

## NRR-PMDAPEm Resource

---

**From:** Galvin, Dennis  
**Sent:** Monday, October 05, 2015 11:42 AM  
**To:** 'dcurran@harmoncurran.com'  
**Cc:** Helton, Shana; Chereskin, Alexander; Saba, Farideh; Banic, Merrilee; Buckberg, Perry  
**Subject:** Issuance of Acknowledgment Letter for SACE 2.206 Petition regarding St. Lucie Unit 2 Steam Generator Replacement and Assignment of New Petition Manager  
**Attachments:** Acknowledgement Letter for SACE 2.206 Petition SL-2 Final 2015-09-28.pdf

Ms. Diane Curran  
Harmon Curran Spielberg & Eisenberg LLP  
Counsel for SACE

Dear Ms. Curran,

This in reference to the petition you submitted on behalf of the Southern Alliance for Clean Energy (SACE) on March 10, 2014, regarding St. Lucie plant, Unit 2 steam generators replacement. You initially filed the petition as a request for a hearing. However, the Commission, by a Memorandum and Order (CLI-14-11) dated December 19, 2014, referred your request to the Executive Director for Operations for disposition under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206.

On August 4, 2015, Farideh Saba, the petition manager at that time, informed you that the NRC staff was recommending the partial acceptance of the petition for review under 10 CFR 2.206 based on the criteria for review and rejection described in Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions." On September 28, 2015, the NRC staff issued an acknowledgment letter to you partially accepting the petition for review under 10 CFR 2.206

The parts of the petition that met the criteria for rejection per MD 8.11 rejection criterion 2 are the concerns related to the inspection of the replacement Steam Generators (SGs), as well as the concerns regarding the effects of the extended power uprate on SG tube inservice inspection and flow-induced effects on the SG internals. These items do not meet the criteria for review under 10 CFR 2.206 since they have already been reviewed and evaluated by the NRC staff. However, the NRC staff determined that part of your petition that addresses SACE's concerns regarding the licensee's application of the 50.59 process with respect to the change in a methodology as described in the Updated Final Safety Evaluation Report meets the criteria for acceptance of a petition under 10 CFR 2.206. The NRC staff is currently reviewing the licensee's 50.59 evaluation of the SG replacements.

With the issuance of the acknowledgment letter, I have been assigned as the petition manager for the SACE petition. Please do not hesitate to contact me if you have any questions or comments.

Per MD 8.11, I will notify you every 60 days of the status of the petition, or more frequently if a significant action occurs.

Thanks,

Dennis Galvin  
Project Manager  
NRC/ADRO/NRR/DORL  
301-415-6256  
[Dennis.Galvin@NRC.GOV](mailto:Dennis.Galvin@NRC.GOV)

**Hearing Identifier:** NRR\_PMDA  
**Email Number:** 2433

**Mail Envelope Properties** (Dennis.Galvin@nrc.gov20151005114200)

**Subject:** Issuance of Acknowledgment Letter for SACE 2.206 Petition regarding St. Lucie Unit 2 Steam Generator Replacement and Assignment of New Petition Manager  
**Sent Date:** 10/5/2015 11:42:21 AM  
**Received Date:** 10/5/2015 11:42:00 AM  
**From:** Galvin, Dennis

**Created By:** Dennis.Galvin@nrc.gov

**Recipients:**

"Helton, Shana" <Shana.Helton@nrc.gov>  
Tracking Status: None  
"Chereskin, Alexander" <Alexander.Chereskin@nrc.gov>  
Tracking Status: None  
"Saba, Farideh" <Farideh.Saba@nrc.gov>  
Tracking Status: None  
"Banic, Merrilee" <Merrilee.Banic@nrc.gov>  
Tracking Status: None  
"Buckberg, Perry" <Perry.Buckberg@nrc.gov>  
Tracking Status: None  
"dcurran@harmoncurran.com" <dcurran@harmoncurran.com>  
Tracking Status: None

**Post Office:**

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>	
MESSAGE	2427	10/5/2015 11:42:00 AM	
Acknowledgement Letter for SACE 2.206 Petition SL-2 Final 2015-09-28.pdf			92214

**Options**

**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**



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

September 28, 2015

Ms. Diane Curran  
Harmon, Curran, Spielberg, and Eisenberg, LLP  
1726 M Street NW, Suite 600  
Washington, DC 20036  
[dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

Dear Ms. Curran:

This letter is in reference to the petition you submitted on behalf of the Southern Alliance for Clean Energy (SACE) on March 10, 2014. You initially filed the petition as a request for a hearing. However, by a memorandum and order (CLI-14-11) dated December 19, 2014, the Commission referred your request to the Executive Director for Operations for disposition under Title 10 of the Code of Federal Regulations (10 CFR) Section 2.206, "Requests for Action Under this Subpart."

