

UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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In re: Docket Nos. 50-247-LR and 50-286-LR

License Renewal Application Submitted by ASLBP No. 07-858-03-LR-BD01

Entergy Nuclear Indian Point 2, LLC, DPR-26, DPR-64
Entergy Nuclear Indian Point 3, LLC, and
Entergy Nuclear Operations, Inc. December 16, 2011
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DECLARATION OF JANICE A. DEAN

Pursuant to 28 U.S.C. § 1746, Janice A. Dean hereby declares as follows:

1. I am an Assistant Attorney General for the State of New York, counsel for petitioner-intervenor State of New York in this proceeding.
2. In 2009 I sent Entergy's counsel a letter seeking a 1968 A.V. Smith Engineering Company Report referenced in Entergy's Updated Final Safety Analysis Report ("UFSAR"), Revision 20, at section 5.1.3.12. Revision 20 is the version of the UFSAR Entergy submitted with its license renewal application.
3. As Entergy states in the UFSAR, the A.V. Smith Engineering Company Report conducted a "complete survey and tests to determine the need for cathodic protection on Indian Point Unit 2."
4. This information is relevant to the State's contention because buried pipes at Indian Point have corroded, indicating that proper aging management procedures have not been, in place at Indian Point, creating a baseline of degraded pipes to be managed by Entergy's aging management program for buried pipes which is at issue in Contention NYS-5.

5. Entergy objected to producing this study in a letter annexed hereto as Exhibit NYS000204 because “the FSAR is part of the current licensing basis (“CLB”) and the CLB is not subject to attack in this proceeding. Furthermore, for license renewal, Entergy does not take credit for cathodic protection for buried piping systems that contain radioactive fluids.” Letter, Paul Bessette, Esq. to Janice A. Dean, Re: Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3), Docket Nos. 50-247-LR and 50-286-LR (Nov. 17, 2009), Exh. NYS000204. In fact, Entergy has produced virtually no documents from the period of Consolidated Edison’s construction and operation of Indian Point Units 1 or 2 or New York Power Authority’s construction and operation of Unit 3 such that the State could evaluate the conditions under which decisions were made concerning buried piping at the time of construction.

6. On July 22, and August 4 and 5, 2009, Entergy and NRC Staff held teleconferences concerning Entergy’s response to an RAI concerning the Buried Piping and Tanks Inspection program. *See* Email, Kimberly Green to Michael Stroud and Donna Tyner, Subject: Draft Telecon Summaries (Aug. 10, 2009), ML092220768 (Exh. NYS000198); Letter, Fred Dacimo to U.S. Nuclear Regulatory Commission, NL-09-111 (Aug. 9, 2009) ML092250374 (“NL-09-111”) (Exh. NYS000171).

7. Despite the admission of the State’s Contention 5, the State was not notified of these teleconferences or invited to participate.

8. Accompanying the State’s submission are true and correct copies of the following documents:

9. NRC Inspector General, Audit of NRC’s Management of Licensee Commitments, OIG-A-17 (Sept. 19, 2011) (“OIG-A-17”), Exh. NYS000181.

10. NRC, Preliminary Listing of Events Involving Tritium Leaks (Mar. 28, 2006) (ML060930382) (“Tritium Leaks”), Exh. NYS000182.
11. NRC Preliminary Notification of Event or Unusual Occurrence PNO-RIII-05-016A, “Potential Off-site Migration of Tritium Contamination (Update)” (Dec. 7, 2005) (ML053410293) (“PNO-RIII-05-016A”), Exh. NYS000183.
12. NRC Preliminary Notification of Event or Unusual Occurrence, PNO-IV-06-001, “Followup For Tritium Contamination Found In Water Onsite” (Mar. 17, 2006) (ML060760584) (“PNO-IV-06-001”), Exh. NYS000184.
13. Ken Alltucker, Radioactive Water Found at Palo Verde, The Arizona Republic (Mar. 4, 2006) (“Alltucker Article”), Exh. NYS000185.
14. NRC Preliminary Notification of Event or Unusual Occurrence, PNO-II-07-012, “Onsite Groundwater Tritium Contamination” (Oct. 11, 2007) (ML073111396) (“PNO-II-07-012”), Exh. NYS000186.
15. NRC Preliminary Notification of Event or Unusual Occurrence, PNO-III-08-011, “Tritium Leakage” (Oct. 11, 2007) (ML072890262) (“PNO-III-08-011”), Exh. NYS000187.
16. Preliminary Notification of Event or Unusual Occurrence, PNO-III-07-012, “Both Units at Byron Shut Down Due to a Leak in Pipe” (Oct. 23, 2007) (ML072960109) , Exh. (“PNO-III-07-012”) NYS000188.
17. NRC Press Release No. III-07-24, “NRC Begins Special Inspection at Byron Nuclear Station to Review Corrosion and Leakage of Equipment Cooling Water Pipe” (Oct. 23, 2007) (ML072960643) (“III-07-24”), Exh. NYS000189.

