

Tammara, Seshagiri

From: Pickett, Douglas
Sent: Monday, September 14, 2015 6:05 PM
To: Beasley, Benjamin; Miller, Chris; Dudek, Michael; McCoppin, Michael; Tammara, Seshagiri; Stuchell, Sheldon; Cylkowski, David
Subject: Handout for Commissioner Ostendorff Briefing
Attachments: Commissioner Ostendorff Presentation 9-'5-2015.docx

Folks –

I attempted to create a handout for tomorrow's briefing. It includes the following:

1 – A two page discussion of the 2.206 process

2 – A rather torturous timeline. While this is overly detailed, it will be useful in preparation of our final closeout documentation.

3 – A summary of what's left to document. This includes why we rejected the petition and a quick summary of the infamous 39 questions.

Please provide comments to me. In particular, how much of this do they want?

Doug

2.206 Process
Management Directive 8.11

Initial Steps (within first weeks of receipt)

Blanch petition was submitted on October 15, 2014

- Assigned Project Manager (PM) reviews for allegations, identifies any request for immediate actions, confirms that petition requests enforcement action and contains specific facts that support the petition.
- Petition Review Board (PRB) is formed and addresses any immediate request for enforcement action. The PRB Chairman is usually an SES member. The PRB includes a 2.206 Coordinator, a PM, and additional members from the technical staff, OGC, OE, and OI as necessary.
- PM contacts petitioner to confirm that the petitioner understands that the 2.206 process is a public process. PM offers the petitioner an opportunity to address the PRB.

First Presentation Before the PRB

Blanch made his first presentation on January 28, 2015

- The purpose of the first PRB presentation is to allow the petitioner to discuss the petition, provide supplementary information, and to answer any questions from the staff. The petitioner is not allowed to question the staff on the merits of the petition. The meeting is typically held via telephone conference call, is not noticed as a public meeting, and only includes the petitioner and licensee. The meeting is recorded via the Headquarters Operation Officer and the transcript becomes a supplement to the petition.

First Meeting of the PRB (assuming immediate enforcement action was not requested)

PRB met to discuss Blanch petition on February 24, 2015

- Following the presentation, the PRB meets internally to form its initial recommendation to either accept or reject the petition from further review. Management Directive 8.11 includes criteria for both accepting and rejecting a petition. The PRB Chairman seeks NRR front office approval of the initial recommendation. If accepted, work begins on the proposed Director's Decision; if rejected, the PM offers the petitioner a second opportunity to make a presentation before the PRB.
- The PM informs the petitioner of the initial recommendation of the PRB.

Second Presentation Before the PRB (if necessary)

Blanch made his second presentation on July 15, 2015

- The purpose of the second PRB presentation is to allow the petitioner the opportunity to comment on the initial recommendation of the PRB and to provide supplementary information to the petition. Similar to the first presentation, the meeting is typically handled via telephone conference call, is not noticed, and a transcript is prepared.

Second Meeting of the PRB

PRB met to discuss the Blanch petition on September 2, 2015

- The PRB meets to determine whether sufficient new information was provided to revise its initial recommendation. The PRB makes its final recommendation. Similar to the first PRB meeting, the PRB Chairman seeks NRR front office approval of the PRB's final recommendation.

Acknowledgement Letter

Blanch Closeout Letter issued September 9, 2015

- Following NRR front office approval of the PRB's final recommendation, an acknowledgement letter is sent to the petitioner. This is typically the first formal documentation to the petitioner. If accepted, the petitioner is informed and work begins on the proposed Director's Decision. If rejected, a final closeout letter is prepared under the signature of the PRB Chairman.

Additional Steps When a Petition is Accepted for 2.206 Review

- A *Federal Register* notice is published announcing acceptance of a 2.206 review.
- A proposed Director's Decision is prepared and the staff solicits comments from the petitioner and licensee regarding accuracy only. The staff typically requests comments within 30 days. This is the petitioner's final input to the 2.206 process.
- The staff reviews comments, revises the proposed Director's Decision as necessary, and publishes the final Director's Decision in the *Federal Register*.
- The Commission has authority to review the final Director's Decision within 25 days of issuance. If the Commission declines to review the final Director's Decision, all action regarding the petition is complete.

