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Statement by Paul Blanch on Chairman Svinicki's statements to the US Senate EPW Committee. March 4, 2020

In response to Senator Kirsten Gillibrand's inquiry regarding the NRC Office of Inspector General report [Concerns Pertaining to Gas Transmission Lines at the Indian Point Nuclear Power Plant Case No. 16-024](#) during the U.S. Senate Committee on Environment and Public Works meeting.

Chairman Svinicki stated:

“I directed the agency's senior career civil servant, the executive director of operations to do two things immediately. The first was to assess whether or not the issues identified in the inspector's report should result in immediate regulatory reaction at Indian Point. That needed to be done very very promptly.”

This is an accurate statement however, it is misleading. This statement was after receipt of a letter addressed to all Commissioners from Margaret Doane, the NRC's Executive Director for Operations, dated February 26, 2020.

[Ms. Doane's internal letter](#) justifies the determination that “there is no need for immediate regulatory action.” This justification for no “immediate regulatory reaction at Indian Point” was based primarily on “Appendix F in the Federal Emergency Management Agency (FEMA) “Handbook of Chemical Hazard Analysis Procedures” 1989-626-095-10575, **1989**”

This 30-year-old referenced document appears to be a continued attempt to provide the desired outcome and again use “backward engineering” to obtain the desired result. This “backward engineering” was a major deficiency identified in the OIG report. Again, the NRC is directing the outcome of the newly proposed study.

This FEMA document is not referenced in any NRC guidance (Regulatory Guide 1.91), is outdated, and does not reflect today's pipeline failure rates which are 5 times greater than those of 30 years ago. The NRC has mis-used and mis-applied the FEMA document and only considered a major gas line rupture when a small leak could also have disastrous consequences.

This FEMA document has not been approved by any NRC guidance or rulemaking, nor has it been incorporated by reference. It does, however, provide the NRC's desired result.

Doane's letter also says, "Dr. Gavrilas has determined that there is no safety issue warranting immediate regulatory action at either Unit 2 or Unit 3". By not addressing the catastrophic destruction from a fire in the spent fuel pool, Ms. Doane's conclusion that no immediate action is needed is misleading and Chairman Svinicki is or should be aware of this fact.

The Chairman of the NRC did not provide the Senators of the EPW Committee any engineering justification as to why the gas should continue to flow, creating an "unanalyzed condition" and may have misled the EPW into a false sense of security.

The Indian Point plants must immediately be brought into their design and licensing basis until an independent risk assessment is completed as required by 10 CFR 50 and 49 CFR 912.935 (ASMS B31.8(s)). This may require termination of gas flow until such time regulatory compliance is achieved. The residents cannot continue to be exposed to this unknown risk and non-compliance with Federal Regulations.

A handwritten signature in black ink that reads "Paul M. Blanch". The signature is written in a cursive, flowing style.

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