18. NRC Information Notice 2004-05, NRC Office of Nuclear Reactor Regulation, “Spent Fuel Pool Leakage To Onsite Groundwater,” (Salem, New Jersey, Nuclear Power Generating Station)(Mar. 3, 2004) (“NRC IN 2004-05”), Exh. NYS000190.
19. NRC Information Notice 2006-13, NRC Office of Nuclear Reactor Regulation, “Ground-Water Contamination Due to Undetected Leakage of Radioactive Water,” (discussing leaks at Haddam Neck and other nuclear power plants) (Jul. 10, 2006) (“NRC IN 2006-13”), Exh. NYS000191.
20. The General Accounting Office, Information on the Tritium Leak and Contractor Dismissal at the Brookhaven National Laboratory (GAO/RCED-98-26) (November 1997) (“GAO Report on Tritium”), Exh. NYS000192.
21. Greg Clary, *New Tritium Leak Found at Indian Point*, Poughkeepsie Journal News (Apr. 24, 2007) (“Clary Article”), Exh. NYS000193.
22. Email, Kathleen McMullin (Entergy) to Eugene Coby, et al. (NRC), “IPEC status report for Sept. 6 2007” (ML072970221) (“McMullin Email”), Exh. NYS000194.
23. NUREG-1800, Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants (September 2005 version) (“Sept. 2005 SRP”), Exh. NYS000195.
24. Email, Harold Gray to Keith Hoffman and Robert Hardies, cc Richard Conte and Timothy Lupold, Subject line: FW: Buried piping - Proposed NRC Action (Apr. 23, 2010) (“Gray Email”), Exh. NYS000196.
25. Email, Burroni, Richard J (Entergy) to Lee, Robert C; Azevedo, Nelson F; Orlando, Caputo, Charles; Mayer, Donald M, RE: J Pollock review Friday-ISE R-7 Recommendation (Aug. 12, 2008) (“Burroni Email”), Exh. NYS000197.

26. Email, Kimberly Green to Michael Stroud and Donna Tyner, Subject: Draft Telecon Summaries (Aug. 10, 2009)(ML092220768) (“Green Email”), Exh. NYS000198.

27. NRC Letter, “Request for Additional Information for the Review of the Indian Point Nuclear Generating Unit Numbers 2 and 3, License Renewal Application” (Feb. 10, 2011) (“Feb. RAI”), Exh. NYS000199.

28. NRC Letter, “Request for Additional Information for the Review of the Indian Point Nuclear Generating Unit Numbers 2 and 3, License Renewal Application” (Jun. 15, 2011) (“Jun. RAI”), Exh. NYS000200.

29. Entergy, Nuclear Management Manual, EN-DC-343, Rev. 0, Underground Piping and Tanks Inspection and Monitoring Program (IPEC00071653)(“EN-DC-343”), Exh. NYS000201.

30. Regarding corrective action on buried piping at Indian Point (CR-IP2-2008-04754) (Dec. 11, 2008) (“CR-IP2-2008-04754”), Exh. NYS000202.

31. Letter, Fred Dacimo (Entergy) to U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, NL-09-106 (July 27, 2009) (Exh. NYS000203).

32. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 16, 2011.

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Janice A. Dean