In your petition, you requested that the U.S. Nuclear Regulatory Commission (NRC) take action regarding the replacement steam generators at the St. Lucie Plant, Unit 2. Specifically, you requested that the NRC take enforcement action against the plant licensee Florida Power and Light Company (FPL) to revoke the NRC staff's de facto amendment of the St. Lucie, Unit 2 license regarding the replacement steam generators. The basis for your request was your assertion that the licensee incorrectly applied the 10 CFR 50.59, "Changes, Tests, and Experiments," process to replace the steam generators at St. Lucie, Unit 2.

I would like to express my appreciation to the Southern Alliance for Clean Energy for bringing these concerns to the NRC. I assigned Ms. Farideh Saba, a Senior Project Manager in the Office of Nuclear Reactor Regulation (NRR), as your petition manager. You may direct any questions you have concerning the petition process or the status of your petition to Ms. Saba by phone at 301-415-1447 or by e-mail to [Farideh.Saba@nrc.gov](mailto:Farideh.Saba@nrc.gov).

A Petition Review Board (PRB) was established to review your petition. The PRB is comprised of representatives from the following organizations within the NRC: a Chair (who is a Division Director from NRR); NRR staff from the Division of Engineering, Division of Operating Reactor Licensing, and Division of Policy and Rulemaking; Region II staff; and advisors from the Office of Enforcement and the Office of the General Counsel.

In accordance with NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," you had the opportunity to address the petition review board, either in person at NRC headquarters in Rockville, MD or by telephone conference. Ms. Farideh Saba, the petition manager, initially contacted you on January 16, 2015, and asked if you wished to address the petition review board. On February 24, 2015, you informed Ms. Saba that SACE had decided not to request a meeting with the petition review board with regard to its 10 CFR 2.206 proceeding on St. Lucie, Unit 2.

The petition review board met internally on March 25, April 29, and May 20, 2015, to discuss your petition with respect to the criteria for review described in MD 8.11, "Review Process for 10 CFR 2.206 Petitions." Based upon that review, the board determined that your request partially meets the criteria for review under 10 CFR 2.206 and partially meets the criteria for rejection under Management Directive 8.11.

The parts of the petition that met the criteria for rejection under MD 8.11, Criterion 2, are (1) concerns related to the inspection of the replacement steam generators and (2) concerns regarding the effects of the extended power uprate (EPU) on steam generator tube in-service inspection and flow-induced effects on the steam generator internals. Because these issues have already been reviewed, evaluated, and resolved by the NRC staff, they meet the criteria for rejection under MD 8.11. In the below paragraphs, we detail the NRC staff's prior resolutions of these issues.

Regarding your first concern about the inspection of replacement steam generators, NRC Region II inspectors had already reviewed several aspects of the replacement steam generators at St. Lucie, Unit 2 under Inspection Procedure 50001, "Steam Generator Replacement Inspection" (ADAMS Accession No. ML080350408), dated February 1, 2008. The design and planning of the replacement steam generators, removal and replacement of the original steam generators, and replacement steam generator preservice and baseline inspections, were included in the Region II inspection. This inspection also covered a review of the plant change modification packages and licensee procedures to design and replace the steam generators. During their inspection, NRC Region II inspectors did not identify any findings of significance.

Regarding your second concern about extended power uprates and steam generator inspections, NRC staff reviewed and approved the St. Lucie, Unit 2 extended power uprate amendment dated September 24, 2012 (ADAMS Accession No. ML12268A167). The licensee's application for the extended power uprate included evaluations of replacement steam generators and replacement steam generator supports. In its review, the NRC staff determined that the effects of the proposed extended power uprate at St. Lucie, Unit 2 do not adversely affect the structural integrity of the steam generators and their supports.

The Advisory Committee on Reactor Safeguards (ACRS) also reviewed the St. Lucie, Unit 2 extended power uprate application with respect to steam generator performance. By letter dated July 23, 2012 (ADAMS Accession No. ML12198A202), ACRS evaluated the licensee's root cause of steam generator tube wear indications and the licensee's action plan to address steam generator tube integrity. ACRS determined that the licensee's action plan adequately addressed the concerns about steam generator tube integrity.

The NRC staff is currently evaluating the application of the 10 CFR 50.59 process in conjunction with St. Lucie, Unit 2 steam generator replacement that appears related to SACE's petition. Specifically, the NRC staff is further investigating whether the licensee properly applied the 10 CFR 50.59 process to changes made in the structural analysis codes as described in the updated final safety analysis report (UFSAR). As such, the petition review board determined that the part of your petition that addresses the licensee's application of the 10 CFR 50.59 process, with respect to the change in a methodology as described in the UFSAR, meets the criteria for review of a petition under 10 CFR 2.206.

