

May 23, 2013

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENTERGY NUCLEAR OPERATIONS, INC.)	Docket Nos. 50-247-LR/ 50-286-LR
)	
(Indian Point Nuclear Generating)	
Units 2 and 3))	

NRC STAFF'S FURTHER ERRATA TO
ITS PROPOSED AND REPLY FINDINGS
OF FACT AND CONCLUSIONS OF LAW ON
CONTENTION NYS-5 (BURIED PIPING AND TANKS)

On May 7, 2013, the NRC Staff ("Staff") filed several errata to its (a) proposed findings of fact and conclusions of law regarding Contention NYS-5, and (b) its reply findings of fact and conclusions of law on that contention.¹ Upon further reexamination of those filings, the Staff has determined that several additional corrections to the Staff's Proposed Findings and Reply Findings are needed in order to correctly reflect the evidentiary record on Contention NYS-5. Accordingly, the Staff hereby further corrects its Proposed Findings and Reply Findings on this contention, as set forth below.

¹ See (1) "Errata to NRC Staff's Proposed and Reply Findings of Fact and Conclusions of Law on Contention NYS-5 (Buried Piping And Tanks)" (May 7, 2013) ("Errata"); (2) "NRC Staff's Revised Proposed Findings of Fact and Conclusions of Law / Part 2: Contention NYS-5 (Buried Piping and Tanks)" (Mar. 23, 2013, as revised 04/23/13) ("Proposed Findings"), and (3) "NRC Staff's Reply Proposed Findings of Fact and Conclusions of Law on Contention NYS-5 (Buried Piping And Tanks)" (May 3, 2013) ("Reply Findings").

1. In the Staff's Proposed Findings, footnote 59 should be revised as follows:

⁵⁹ The Staff conducted an extensive audit of the Applicant's AMPs in August, October, and November 2007, and February 2008. The results of that audit were reported in the Staff's "Audit Report for Plant Aging Management Programs and Reviews" ("Audit Report") (Ex. ENT000041), which considered numerous AMPs including LRA AMP B.1.6, "Buried Piping and Tanks Inspection." The Audit Report noted that the LRA had indicated that "the [BPTIP] is a new program that will be consistent with GALL AMP XI.M34, "Buried Piping and Tanks Inspection." The Audit Report described the Staff's audit of this AMP, and reported that the AMP elements reviewed during the audit "are consistent with the GALL Report AMP elements." *Id.* at 8, 9. The BPTIP procedures were not reviewed at that time, as they had not yet been developed, Tr. at 3679-80; those procedures will be (and have been) reviewed during the Staff's pre-PEO inspections, conducted under Inspection Procedure 71003 or TI-2516, in which the Staff verifies that procedures have been developed consistent with the approved AMP. See Tr. at 3686-87. The Staff's witnesses described the Staff's on-site AMP audit process, in which it examines the applicant's procedures to confirm whether its AMP is consistent with the GALL Report. See, e.g., Tr. at 3323-25, 3331-32. ~~For example, during its on-site audits~~ Further, the Staff described its March 2012 inspection at Indian Point, in which the Staff reviewed extensive documentation to verify whether the applicant's process of risk-ranking buried piping is consistent with the GALL AMP. See Tr. at 3441-43, 3467-69. ~~3668, 3686-87.~~

NRC Staff's Proposed Findings, PFF ¶ 2.126 at 63 n.59.

2. In the Staff's Reply Findings, Paragraph 2.239 should be revised as follows:

2.239. In Paragraph 73 of its Proposed Findings, New York incorrectly states that "GALL, Rev. 2, Section XI.M41 replaced GALL Rev. 1 XI.M28, 'Buried Piping and Tanks Surveillance,' and GALL Rev. 1 XI.M34, 'Buried Piping and Tanks Inspection.' NYS00147A at 1." New York PFF at 21 ¶ 73. The sole citation provided by New York in support of this assertion was GALL Report Rev. 2 ("Ex. NYS000174A at 1") – which contains no such statement. In fact, while GALL Report Rev. 2 contains an AMP (XI.M41) for buried piping and tanks that differs from the AMP (XI.M34) that was contained in GALL Report Rev. 1, the guidance in GALL Report Rev. 1 continues to apply to license renewal applications that were submitted prior to issuance of GALL Report ~~Rev. 1~~ Rev. 2. Staff Testimony on NYS-5 (Ex. NRCR20016), at 65-66. As Staff witness William Holston explained, Revision 1 of the GALL Report, which was cited in

Entergy's AMP for buried piping and tanks, has not been "superseded" by GALL Report Rev. 2; rather, "[t]he guidance provided in GALL Report Revision 1 continues to apply to plants whose license renewal applications were docketed prior to issuance of GALL Report Revision 2, in December 2010." *Id.* at 66.

NRC Staff's Reply Findings, PFF ¶ 2.239 at 10.