Timeline of Paul Blanch Petition

Summer of 2013

- Spectra Energy contacts Entergy Nuclear Operations, Inc., the Indian Point licensee, to discuss plans to expand natural gas pipelines under its subsidiary, Algonquin Gas Transmission, LLC. Known as the Algonquin Incremental Market (AIM) Project, Spectra plans to install 37.6 miles of a new 42-inch diameter natural gas pipeline that would cross over a portion of the owner-controlled property at Indian Point. Spectra and Entergy discuss planned routing of the gas pipeline. The new pipeline will have a normal operating pressure of 750 psi with a maximum operating pressure of 850 psi.

Spring 2014

- The AIM Project was submitted to the Federal Energy Regulatory Commission (FERC) in February 2014.
- FERC contacted the NRC and asked if the NRC would consider being a “cooperating agency” in the development of the Environmental Impact Statement for the proposed pipeline. FERC wanted the NRC to address the impact on the Indian Point site.
- NRC declined FERC’s request to be a cooperating agency because there was nothing on the docket regarding the AIM Project and the NRC had no basis to make a finding.
- Paul Blanch submits an allegation to Region I regarding the proposed pipeline and Entergy’s compliance with NRC regulations.

August 21, 2014

- Entergy voluntarily submitted its 50.59 site hazards analysis of the docket concluding that the proposed pipeline would not adversely impact the safe shutdown and operation of the Indian Point facility and that prior NRC review and approval of the proposed pipeline was not necessary.
- Entergy’s submittal included a proprietary blast analysis prepared by the Risk Research Group, Inc. The Risk Research Group consists of a single individual who was previously employed by Entergy at Indian Point.
- Consistent with Spectra’s submittal to FERC, Entergy assumed that the pipeline isolation valves could be closed within 3 minutes of a major pipe rupture.

September 2014

- Paul Blanch submitted an allegation to Region I stating that The Risk Research Group was not qualified to perform the blast analysis per Entergy’s Appendix B Quality Assurance program.
- In anticipation of intense local stakeholder interest, Region I inspectors performed an onsite review of the 50.59 site hazard analysis. Inspectors walked down the proposed pipeline routing, measured distances from safety related equipment, and provided input to NRC headquarters staff who performed an independent confirmatory analysis of a potential pipeline rupture. In response to the Blanch allegation, inspectors also reviewed the qualifications of The Risk Research Group.

- Consistent with Entergy's 50.59 site hazards analysis, the staff's confirmatory analysis also assumed that the pipeline isolation valves could be closed within 3 minutes of a pipe rupture.

October 15, 2014

- Paul Blanch submits his 2.206 petition requesting multiple enforcement actions against Entergy. Requested actions include:
 - Multiple violations of 50.59
 - Violations of 10 CFR 50.9 for inaccurate and incomplete 50.59 evaluation
 - Violation of Appendix B for the Risk Research Group
 - Potential violation of 50.5, Deliberate Misconduct
 - Multiple demands for information including "a new and realistic risk/hazard analysis"
 - Questions the legitimacy of the 3 minute closure time for the isolation valves

November 2014

- Region I issues its inspection report on November 7 and concludes that the 50.59 site hazards analysis is acceptable and does not require NRC review and approval. The inspection report further states that the NRC staff performed an independent confirmatory analysis and that The Risk Research Group is qualified to perform the blast analysis.
- Blanch enlists assistance of Richard Kuprewicz of Accufacts, Inc. As a consultant to the town of Cortlandt, NY, Kuprewicz prepares a report finding Entergy's 50.59 site hazards analysis to be "seriously deficient and inadequate."
- Blanch submits allegation to Region I regarding potential stray currents from the proposed West Point Partners high voltage DC transmission line that was to run adjacent to the pipeline beneath the Hudson River. The DC transmission line was subsequently deferred.
- Congresswoman Nita Lowey letter of November 17 to the Chairman requests an independent evaluation of the proposed gas pipeline.

