

Buckberg, Perry

From: Buckberg, Perry
Sent: Wednesday, February 20, 2019 1:28 PM
To: 'Paul'
Subject: RE: Re: 10 CFR 2.206 Petition and alleged violations of 10 CFR 50.5 and 50.9

Mr. Blanch,

In response to your January 28, 2019, email to Craig Erlanger in which you asked for clarification on the status of your 2.206 petition - to clarify, the staff has rejected your 2.206 petition. As explained in our closure letter dated January 15, 2019, your petition met one of the criteria for rejection—namely, that it raised issues that have already been the subject of NRC staff review and evaluation of the facility and the issues have been resolved. The 2.206 process does not provide for appeals of staff decisions to reject a petition.

In the January 15 letter, the staff addressed your assertion that Entergy's assumption of a 3-minute valve closure time violates 10 CFR §§ 50.9 and 50.5. The staff referred to previous correspondence dated November 6, 2015, and reiterated that, based on the staff's bounding analysis (which considered both 3-minute and 60-minute closure times), the assumption of a 3-minute closure time did not have a material impact on Entergy's site hazard analysis. Therefore, because the closure time assumption was not material to the results of the analysis, the staff concluded that there was no violation of 10 CFR 50.9 or 10 CFR 50.5. Since the staff concluded that there was no violation of 10 CFR 50.9 or 10 CFR 50.5, the NRC Office of Investigation was not involved with this matter.

The NRC appreciates your continued interest in the safe operation of the IP plant. However, because the PRB has made its final determination to reject your petition, we consider this matter closed.

Also, in your February 1, 2019, e-mail to me you suggested that we could meet to discuss our differences. I need to decline because my involvement with your petition request is as the manager of the staff's review and such a meeting would be inconsistent with the 2.206 petition review process outlined in NRC Management Directive 8.11.

Thanks,

Perry Buckberg

Senior Project Manager
Agency 2.206 Petition Coordinator
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Office of Nuclear Reactor Regulation
Mail Stop O-8B1a
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From: Paul [mailto:pdblanch@comcast.net]
Sent: Friday, February 01, 2019 10:00 AM
To: Buckberg, Perry <Perry.Buckberg@nrc.gov>
Cc: Paul Blanch <pdblanch@comcast.net>; Raspa, Rossana <Rossana.Raspa@nrc.gov>; Haagensen, Brian <Brian.Haagensen@nrc.gov>; Sandra Galef <fieldsj@assembly.state.ny.us>; David Buchwald <david.buchwald@gmail.com>; Amy Rosmarin <amyrosmarin@aol.com>; Susan Babdolden <svandolsen@gmail.com>; Dave A Lochbaum <davelochbaum@comcast.net>; Richard Webster <rwebster@riverkeeper.org>; Linda Puglisi

<lindap@townofcortlandt.com>; rossbuggy@aol.com; Mark F Samek <marksamek@comcast.net>

Subject: [External_Sender] Re: 10 CFR 2.206 Petition and alleged violations of 10 CFR 50.5 and 50.9

Perry:

Received, thank You

Rather than going back and forth with letters that satisfy no one, **possibly we could meet and discuss our differences** with some of the local elected representatives participating.

Simply stated, Entergy provided false information to the NRC and this information formed the basis for the NRC/FERC/PHMSA and the State of New York Public Service Commission analysis.

I believe with a face to face meeting we can resolve our differences

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On Feb 1, 2019, at 7:31 AM, Buckberg, Perry <Perry.Buckberg@nrc.gov> wrote:

Mr. Blanch,

I am replying to let you know that the NRC did receive your 1/28/19 e-mail below, with attachments, and the e-mail will be placed in ADAMS.

The staff is currently reviewing the contents in order to develop a response.

Please contact me with any questions.