3. In the Staff's Reply Findings, Paragraph 2.245 should be revised as follows:

2.245. The audit to which New York refers in its PFF ¶ 118 was the Staff's scoping and screening audit and AMR/AMP audit, which the Staff conducted early in its review of the LRA, to verify "the adequacy of the scoping methodology that Entergy utilized in determining which SSCs should be included within the scope of license renewal for IP2 and IP3," and the consistency of the Applicant's AMPs with the GALL Report. Staff Testimony on NYS-5 (Ex. NRCR20016), at 3-4; Scoping and Screening Methodology Audit Trip Report (Ex. NRC000124); Staff PFF ¶ 2.73; Audit Report for Plant Aging Management Programs and Reviews (Ex. ENT000041); see Staff PFF ¶ 2.126. The Staff conducts a second set of ~~audits~~ activities much later in the license renewal process, to verify that the Applicant has met its license renewal commitments. These two different sets of ~~audits~~ activities were described in detail in the Staff's testimony and summarized in its Proposed Findings, where the Staff stated, *inter alia*, as follows:

. . . . The Staff's witnesses described the Staff's on-site AMP audit process, in which it examines the applicant's procedures to confirm whether its AMP is consistent with the GALL Report. See, e.g., Tr. at 3323-25, 3331-32. ~~For example, during its on-site audits~~ Further, the Staff described its March 2012 inspection at Indian Point, in which the Staff reviewed extensive documentation to verify whether the applicant's process of risk-ranking buried piping is consistent with the GALL AMP. See Tr. at 3441-43, 3467-69. ~~3668, 3686-87.~~

Staff Proposed Findings at 64 n.59 (emphasis added).

NRC Staff's Reply Findings, PFF ¶ 2.245 at 12-13.

4. In the Staff's Reply Findings, Paragraph 2.246 should be revised as follows:

2.246. Further, the Staff's testimony and Proposed Findings explained that a license renewal applicant's detailed procedures for implementing its aging management programs are required to be "available for Staff verification during an on-site

inspection prior to or subsequent to license renewal, conducted to confirm that the Applicant's license renewal commitments have been implemented (under Inspection Procedure 71003 ("Post Approval Site Inspection for License Renewal") (Ex. ENT000251) or Temporary Instruction (TI) 2516/001 ("Review of License Renewal Activities") (Ex. ENT000252)."² The Staff then described the ~~audits~~ **inspections** which have been (and will be) conducted at Indian Point under TI-2516, to verify the Applicant's fulfillment of its commitments. The Staff stated:

During the week of March 5-9, 2012, the Staff conducted an inspection of the Applicant's progress in satisfying its license renewal commitments, under TI 2516/001. During that inspection, Mr. Holston personally confirmed that the Applicant's Inspection Plan, which is modeled on its corporate program, CEP-UPT-0100, Underground Piping and Tanks Inspection and Monitoring, Revision 0, (Ex. NYS 000173) contains adequate details for assessing the risk of failure and corrosion for in scope buried piping and tanks. In addition, Mr. Holston personally confirmed that the Applicant utilized its corporate process to classify its in scope buried piping and tanks, as documented in site procedure SEP-UIP-IPEC, Underground Components Inspection Plan, Revision 0 (NYS Ex. 000174). Staff Testimony on NYS-5 (Ex. NRCR20016) at 47-48; cf. Entergy Testimony on NYS-5 (Ex. ENTR30373) at 79-80.

Staff Proposed Findings at 103 n.105.

NRC Staff's Reply Findings, PFF ¶ 2.246 at 13-14.

² Staff Proposed Findings at 103 ¶ 2.190, *citing* Staff Testimony on NYS-5 (Ex. NRCR20016) at 47, and Entergy Testimony on NYS-5 (Ex. ENTR30373) at 79.

5. In the Staff's Reply Findings, Paragraph 2.263 should be revised as follows:

2.263. Contrary to New York's assertions, the audits that took place in 2007-2008 concerned the Applicant's scoping and screening methodology and the consistency of its AMPs with the GALL Report; in March 2012, the Staff conducted the first installment of a different audit activity (i.e., an inspection) (for which additional installments will be conducted later this year), to verify the Applicant's implementation of its license renewal commitments. See discussion *supra*, at ¶¶ 2.244 - 2.247, and 2.255. New York incorrectly confuses these two different types of audits activities.

NRC Staff's Reply Findings, PFF ¶ 2.263 at 23.

6. The corrections identified above resulted from inadvertent errors that occurred during the Staff's preparation of its Proposed and Reply Findings, which were not detected until recently. The undersigned Counsel regrets any confusion that may have resulted from these errors, and hopes that these corrections will help to assure a proper understanding of the evidentiary record.

CONCLUSION

For the reasons stated above, the NRC Staff's Proposed and Reply Findings of Fact should be corrected in the manner set forth herein.

Respectfully submitted,

/Signed (electronically) by/

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Dated at Rockville, Maryland
this 23rd day of May 2013

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305 (as revised), I hereby certify that copies of the foregoing "NRC STAFF'S FURTHER ERRATA TO ITS PROPOSED AND REPLY FINDINGS OF FACT AND CONCLUSIONS OF LAW ON CONTENTION NYS-5 (BURIED PIPING AND TANKS)," dated May 23, 2013, have been served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above- captioned proceeding, this 23rd day of May, 2013.

/Signed (electronically) by/

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