

From: [Buckberg, Perry](#)
To: [Paul](#)
Cc: [Haagensen, Brian](#)
Subject: RE: Response to your email of 11/27/2018
Date: Friday, December 07, 2018 3:53:11 PM

Mr. Blanch,

On October 25, 2018, the staff held a closed meeting to discuss your petition, consistent with Management Directive 8.11, "Review Process for 10 C.F.R. 2.206 Petitions". The discussion included the two immediate action requests in your September 17, 2018, request: "The NRC must immediately inform FERC, PHMSA that Entergy's and the NRC's analyses were based upon this material false information," and "...the NRC take immediate enforcement actions for potential violations of 10 CFR § 50.5 and 10 CFR § 50.9 and inform FERC, PHMSA, and the State of New York that the NRC's analysis was based on inaccurate and false information provided to the NRC by Entergy." The staff concluded that your request, as supplemented, did not demonstrate a basis for taking immediate action (e.g., an imminent safety hazard that would warrant an immediate reactor shutdown), and the staff determined that no basis for immediate action is evident. In addition to your September 17, 2018, request and supplements, the staff's review of the potential need for immediate action also considered the historical information related to this issue, which has been previously provided to or discussed with you.

The Director of the Office of Nuclear Reactor Regulation was briefed on the recommendation for responding to your immediate action requests prior to my November 27th notification.

Thanks,

Perry Buckberg

Agency 2.206 Petition Coordinator

phone: (301)415-1383

perry.buckberg@nrc.gov

U.S. Nuclear Regulatory Commission

Office of Nuclear Reactor Regulation

Mail Stop O-8B1a

Washington, DC, 20555-0001

From: Paul [mailto:pdblanch@comcast.net]
Sent: Monday, December 03, 2018 12:51 PM
To: Buckberg, Perry <Perry.Buckberg@nrc.gov>; Haagensen, Brian <Brian.Haagensen@nrc.gov>
Cc: Paul Blanch <pdblanch@comcast.net>
Subject: [External_Sender] Response to your email of 11/27/2018

Paul M. Blanch PE
Energy Consultant

Perry Buckberg
Agency 2.206 Petition Coordinator
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U.S. Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Mail Stop O-8B1a
Washington, DC, 20555-0001

Dear Mr. Buckberg:

In your email dated 11/27/2018 you stated:

“Your Title 10 of the Code of Federal Regulations (10 CFR) Section 2.206 Petition submitted to the NRC on September 17, 2018, as supplemented October 11, 2018, October 23, 2018, and November 13, 2018, requests that the NRC take immediate enforcement actions for potential violations of 10 CFR 50.5 and 10 CFR 50.9 and inform FERC, PHMSA, and the State of New York that the NRC’s analysis was based on inaccurate and false information provided to the NRC by Entergy.

*After consideration of this immediate action request and related information in your submittal, the **staff has concluded** that there is no current public health and safety concern that requires immediate NRC action. Other than this determination regarding immediate action, the staff is currently considering your petition for review.”*

Please provide a copy of the documentation whereby the NRC Staff *“has concluded that there is no current public health and safety concern that requires immediate NRC action.”*

MD 8.11[1] required this information be produced and documented. As the Petition Coordinator, this information should be readily available. I do not see the need for a FOIA request, as this would unnecessarily delay this 2.206 process.

This NRC determination is in direct conflict with the New York State risk[2] analysis where they concluded the three-minute assumption is vital to protect the safety of the public.

In addition to the NYS expert analysis a Court approved gas pipeline and nuclear expert and Professional Engineer has testified in a NYS Court this three-minute closure time must be demonstrated to protect the health and safety of the public.

I would appreciate a prompt response to this request for the above stated reasons.



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[1]

[2] Copy may be obtained from NYS or FERC