



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 15, 2019

Mr. Paul Blanch
135 Hyde Road
West Hartford, CT 06117

SUBJECT: PETITION REQUESTING ENFORCEMENT ACTION UNDER SECTION 2.206 OF
TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* AGAINST ENTERGY
CORPORATION RELATED TO UNDERGROUND GAS LINES LOCATED ON
INDIAN POINT ENERGY CENTER PROPERTY

Dear Mr. Blanch:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your petition, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, "Requests for action under this subpart," dated September 17, 2018 (Agency-wide Documents Access and Management System (ADAMS) Accession No. ML18261A296). You supplemented your petition on October 11, 2018, October 23, 2018, and November 13, 2018 (ADAMS ML18296A506, ML18296A314, and ML18318A033, respectively). The Executive Director for Operations referred your petition to the Office of Nuclear Reactor Regulation (NRR) for appropriate review or action.

Your petition raised concerns over the accuracy of information provided to the NRC by Entergy Nuclear Operations, Inc. (Entergy) regarding the Algonquin Incremental Market (AIM) natural gas pipeline near Indian Point Nuclear Generating Unit Nos. 2 and 3 (Indian Point), and Entergy's analysis of the potential impacts of the installation and operation of the AIM pipeline to Indian Point. You requested that enforcement actions be immediately imposed against Entergy for what you believe are violations of the requirements of 10 CFR 50.5, "Deliberate Misconduct," and 10 CFR 50.9, "Completeness and Accuracy of Information." As support for your request, you provided examples of what you believe to be false statements from Entergy related to the probability and sequence of events following a natural gas leak from the gas transmission lines in the vicinity of Indian Point, the failure of Entergy to consider a natural gas vapor cloud and other potential events and their impact on vital equipment and personnel in the control room and the electrical switchgear room, and the failure of Entergy to consider in its 10 CFR 50.59 evaluation that such events meet the criteria as "accidents of a different type than any previously evaluated in the final safety analysis report." You indicated that you believe information and statements provided by Entergy, or that Entergy failed to provide, are material because they formed the basis for NRC's confirmatory analysis that was provided to the Federal Energy Regulatory Commission (FERC), the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the State of New York, who then used the analysis as a basis for approving the AIM pipeline. You also requested that the NRC immediately inform FERC, PHMSA, and the State of New York that its analysis was based on inaccurate and false information provided by Entergy.

On November 27, 2018, you were informed by e-mail (ADAMS Accession No. ML18331A210) that the NRC staff concluded that there is no current public health and/or safety concern that

requires immediate NRC action. The NRC staff determined that your petition did not demonstrate a basis for taking immediate action (e.g., an imminent safety hazard that would warrant an immediate reactor shutdown), and the NRC staff determined that no basis for immediate action is evident.

In accordance with NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," "Criteria for Rejecting Petitions Under 10 CFR 2.206," the NRC has concluded that your petition, as supplemented, meets the following criteria for rejection:

The petitioner raises issues that have already been the subject of NRC staff review and evaluation either on that facility, other similar facilities, or on a generic basis, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question. This would include requests to reconsider or reopen a previous enforcement action (including a decision not to initiate an enforcement action) or a director's decision. These requests will not be treated as a 2.206 petition unless they present significant new information.

Specifically, the NRC staff reached this conclusion because you submitted two previous 2.206 petitions in which the same issues were raised (ADAMS Accession Nos. ML103020293 and ML14294A751). In its closure letter dated March 31, 2011 (ADAMS Accession No. ML110890309), responding to your first prior petition, the Petition Review Board (PRB) stated that it did not identify any violations of NRC regulations or any new information that would change the NRC staff's previous conclusion that the pipelines do not endanger the safe or secure operation of Indian Point. In its closure letter dated September 9, 2015 (ADAMS Accession No. ML15251A023), responding to your second prior petition, the PRB stated that your petition was rejected for further review on the basis that all of the identified issues have been previously reviewed and resolved. In addition, in a letter dated November 6, 2015 (ADAMS Accession No. ML15287A257), the NRC staff provided a detailed response to follow-up questions from your meeting with the PRB regarding your second prior petition. As discussed below, the NRC staff determined that your current petition does not provide significant new information that warrants reconsidering previous NRC decisions and actions on this matter.

The concerns raised in your current petition are summarized in items 1, 2 and 3 below. For each concern listed, the content under the header, "Previously Provided" provides details of information made available to you in response to your previous petitions that resolved the concerns addressed in your current petition.

1. You stated that Entergy made material false statements in its letter dated August 21, 2014 (Reference #3 in your September 17, 2018 petition). The specific statements you identified relate to Entergy's use of a 3-minute time for closure of the isolation valves, and a 5-6 minute time for the duration of a release following a guillotine rupture. You stated that you have not been able to find any reference supporting a 3-minute isolation time and have not been able to find any case where a gas line was isolated within 30 minutes of rupture. You also stated that you believed these statements are material in

that they formed the basis for confirmatory analysis and final approval by FERC for the AIM project.

