



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

February 26, 2013

Mr. Jon A. Franke, Vice President
Crystal River Nuclear Plant (NA1B)
ATTN: Supervisor, Licensing & Regulatory Programs
15760 W. Power Line Street
Crystal River, Florida 34428-6708

SUBJECT: CRYSTAL RIVER UNIT 3 NUCLEAR GENERATING PLANT - RELAXATION OF SCHEDULE REQUIREMENTS FOR ORDERS EA-12-049 "ISSUANCE OF ORDER TO MODIFY LICENSES WITH REGARD TO REQUIREMENTS FOR MITIGATION STRATEGIES FOR BEYOND DESIGN BASIS EVENTS," AND EA-12-051 "ISSUANCE OF ORDER TO MODIFY LICENSES WITH REGARD TO RELIABLE SPENT FUEL POOL INSTRUMENTATION"

Dear Mr. Franke:

By letters dated March 12, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML12054A735 and ML12054A682), the U.S. Nuclear Regulatory Commission (NRC) ordered Florida Power Corporation (the licensee) to take certain actions at Crystal River Unit 3 Nuclear Generating Plant (CR-3) associated with the Fukushima Near-Term Task Force Recommendations. Order EA-12-049 directed that actions be taken by licensees to develop and implement strategies to maintain or restore core cooling, reactor coolant system inventory, containment cooling, and spent fuel pool (SFP) cooling capabilities during beyond-design-basis events. Order EA-12-051 required that reliable SFP instrumentation be installed and maintained.

Section IV of Orders EA-12-049 and EA-12-051 required that the licensee submit overall integrated plans (OIPs) by February 28, 2013, describing how the licensee planned to achieve compliance with the requirements of the Orders. Section IV of the Orders also provided the NRC's Director of the Office of Nuclear Reactor Regulation the authority to relax or rescind any or all of the conditions of the Order upon demonstration by the licensee of good cause.

On February 5, 2013, Progress Energy Florida, a subsidiary of Duke Energy, announced that it will retire CR-3. On February 20, 2013, the licensee submitted a letter certifying the permanent cessation of operation of CR-3 and permanent removal of the fuel from the reactor vessel, in accordance with Title 10 of the *Code of Federal Regulations*, Part 50, Section 50.82(a)(1)(i) and (ii).

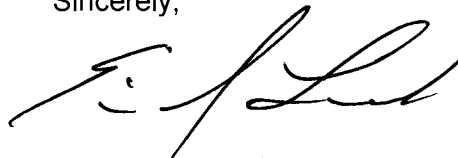
By letter dated February 20, 2013, the NRC received a request from the licensee for a relaxation in the schedule for submittal of overall integrated plans for responding to NRC Orders EA-12-049 and EA-12-051 for CR-3. The licensee proposes to submit the integrated plans for CR-3 by August 28, 2013. The licensee stated the decision to retire CR-3 significantly impacted the content of the OIPs that had been prepared for submission in accordance with the Orders. The licensee requested that the NRC authorize a relaxation of the response schedule in accordance with Section IV of each Order for a period of 6 months so that it could complete a

review and assessment of the Orders and associated OIPs for their continued applicability and to ensure their completeness and accuracy in light of the decision to retire the plant.

In its February 20, 2013, letter, the licensee provided a basis for its relaxation request for each Order, including the fact that the reactor had not been operated since September 2009. In evaluating the licensee's demonstration of good cause, the NRC staff also considered that, following the accident at Fukushima Dai-ichi, the NRC concluded that a sequence of events such as the Fukushima Dai-ichi accident is unlikely to occur in the United States based on the current regulatory requirements and existing plant capabilities. Further, the NRC concluded that continued operation and continued licensing activities do not pose an imminent threat to public health and safety of the nation's commercial nuclear power plants licensed by the NRC under Title 10 of the *Code of Federal Regulations*, Part 50.

On the basis of the letter certifying that the licensee has ceased operation of and permanently removed the fuel from the reactor at CR-3, and that the relaxation solely requests an extension of the OIP submission date in order to more accurately and completely respond to the Orders in light of the new information regarding the plant's decommissioning, the NRC staff concludes that the licensee has demonstrated good cause. Accordingly, based upon the authority granted to the Director, Office of Nuclear Reactor Regulation, the requirement of Section IV C.1.a of Orders EA-12-049 and EA-12-051, for submission of OIPs by February 28, 2013, is relaxed to August 28, 2013, for CR-3.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. J. Leeds', written in a cursive style.

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Docket No. 50-302

cc: Listserv

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/RA/

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

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