January 2015

- Blanch and Kuprewicz make their first presentation before the PRB. They insist on an independent analysis of the proposed pipeline and they offer their services.
- Blanch submits a FOIA request for the staff's independent confirmatory analysis.
- Blanch enlists support of local NY Assemblywoman Sandra Galef who calls for termination of the proposed gas pipeline.
- Blanch submits letter of January 6 to Bill Dean requesting that the pipeline design be safety related and consistent with all NRC regulations.
- Sandra Galef letter of January 15 to the Chairman says that the NRC analysis is based upon unrealistic assumptions and requests an independent risk analysis of the pipeline.

February 2015

- Blanch increasingly questioning 3 minute valve closure time assumption.
- Letter of February 9 from Senators Schumer and Gillibrand to FERC request an independent review of the proposed pipeline.
- Sandra Galef press release of February 25 asks for an independent analysis of the pipeline and questions the 3 minute valve closure time.
- Sandra Galef letter of February 26 (LTR-15-103-1) to the Chairman asking why the pipeline approval process is being expedited and questions the 3 minute isolation valve closure time.
- The PRB makes its initial recommendation to reject the petition. NRR front office requests staff pursue independent confirmatory analysis – preferably from FERC.

March 2015

- FERC approves Spectra Energy pipeline on March 3.
- Blanch letter of March 17 to Commissioners complains about timeliness of the PRB. He says Indian Point is operating in an unanalyzed condition, that the ALOHA computer code specifically prohibits the staff's modeling, complains again about the 3 minute assumed valve closure time, and requests the Commission to overrule the staff's recommendation to FERC that the gas pipeline would be safe.
- Staff completes documentation of the bounding case where the pipeline isolation valves are assumed to remain open for an entire hour. This is the limitation of the ALOHA code.
- Blanch letter of March 27 directly challenges the Chairman's Congressional testimony regarding the staff's use of ALOHA. Blanch again asks the Chairman to reverse the staff's recommendation to FERC.
- FERC declines request to perform confirmatory analysis. NRR staffer with prior ALOHA experience, reviews NRO confirmatory analysis and finds it reasonable.

April 2015

- Letter of April 3 from Senators Schumer, Gillibrand, and Representative Lowey to FERC Chairman requests that hearings be reopened.
- Email of April 28 (ML15124A027) provides Blanch with PRB's initial recommendation to reject his petition. The basis is that all issues have previously been reviewed and resolved by the staff. The email cites the Region I inspection report and the staff's sensitivity studies showing that isolation valve closure times are inconsequential. Blanch is offered a second opportunity to address the PRB.

May 2015

- Catherine Parker, Westchester County Legislature, submits letter of May 4 requesting that second PRB presentation be held locally near Indian Point.

- Blanch letter of May 5 to Senators Schumer, Gillibrand, Representative Lowey, and Assemblywoman Galef requests their assistance to conduct second PRB meeting locally near the Indian Point site.
- On May 20, before the Indian Point annual assessment meeting in New York, Blanch issued a paper stating the following:
 - The NRC refused to accept questions during his first PRB presentation
 - The NRC refuses to verify whether two decommissioned Unit 1 fuel oil storage tanks still contain oil which could be a source of fire following a gas pipeline explosion.
 - NRC has misapplied the ALOHA computer code in its confirmatory analysis
 - The NRC knowingly manipulated probability data to convince the public that the gas pipeline would not represent a high risk.
 - The NRC refuses to hold its second PRB meeting locally near the site and will again not accept questions.

June 2015

- Blanch submits allegation to Region I regarding the existing natural gas pipelines stating:
 - Both units are operating in an unanalyzed condition.
 - Operations personnel at Indian Point have not been trained to handle a natural gas pipeline failure
 - There is no documentation or requirements to verify the integrity of the existing gas pipelines.
 - Control room operators are unaware of the location of the pipeline isolation valves. There are no automatic isolation valves in the pipeline.
- Staff's letter of June 29 (ML15097A190) addresses a number of Blanch's previous concerns including 1) the staff's sensitivity study showing that the isolation valve closure time is inconsequential, and 2) a justification of the staff's modeling of ALOHA and why this is appropriate and conservative.

