

with additional relevant information that is contained in Amendment 18 to the Updated Final Safety Analysis Report (“UFSAR Amendment 18”) (June 26, 2008) (ML14104B631).³ UFSAR Amendment 18, which was not publicly available at the time SACE filed its Hearing Request, confirms and augments the list of major design changes to the Unit 2 replacement steam generators (“RSGs”) that are the subject of an ongoing *de facto* license amendment proceeding by the NRC Staff.⁴ FPL’s and the Staff’s objections to SACE’s Motion and Amended Hearing Request are without merit, and therefore the Motion should be granted.

II. DISCUSSION

A. SACE’s Amended Hearing Request is Timely.

Both FPL and the Staff argue that SACE does not satisfy the timeliness requirements of 10 C.F.R. § 2.309(c).⁵ FPL Answer at 4-6, NRC Staff Answer at 7-9. They contend that the information in UFSAR Amendment 18 was available to SACE during the 2007-08 license amendment proceeding regarding Unit 2 technical specifications and the 2011-12 Unit 2 extended power uprate (“EPU”) proceeding. As SACE has previously explained, however, SACE had no way of knowing that either of

³ Southern Alliance for Clean Energy’s Motion for Leave to Amend Hearing Request Regarding *De Facto* Amendment of St. Lucie Unit 2 Operating License (Apr. 25, 2014 (“SACE Motion”); Southern Alliance for Clean Energy’s Amended Hearing Request Regarding *De Facto* Amendment of St. Lucie Unit 2 Operating License (Apr. 25, 2014 (“Amended Hearing Request”).

⁴ The Unit 2 steam generator design changes identified in UFSAR Amendment 18 are described at pages 2-5 of SACE’s Amended Hearing Request.

⁵ The Staff also argues that SACE’s Amended Hearing Request is not permitted because it is not specifically allowed by CLI-14-01 (Apr. 1, 2014) or NRC regulations. NRC Staff Answer at 4-5. Clearly, however, the Commission’s rules of practice anticipate the amendment of contentions as new information arises. As discussed above in note 1, SACE has addressed the Commission’s rules in order to assist the Commission in ensuring that the new information it presents is considered in a manner that is fair and efficient.

those license amendment proceedings involved the re-design of the Unit 2 RSGs, because neither of the NRC hearing notices makes any mention of the RSG re-designs. *See* Southern Alliance for Clean Energy’s Reply to Oppositions to SACE’s Hearing Request Regarding *De Facto* Amendment of St. Lucie Unit 2 Operating License at 5-9 (May 5, 2014) (“SACE Reply”). SACE became aware of the St. Lucie Unit 2 RSG re-design only recently, through the *San Onofre* case. *See* Declaration of Arnold Gundersen, ¶ 29 n. 32, ¶ 31 (March 9, 2014) (“Gundersen Declaration”), attached to SACE’s Hearing Request.

FPL also cites two other documents, generated “years before” SACE prepared its Amended Hearing Request, that purportedly contain the same information as UFSAR Amendment 18. FPL Answer at 5. For instance, FPL argues that SACE could have obtained the same information from FPL’s 2007 revisions to its Aging Management Plan (“AMP”). FPL Answer at 5 and n. 10 (citing Declaration of Mr. William A. Cross in Support of FPL’s Answer Opposing SACE Request for Hearing, ¶ 10.) But the AMP revision cited by FPL and attached to Mr. Cross’ declaration is a non-public document. *See* SACE Reply at 9 and note 10. SACE was not even aware of its existence until FPL attached it to Mr. Cross’ declaration.

