NRC and to the government and
20 stuff.

21 One side has too much power, and that's
22 our politics in general, and stuff. And, you know,
23 it's really important that -- we see this over the
24 summer with the utilities in general, and the
25 troubles they had with meeting their commitments to

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1 provide power to big Metropolitan areas -- excuse
2 me, I can't even hardly talk.

3 You know what bothered me in that last
4 inspection report? They hooked up a AC power source
5 into a DC power source, you know, something as
6 simple as that. They were working on a component.
7 The inspection report doesn't tell you -- you know,
8 it was in May. It doesn't tell you if they were at
9 power or they were in the outage and stuff like
10 that. And, you know, it gets you to wondering, you
11 know, what -- and then they said well, we'll cover
12 it next quarter. It happened in the prior quarter,
13 but we're going to cover it in the next quarter.

14 And it just asks you, you know -- I
15 mean, that's -- why couldn't they -- why didn't they
16 -- how come they -- how come the NRC didn't have --
17 how come they couldn't have what happened with
18 connecting an AC power system to a DC power system,
19 and an assortment of alarms in the control room. How
20 come they couldn't explain what happened in that
21 last inspection report? Was the NRC overwhelmed? Was
22 Region I staff overwhelmed, they didn't have enough
23 resources in order to do this? And they kick it over
24 to another period and stuff?

25 How come we don't see things as they

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1 actually happen at a plant like Palisades? How come
2 it takes us -- you know, and I talked about that in
3 past petitions, you know, how these processes -- you
4 know, some of them are a couple of months long, some
5 of them are a year long, some of them are -- you
6 know, then the discovery phase, and then the
7 investigation phase, and then the resolution phase
8 and stuff like that. And all these problems are out
9 there in different states of discovery, and
10 resolutions. Nobody has a handle on, you know, the
11 big picture. You know, what is -- you know, is it a
12 green light? Do we have a green light, do we have a
13 yellow light, or do we have a red light, you know,
14 as far as the conditions of the -- the overall
15 conditions of a plant?

16 These processes are out there in so many
17 different states of knowing and stuff like that. You
18 know, it's a problem that we don't have -- at least
19 I don't have -- I can't see the real conditions of a
20 plant. And you might not -- you know, they might
21 not disclose that they know a problem for a year or
22 two after the discovery, you know. And then this
23 thing, oh, we got it fixed, you know. And then they
24 wait a year, and then they got it fixed. And oh, it
25 was never no problem because they got it fixed,

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1 because it took us so long to disclose it. You never
2 get it disclosed in that unknown area, you know,
3 they have a problem and they don't know what they're
4 going to do, how they're going to fix it.

5 You know, it looks bad, so they wait
6 until after an adequate length of time, disclose
7 that they had a problem. Oh, it's already fixed.
8 There's nothing to worry about.

9 In the inspection report, you know, the
10 impellers, the reactor coolant pump impellers were
11 broken, and they had parts in the reactor. You know,
12 I say well, you had parts in the reactor. You must
13 have fuel damage, because those pieces of metal
14 certainly -- they're like weapons when they're
15 flowing through the coolant that fast. I'd like to
16 know if they had any fuel problems.

17 But, anyway, over and over again, you
18 know, Palisades had reason to find this thing. The
19 NRC had reason to, you know, fix that impeller, note
20 that impeller is broken and stuff like that. And
21 nobody had -- that's the, you know, okay, we're
22 going to take a shutdown and we're going to --
23 first, we're going to know how our plant operates,
24 and we're going to see degradations, and we're going
25 to have the people looking at the insignificant

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1 little problems that show up, you know, the
2 insignificant little problems that are data rich,
3 and information rich, and shows you the world.

4 That's the way I look at little
5 problems, insignificant problems, they're a gold
6 mine in there. But they don't have people looking at
7 these types of things. And then asking the
8 question, is the impeller working right? You know,
9 why does it take, you know, three or four times over
10 many years, repeating over and over time, why does
11 it take so many times to discover a problem like in
12 the reactor coolant pump impellers? Why does it take
13 so many efforts to fix it? And why is there so much
14 -- you know, in the inspection report they talked
15 about rework. Why does it take so much rework? Why
16 does it waste so much resources with rework, and
17 fixing something once. Oh, it's not fixed, and
18 fixing it again, and that type of thing.