July 2015

- The second PRB presentation takes place on July 15. Blanch holds a press conference in advance and NY Assemblywoman Sandra Galef reserves public library for PRB phone call. Blanch indicates he has a long list of questions that the staff refuses to discuss. The staff agrees to respond to the letters in writing. During questioning by the staff, Richard Kuprewicz admits that he has not performed any confirmatory analysis of the proposed gas pipeline.
- Blanch letter of July 27 includes 39 questions that the staff previously agreed to respond to.

September 2015

- The PRB holds its internal meeting on September 2 and agrees that no new information was provided in the second presentation and agrees to reject the petition.
- Staff letter of September 9 (ML15251A023) notifies Blanch of the PRB's final decision to reject his petition.

Final Documentation for Blanch Petition

Original Petition

The petition was rejected by the PRB on the basis that all issues identified were previously reviewed and resolved by the staff. The basis for this decision was primarily the Region I inspection report of November 7, 2014. The staff concluded that Entergy's 50.59 site hazards analysis was adequate and complete and that prior NRC review and approval was not necessary. In addition, the licensee's contractor had the requisite knowledge and abilities to conduct the blast analysis and met the licensee's QA program. The NRC confirmatory analysis was independent of Entergy's analysis and it also concluded that the proposed pipeline would not adversely impact the safe operation and shutdown of Indian Point. Furthermore, a sensitivity study by the staff concluded that the assumed pipeline isolation valve closure time had no significant impact on the analysis. Finally, the staff's modeling of the ALOHA code was justified and conservative.

(b)(5)

39 Questions in Blanch Letter of July 27, 2015

The staff provided assurance that it would respond to the 39 questions in the Blanch letter of July 27, 2015. These can be summarized as follows:

Questions 1 through 6

These questions include a request for information previously redacted in a FOIA of the staff's confirmatory analysis, asks for the qualifications of the inspectors who reviewed Entergy's 50.59 site hazards analysis, again questions the impact of the 3 minute pipeline isolation valve closure time, and ask whether an independent analysis will be performed for both the existing and proposed natural gas pipelines.

Questions 7 and 8

These questions attempt to impose NRC safety-related criteria on the proposed pipeline.

Questions 9 through 17

These questions focus on the pipeline isolation valves. The petitioner is again attempting to impose NRC safety-related criteria on the isolation valves by asking about single failure criteria, piping instrumentation, and whether the design meets all NRC requirements.

Questions 18 through 25

These questions focus on Regulatory Guide 1.91 and its use. The petitioner implies that the NRC is not correctly implementing the recommendations of the regulatory guide and questions the staff's use of the ALOHA computer code.

Questions 26 and 27

The petitioner asks why the NRC would approve the proposed pipeline thus putting people at risk without a detailed analysis. The petitioner also wants formal documentation that the decommissioned fuel oil tanks to support the Unit 1 steam generator super-heaters have actually been drained of fuel.

Questions 28 and 29

The petitioner again asks why the NRC would approve the proposed pipeline so close to the plant without a detailed analysis. The petitioner also accuses the staff of ignoring guidance found in Regulatory Guide 1.91.

Questions 30 through 39

These questions cover a wide range and include questions on the calculation of heat flux and pipeline failure probabilities. The petitioner again attempts to link NRC design basis event criteria and NRC QA requirements to the pipeline. A number of questions focus on emergency response, emergency preparedness, and fire protection. The petitioner again asks whether the staff performed a review of the piping and instrumentation drawings of the proposed pipeline.

Tammara, Seshagiri

From: Stuchell, Sheldon
Sent: Tuesday, September 15, 2015 12:13 PM
To: Pickett, Douglas
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Subject: FW: Handout for Commissioner Ostendorff Briefing
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Doug,

Some edits we recommend and for your consideration.

Sheldon

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- The purpose of the first PRB presentation is to allow the petitioner to discuss the petition, provide supplementary information, and to answer any questions from the staff. The petitioner is not allowed to question the staff on the merits of the petition. The meeting is typically held via telephone conference call, is not noticed as a public meeting, and only includes the petitioner and licensee. The meeting is recorded via the Headquarters Operation Officer, and the transcript becomes a supplement to the petition.