Thanks,

Perry Buckberg

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From: Paul <pdblanch@comcast.net>

Sent: Monday, January 28, 2019 9:50 AM

To: Erlanger, Craig <Craig.Erlanger@nrc.gov>

Cc: Paul Blanch <pdblanch@comcast.net>; Haagensen, Brian <Brian.Haagensen@nrc.gov>; Raspa, Rossana <Rossana.Raspa@nrc.gov>; Spicher, Terri <Terri.Spicher@nrc.gov>; Dave A Lochbaum <davelochbaum@comcast.net>; Richard Webster <rwebster@riverkeeper.org>; Amy Rosmarin <amyrosmarin@aol.com>; Susan Babdolden <svandolsen@gmail.com>; Sandra Galef <fieldsj@assembly.state.ny.us>; David Buchwald <david.buchwald@gmail.com>; Maggie Coulter

<mcoulter@riverkeeper.org>; Jessica Roff <jroff@riverkeeper.org>; Lynda Farrell
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<john.sipos@ag.ny.gov>; Buckberg, Perry <Perry.Buckberg@nrc.gov>; Holian, Brian
<Brian.Holian@nrc.gov>; Ellen Weininger <ewgrassroots@gmail.com>
Subject: [External_Sender] 10 CFR 2.206 Petition and alleged violations of 10 CFR 50.5 and 50.9

Paul M. Blanch

Energy Consultant

January 28, 2019

Mr. Craig Erlanger

Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

USNRC

Washington DC

Dear Mr. Erlanger:

I have received your letter to me dated January 15, 2019, and have to admit that I am a bit confused. This letter does not clearly state if my 2.206 petition of September 17, 2018, was accepted, rejected or investigated.

If this is a rejection letter than please consider this letter an appeal to your decision. Your letter to attempts to justify why these alleged material and false statements by Entergy were not a violation of NRC regulations. We still disagree on the significance of the technical issues. To the best of my knowledge, the alleged violations of 10 CFR 50.5 and 10 CFR 50.9 have never been addressed. The indisputable fact remains that Entergy made false statements claiming the 3-minute closure time to isolate a hypothesized pipe rupture. Your response included the following:



I have reviewed all of the above-cited references and unable to locate that the 50.5 and 50.9 issues were ever addressed. Your very statement that "all of the identified issues have been previously reviewed and resolved" by itself appears to be inaccurate, incomplete and materially false. This statement by the NRC does not violate any laws or statutes, as it appears the NRC is not required to be truthful when communicating with members of the public.

You further state that the PRB "...did not identify any violations of any of NRC regulations . . ." This reminds me of the Saints/Rams playoff game pass interference "no call." Because the referee was looking the other way he did not see any violations of NFL regulations. In both cases, there is overwhelming evidence of the wrong call being made. At this time the NFL is unable to change its call but at least admits a mistake was made. In contrast, the NRC appears to be protecting the licensee and refusing to take any action against Entergy. The difference between the NFL and the NRC is that the NFL admits to its error, imposes a significant fine against the interfering Ram's player whereas the NRC continues to ignore overwhelming evidence of clear violations of NRC regulations and intentionally "looks the other way".

What I am seeing here is similar to a drunken person driving at 100 miles per hour through a school zone and the police have documented video, radar records, and blood alcohol results but fail to take and action as no one was injured. "No blood, no foul" appears to be the NRC's approach to these types of events.

The NRC is ignoring a bald-faced lie that the pipeline break can be isolated within 3 minutes. I have records from PHMSA of 921 gas line events and not one of these leaks/ruptures was isolated within 30 minutes. The most recent gas line explosions in Ohio and Pennsylvania on January 21, 2019, and September 10, 2018, also support this 3-minute isolation impossibility.

The NRC's justification appears to be an "ad nauseam" discussion related to pipeline safety while ignoring the fact that all of the analysis was based upon this false 3-minute valve closure time.

I have reviewed all of the referenced communication and could not identify any discussions or investigations of the alleged violations of false statements made to the NRC by Entergy. If I am mistaken and the NRC Office of Investigations (OI) investigated this issue of 50.9 and 50.5 potential violations, please inform me such that I can file a FOIA request for a copy. If it was not investigated, please inform me.

My sole issue at this time is that Entergy provided materially false statements to the NRC and the NRC's Office of Investigations has failed to investigate and report the results of its investigation.

In short, if this is a rejection of my petition, I appeal and request documentation demonstrating to me that the NRC Office of Investigations has investigated these alleged false statements by Entergy and concluded there were no violations of either 10 CFR 50.5 or 50.9.



Paul Blanch

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Cc: Rosanna Raspa, Office of the Inspector General

Brian Haagensen, Indian Point SRI

<Petitioner 1-28-2019 response to 2.206 rejection letter.pdf>