19 You know, what does it take, you know --
20 according to the rules, you know, every plant in
21 the United States could be like Palisades. You know,
22 the NRC would have questions about them, but it's
23 acceptable operations. Every plant in the United
24 States would be like -- imagine every plant being
25 like Palisades and stuff. Imagine -- we're at the

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1 point where, you know, how many plants will it take
2 in Region III that the NRC wouldn't have the
3 resources to afford a troubled plant like Palisades.

4 When does -- there are so many problems
5 in the industry that the industry -- the NRC gets
6 blind. And, you know, only sees -- only has the
7 ability to see a limited set of data points. They're
8 overwhelmed. I mean, that's what Palisades is. And,
9 you know, Browns Ferry is the same thing, you know.
10 It's a red finding, and they're still having
11 problems, and they're delaying the inspection, the
12 final inspection and stuff, you know, because they
13 don't have enough resources, or they don't have
14 everything fixed yet, and stuff like that.

15 How long is this just keep going on
16 where these plants, you know -- where they stumble
17 along, they keep adding these bureaucratic process
18 on top of them, and it eats up limited resources,
19 and it causes a plant to end up in big trouble. When
20 does it, you know -- it just boggles the mind to
21 think about that we don't have -- Governor Chris
22 Christie last night, "Our leaders today have decided
23 it's more important to be popular, to do what is
24 easy and say yes rather than to say no when no is
25 required."

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1 This goes on, "His late mother's advice
2 that there would be times in your life when you have
3 to choose between being loved and being respected."
4 Chris Christie last night and stuff. And that's a
5 question for all of us, you know. When does, you
6 know -- this paper whipping the industry, does that
7 lead to -- does that -- you know, where a lot of
8 these inspectors are -- don't have enough power and
9 stuff. This paper whipping, the problems in the
10 industry stuff, does that lead to respect? Does the
11 utilities respect the NRC employees? You think they
12 do? I don't think so. I think they know who the NRC
13 is, and the inspectors are intimidated by way up in
14 the NRC. And the utilities have so much power and
15 stuff like that, that the fault with the NRC
16 employees is, you know, I've just got to go along.
17 For the good of my family I've just got to go along
18 and play the game, and put money in my pocket.

19 I mean, that's what American life is
20 today instead of us having these ideals, and ideas
21 that we aspire to, these ideas that we can never
22 reach, you know, that we're always trying, and
23 trying, and trying. And we're always failing and
24 trying to be better, and push us into being better,
25 you know. Or we can just play the game. Right? We

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1 can be mushrooms, and we can play the game. And we
2 could be somebody who we're not, because that's not
3 us. That's not us when you play the game.

4 There's an aspect of you, you have to
5 submerge underneath this, and that's not you. And,
6 you know, are we a great nation? Do we have great
7 aspirations? Do we want to be bigger than we are, or
8 do we want to go by these silly sets of ideological
9 rules, and codes, and customs, and little people --
10 are we big, or are we small? Are we big at over
11 Palisades? Is the best part of us showing over
12 Palisades? You know, the repetitive nature of leaks,
13 the safety injection refueling tank leaked. Right?
14 Then they had this next leak that goes on for a
15 month. Is that us? Is that who we are? Is that the
16 best of us?

17 Thank you very much for listening to me.

18 MS. EVANS: Okay. This is Michele Evans,
19 again. Thank you, Mr. Mulligan, for your address to
20 the PRB.

21 At this time, does anyone here at
22 Headquarters have any questions for Mr. Mulligan?

23 (No response.)

24 MS. EVANS: No. How about the licensee's
25 representative who's on the phone, do you have any

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1 questions?

2 MS. DOTSON: No questions from the
3 licensee.

4 MS. EVANS: Thank you. Mr. Mulligan,
5 thank you for taking time to provide the NRC staff
6 with clarifying information on the petitions you've
7 submitted.

8 Before we close, does the court reporter
9 need any additional information for the meeting
10 transcript?

11 COURT REPORTER: No, I'm all set. Thank
12 you very much. Oh, there was one. The organization
13 that you are with, DORL.

14 MS. EVANS: DORL, D-O-R-L, and it stands
15 for Division of Operating Reactor Licensing.

16 COURT REPORTER: Wow, that's new to me,
17 but otherwise I'm covered. Thank you.

18 MS. EVANS: Okay, thanks. With that, this
19 meeting is concluded and we will be terminating the
20 phone connection. Thank you.

21 (Whereupon, the above-entitled matter
22 went off the record at 11:01 a.m.)

23
24
25

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