Previously Provided:

The November 6, 2015, letter to you addressed your concern that information provided by Entergy regarding the assumed 3-minute valve closure time was materially false, as follows:

Due to concerns regarding the significance of the assumed valve closure time, the NRC staff performed a bounding sensitivity analysis. The staff's sensitivity analysis consisted of two cases. First, the staff considered the case when the isolation valves are assumed to close within the time specified by Spectra Energy (3 minutes). Second, the staff assumed the release of gas for a full hour with the unbroken end of pipe connected to an infinite source. The resulting pressure pulse and heat flux values are only marginally different from one another and, in both cases, showed that equipment relied on to safely shut down the facility would remain available and operable. Therefore, the staff concluded that valve closure times do not have a significant impact on the site hazard analysis, and the licensee's assumption of a 3 minute valve closure time does not have a material impact on that analysis.

2. "The second issue is the lack of "10 CFR § 50.9 Completeness and accuracy of information." It appears that Entergy and its contractors failed to consider the high probability event of natural gas leaking from any of the gas transmission lines in the vicinity of Indian Point."

Previously Provided:

The November 6, 2015, letter to you provided additional details on the NRC's resolution of the concerns raised in your October 15, 2014, petition regarding the completeness and accuracy of information provided by Entergy, as follows:

The original petition of October 15, 2014, requested violations of 10 CFR 50.59, 50.9, and Appendix B to 10 CFR 50 for providing inaccurate and incomplete information in the 50.59 site hazards analysis. In addition, you requested a Demand for Information seeking an explanation as to why the previous violations do not also constitute a violation of 10 CFR 50.5, "Deliberate Misconduct."

The staff thoroughly reviewed the licensee's 50.59 site hazards analysis and the results of that review were documented in the Region I inspection report dated November 7, 2014 (ADAMS Accession No. ML14314A052). As indicated in the inspection report, the staff determined that Entergy's conclusions involving the potential rupture of the proposed pipeline poses no threat to the safe operation of the plant or safe shutdown of the plant, are reasonable and acceptable, and are also comparable with the staff's independent confirmatory analysis. In addition, staff reviewed the qualifications and resume of Entergy's contractor who performed the licensee's analysis and determined that the individual possessed the requisite knowledge, experience, and abilities to conduct the pipeline hazards analysis and that the analysis had been conducted in accordance with approved procedures.

Also, as stated in the November 7, 2014, inspection report referenced above, Entergy's 50.59 evaluation and supporting hazard analysis assumed a pipeline leak (rupture) accompanied by a subsequent jet flame, cloud fire, detonation of a vapor cloud, and/or missile generation.

3. "Entergy failed to consider a vapor cloud and other potential events and their impact on the control room and the electrical switchgear room. This is a new type of accident that has not been previously considered."

Previously Provided:

The November 6, 2015, letter refers to the Region I inspection report dated November 7, 2014 (ADAMS Accession No. ML14314A052). Regarding the new gas line, this inspection report stated, in part that:

Based on the review of Entergy's hazards analysis and the NRC's independent calculation results using conservative assumptions and rationale, the NRC staff concluded that safety-related [structures, systems and components (SSCs)] inside the [Security Owner Controlled Area (SOCA)] would not be exposed to conditions exceeding the threshold for damage. However, SSCs important-to-safety outside the SOCA would be affected, because the calculated minimum safe distances to the impacts are not satisfied. The staff determined that the impacts to the SSCs important-to-safety outside the SOCA from the proposed new pipeline are bounded by the impacts from low probability events of extreme natural phenomena (including seismic activity, tornado winds, and hurricanes) which have been previously assessed and are addressed in the Indian Point Units 2 and 3 UFSAR. Indian Point Units 2 and 3 would still be able to achieve safe shutdown conditions. Also, because methane is buoyant, the plume rises aloft quickly, and burns rapidly in seconds far above the ground. Therefore, a cloud flash fire may occur without challenging the structures and components; and the existing margin of safety is not expected to be reduced due to a potential rupture of the proposed pipeline near IPEC [Indian Point Energy Center].... Finally, the staff determined that Entergy's conclusions involving the potential rupture of the proposed pipeline near IPEC poses no threat to safe operation of the plant or safe shutdown of the plant, are reasonable and acceptable, and are also comparable with the staff's conclusions.

We recognize that your views on the adequacy of previous analyses and evaluations differ from the views of the NRC staff. However, no significant new information was provided to the NRC in your September 17, 2018, petition, as supplemented, that would change our overall assessment of safety at Indian Point, or that requires implementation of other NRC processes beyond those already convened. The NRR Office Director was briefed on this conclusion.

Sincerely,

/RA/

Craig G. Erlanger, Director
Division of Operating Reactor Licensing+
Office of Nuclear Reactor Regulation

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PBuckberg, NRR

MSimon, OGC

ADAMS Accession Nos:

Pkg: ML18261A298

Incoming: ML18261A296

Response: ML18331A483

***via email**

OFFICE	NRR/DORL/LSPB/PM	NRR/DORL/LSPB/LA	NRR/DORL/LPL1/PM*
NAME	PBuckberg	JBurkhardt	RGuzman
DATE	12/3/18	12/3/18	12/4/18
OFFICE	RI/DRP/PB2/BC*	NRR/DORL/LPL1/BC*	NRO/DLSE/PPAC/BC*
NAME	DSchroeder	JDanna	MDudek
DATE	12/7/18	12/7/18	12/7/18
OFFICE	OGC*	NRR/DORL/LSPB/BC*	NRR/DORL/D
NAME	MSimon	DBroadus	CErlanger
DATE	1/10/19	1/8/19	1/15/19

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