FPL also misleadingly asserts that its “10 C.F.R. § 50.59 analysis showing that the RSGs satisfied UFSAR acceptance criteria and Technical Specifications has been publicly available since 2008.” FPL Answer at 5. But the document cited by FPL for this proposition, a letter from Gordon L. Johnston to NRC (June 26, 2008) (ML081840111), is only a “Summary” of FPL’s 50.59 analysis, and contains virtually no information about the design changes made by FPL to the St. Lucie Unit 2 RSGs. *See* Hearing Request at 8. The actual 50.59 analysis is a non-public document kept by FPL at

the St. Lucie site. While NRC inspectors reviewed the 50.59 analysis and briefly reported on that review in an inspection report⁶, FPL never submitted the analysis to the NRC and therefore it was never posted on ADAMS. Thus, FPL's claim that SACE could have found the information in the UFSAR Amendment 18 years ago is pure sophistry.⁷

B. The Information in SACE's Amended Hearing Request Supports the Admission of SACE's Contentions.

FPL argues that "SACE's reliance on UFSAR Amendment 18 to assert safety concerns with the St. Lucie Unit 2 RSG rests upon faulty assumptions, and therefore, fails to raise a genuine dispute with St. Lucie Unit 2's licensing basis." FPL Answer at 7. The principal "faulty assumption" of which FPL accuses SACE is that "the substitution of tube support plates for lattice or eggcrate tube supports in the Unit 2 steam generators increases the potential for denting." FPL Answer at 7. This is not SACE's assumption, however, but a representation by FPL itself in the original Final Safety Analysis ("OFSAR") for Unit 2. The OFSAR states:

The potential for tube denting has been reduced in the St. Lucie Unit 2 steam generators by the installation of an antivibration support system *that does not use drilled support plates*. Support of the same type, "egg crates", have been utilized to some extent in all CE supplied steam generators within the United States.

The egg crate system reduces susceptibility to tube denting by providing larger clearances and increased flow area around the tubes, so that the clearances between the tubes and their supports are less likely to become plugged by corrosion products.

⁶ Inspection Report 05000335/2007005, 05000389/2007005 at 27-33 (Feb. 1, 2008) (ML080350408).

⁷ Similarly, the Staff argues that SACE could have asked for UFSAR Amendment 18 in 2008, when FPL submitted its 50.59 Summary. NRC Staff Answer at 7. But the 50.59 Summary gave no description of the numerous design changes made by FPL to the Unit 2 RSGs; nor did the NRC's inspection report. Thus, SACE would have had to have supernatural powers in order to divine that it would be appropriate to request a copy of UFSAR Amendment 18 at that time.

St. Lucie Unit 2 has a full egg crate support system (all support plates have been eliminated).

OFSAR at 5.4-13 (emphasis added).⁸ The importance of the tube supports to FPL's and the Staff's own safety analyses for Unit 2 is also confirmed in Mr. Gundersen's expert declaration at ¶¶ 44, 46, 54.

Thus, SACE's contention regarding the safety risks caused by FPL's substitution of tube support plates for lattice or eggcrate tube supports is based on FPL's own expert analysis in its OFSAR, not SACE's own "speculative assumptions." FPL Answer at 7. FPL's argument that SACE has failed to support this aspect of its safety contention is baseless.⁹

III. CONCLUSION

For the foregoing reasons, the Commission should reject FPL's and the Staff's arguments and grant SACE's Amended Hearing Request.

Respectfully submitted,

(Electronically signed by)

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⁸ Relevant excerpts of the OFSAR are attached as Exhibit 3 to SACE's Hearing Request.

⁹ In addition, both FPL and the Staff repeat several of their previous arguments that SACE's contentions are inadmissible. FPL Answer at 6-7, NRC Staff Answer at 9-10. SACE has thoroughly addressed those arguments in its Reply, and therefore will not repeat that discussion here.

UNITED STATES OF AMERICA
BEFORE THE NUCLEAR REGULATORY COMMISSION

_____))
In the Matter of:))
Florida Power & Light Co.) Docket No. 50-389
St. Lucie Plant, Unit 2))
_____)

CERTIFICATE OF SERVICE

I certify that on May 27, 2014, I served copies of the foregoing Southern Alliance for Clean Energy's Reply to Answers by Florida Power & Light Co. and NRC Staff to Amended Hearing Request on the parties to this proceeding by posting it on the NRC's Electronic Information Exchange.

(Electronically signed by)
Diane Curran