D. Curran

- 3 -

On August 4, 2015, the petition manager informed you of the PRB's initial recommendation and, per MD 8.11, offered you another opportunity to address the PRB, if you had additional information in support of your petition for the PRB to consider. You responded on August 5, 2015, that "SACE has no new information to add to the document already filed. Therefore we do not seek an opportunity to address the PRB." Therefore, the PRB recommendation is final and as provided by 10 CFR 2.206, the NRC will take action on your request within a reasonable time.

I have enclosed a copy of the notice that the NRC will publish in the Federal Register. MD 8.11 and NUREG/BR 0200, "Public Petition Process," can be found in ADAMS under Accession Nos. ML041770328 and ML050900248, respectively. If you need hard copies of these documents, please contact Ms. Saba.

Sincerely,

A handwritten signature in black ink, appearing to read 'W M Dean', with a long horizontal flourish extending to the right.

William M. Dean, Director  
Office of Nuclear Reactor Regulation

Enclosure:  
*Federal Register* Notice

cc w/encl:  
Mr. Mano Nazar  
President and Chief Nuclear Officer  
Nuclear Division  
NextEra Energy  
P.O. Box 14000  
Juno Beach, FL 33408-0420

cc w/o encl: ListServ



On August 4, 2015, the petition manager informed you of the PRB's initial recommendation and, per MD 8.11, offered you another opportunity to address the PRB, if you had additional information in support of your petition for the PRB to consider. You responded on August 5, 2015, that "SACE has no new information to add to the document already filed. Therefore we do not seek an opportunity to address the PRB." Therefore, the PRB recommendation is final and as provided by 10 CFR 2.206, the NRC will take action on your request within a reasonable time.

I have enclosed a copy of the notice that the NRC will publish in the Federal Register. MD 8.11 and NUREG/BR 0200, "Public Petition Process," can be found in ADAMS under Accession Nos. ML041770328 and ML050900248, respectively. If you need hard copies of these documents, please contact Ms. Saba.

Sincerely,

/RA/

William M. Dean, Director  
Office of Nuclear Reactor Regulation

Enclosure:  
Federal Register Notice

cc w/encl:  
Mr. Mano Nazar  
President and Chief Nuclear Officer  
Nuclear Division  
NextEra Energy  
P.O. Box 14000  
Juno Beach, FL 33408-0420

cc w/o encl: ListServ

**DISTRIBUTION: OEDO-15-00026**

PUBLIC	RidsOcaMailCenter	RidsNrrDorlLpl2-2	LRonewicz, NRR	LPL2-2 R/F
RidsNrrLABClayton	RidsNrrPMStLucie	DGalvin, NRR	RidsNrrOd	RidsRgn2MailCenter
RidsNrrMailCenter	RWilliams, RII	RidsOpaMail	TMensah, NRR	RidsNrrDorl
RidsNrrDpr	MBanic, NRR	ACHereskin, NRR	JRiviera-Ortiz, RII	SWalker, RII
RCarpenter, OE	JDavis, NRR	LSuggs, RII	GKulesa, NRR	RidsEdoMailCenter

**ADAMS Accession Nos.: PKG ML15013A103      LTR ML15205A313      FRN ML15205A296      \* By email**

OFFICE	NRR/DORL/ LPL1-1/PM*	NRR/DORL/ LPL2-2/PM	NRR/DORL/ LPL2-2/LA	TECH EDITOR*	NRR/DE/ESGB/ BC*	RII/DRS/RPB3/BC*
NAME	ACHereskin	FSaba	BClayton	CHsu	GKulesa	LSuggs
DATE	08/10/15	08/31/15	08/07/15	08/26/15	08/12/15	08/17/15
OFFICE	RII/DRP/RPB3/ PE*	RII/DRS/EB3/IN*	RII/DRS/EB3/BC*	NRR/DPR/PGCB/ PM*	NRR/DPR/PGCB/ BC*	NRR/DORL/ LPL2-2/BC*
NAME	RWilliams	JRiviera-Ortiz	SWalker	MBanic (TMensah for)	SStuchell	SHelton
DATE	08/17/15	08/11/15	08/11/15	08/12/15	08/11/15	08/13/15
OFFICE	NRR/DPR/PGCB/ PM*	OE*	OGC*	NRR/JLD/D	NRR/DORL/ D	NRR/D
NAME	DBeaulieu	RCarpenter	EMonteith	JDavis	ABoland	WDean
DATE	08/31/15	08/14/15	08/26/15	09/11/15	09/15/15	09/28/15