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PRB met to discuss Blanch petition on February 24, 2015

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 - Management Directive 8.11 includes criteria for both accepting and rejecting a petition.
 - The PRB Chairman seeks NRR front office approval of the initial recommendation.
 - The PM informs the petitioner of the initial recommendation of the PRB.
 - The petitioner is offered a second opportunity to address the PRB. The PRB reviews any supplemental information received to determine if it changes the initial recommendation.
 - If accepted, work begins on the proposed Director's Decision; if rejected, the PM offers the petitioner a second opportunity to make a presentation before the PRB.
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Acknowledgement-Closure or Acknowledgement Letter

Blanch Closeout Letter issued September 9, 2015

- Following NRR front office approval of the PRB's final recommendation, a closure or an acknowledgement letter is sent to the petitioner. This is typically the first formal documentation to the petitioner.
 - o If the petition meets the criteria for review, it is accepted, an acknowledgement letter is issued, and the staff evaluates the technical concerns to support development of the the proposed Director's Decision. The NRR Office Director signs the acknowledgement letter.
 - o If the petition meets the criteria for rejection a closure letter is issued documenting the staff's basis for rejecting the 2.206. The closure letter refers to publically available documents that have already resolved the concerns raised in the 2.206 (i.e., inspection reports, SE's, NUREGs, etc.). The PRB Chairman signs the closure letter.
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(b)(5)

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The petitioner asks why the NRC would approve the proposed pipeline thus putting people at risk without a detailed analysis. The petitioner also wants formal documentation that the decommissioned fuel oil tanks to support the Unit 1 steam generator super-heaters have actually been drained of fuel.

Questions 28 and 29

The petitioner again asks why the NRC would approve the proposed pipeline so close to the plant without a detailed analysis. The petitioner also accuses the staff of ignoring guidance found in Regulatory Guide 1.91.

Questions 30 through 39

These questions cover a wide range and include questions on the calculation of heat flux and pipeline failure probabilities. The petitioner again attempts to link NRC design basis event criteria and NRC QA requirements to the pipeline. A number of questions focus on emergency response, emergency preparedness, and fire protection. The petitioner again asks whether the staff performed a review of the piping and instrumentation drawings of the proposed pipeline.

Tammara, Seshagiri

From: McCoppin, Michael
Sent: Tuesday, March 31, 2015 1:43 PM
To: Tammara, Seshagiri; Pickett, Douglas
Subject: FW: COMMISSION E-READER -- Monday, March 30, 2015
Attachments: dailymemos.doc; Tab A - 03-27-15 Blanch 15-0165.pdf; Non Responsive Record
Non Responsive Record

fyi

From: Kock, Andrea
Sent: Monday, March 30, 2015 7:17 PM
To: McCoppin, Michael
Cc: Flanders, Scott
Subject: Fw: COMMISSION E-READER -- Monday, March 30, 2015

Here's another incoming request on IP that we will need to provide input on. Can you clarify for me our position on whether ALOHA can be used for the analysis based on the concerns raised in the attached email? I'm having trouble trying to digest several emails on the topic.

Sent from NRC blackberry
Andrea Kock

(b)(6)

From: Tully, Bridin
Sent: Monday, March 30, 2015 03:39 PM
To: Commission E-Reader Distribution
Subject: COMMISSION E-READER -- Monday, March 30, 2015

(b)(5)

(b)(5)

Thank you,
Bridin Tully
Correspondence & Records Staff
Office of the Secretary (SECY)
Bridin.Tully@nrc.gov
301-415-3519
O-16H16



Tammara, Seshagiri

From: Tiff, Doug
Sent: Thursday, December 01, 2016 2:36 PM
To: Dipaolo, Eugene; Setzer, Thomas
Subject: FW: COMMISSION E-READER - Thursday, December 1, 2016
Attachments: dailymemos.doc; [Non Responsive Record](#) Tab B - 11-30-16 Blanch
LTR-16-0671.pdf; [Non Responsive Record](#)
[Non Responsive](#)

FYI, see Tab B.

From: McCloskey, Bridin
Sent: Thursday, December 01, 2016 12:59 PM
To: Commission E-Reader Distribution <CommissionE-Reader@nrc.gov>
Subject: COMMISSION E-READER - Thursday, December 1, 2016

(b)(5)

Bridin McCloskey
Correspondence & Records Staff
Office of the Secretary (SECY)
Bridin.McCloskey@nrc.gov

