



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

August 27, 2013

Mr. Terry D. Hobbs, Decommissioning Director
Crystal River Nuclear Plant (NA1B)
15760 W. Power Line Street
Crystal River, Florida 34428-6708

SUBJECT: CRYSTAL RIVER UNIT 3 NUCLEAR GENERATING PLANT - RESCISSION OF
ORDER EA-12-051, "ORDER MODIFYING LICENSES WITH REGARD TO
RELIABLE SPENT FUEL POOL INSTRUMENTATION"

Dear Mr. Hobbs:

By letter dated March 12, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12054A682), the U.S. Nuclear Regulatory Commission (NRC) issued Order EA-12-051 requiring Florida Power Corporation (FPC or 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-12-051 required that reliable spent fuel pool (SFP) instrumentation be installed and maintained.

Section IV of Order EA-12-051 required that FPC submit an overall integrated plan (OIP) by February 28, 2013, describing how FPC planned to achieve compliance with the requirements of the Order. Section IV of the Order 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 20, 2013 (ADAMS Accession No. ML13056A005), FPC 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).

In a separate letter dated February 20, 2013 (ADAMS Accession No. ML13056A004), FPC requested, in part, a relaxation of the schedule to submit the OIP related to Order EA-12-051 for CR-3, in order to complete a review and assessment of the order and the associated OIP, for its continued applicability and to ensure its completeness. FPC proposed to submit the OIP for CR-3 by August 28, 2013. The NRC staff reviewed the licensee's request, and, upon a finding of good cause, on February 26, 2013 (ADAMS Accession No. ML13052A670), relaxed the schedule requirements of Order EA-12-051 related to the submission of the OIP until August 28, 2013.

On May 13, 2013 (ADAMS Accession No. ML13144A080), the licensee requested rescission of Order EA-12-051 for CR-3, based on the decommissioning status of the plant.

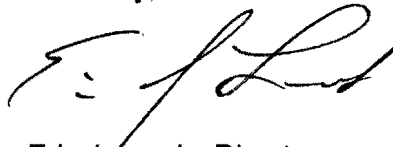
Section III of the Order states that the Commission determined that all power reactor licensees and construction permit holders must have a reliable means of remotely monitoring wide-range SFP levels to support effective prioritization of event mitigation and recovery actions in the event of a beyond-design-basis external event. This statement forms the basis of the Order and

reflects the need to effectively deploy limited resources to mitigate very low frequency events with the potential to challenge both the reactor and SFP. With reliable indication of the SFP coolant level, decision-makers can determine when to deploy resources to the SFP and avoid unnecessary deployment of staff to monitor pool level.

Since the licensee for CR-3 has certified the permanent removal of the fuel from the reactor vessel, the safety of the fuel in the SFP becomes the primary safety function for site personnel. In the event of a challenge to the safety of fuel stored in the SFP, decision-makers would not have to prioritize actions and the focus of the staff would be the SFP condition. Thus, the basis for the Order no longer applies to the configuration of CR-3. Furthermore, because the fuel stored in the CR-3 SFP was last used for power generation on September 26, 2009, and full compliance with the Order is not required until December 31, 2016, the fuel will have decayed for greater than 6 years by the time reliable SFP instrumentation would be required. The guidance endorsed through JLD-ISG-2012-03, "Compliance with Order EA-12-051, Reliable Spent Fuel Pool Instrumentation," specifies that, for the purpose of implementing the requirements of the Order, only water-filled structures housing storage racks that contain irradiated fuel from the reactor vessel used for power generation within the past 5 years are subject to the reliable SFP instrumentation requirements.

Therefore, for reasons discussed above, the NRC staff concludes that good cause has been demonstrated to rescind the order. All other regulatory requirements for which rescission was not specifically requested remain applicable and are not impacted by rescission of this Order. Accordingly, based upon the authority granted to the Director, Office of Nuclear Reactor Regulation, Order EA-12-051 is rescinded in its entirety for CR-3.

Sincerely,



Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Docket No. 50-302

cc: Listserv

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Sincerely,
 /RA/
 Eric J. Leeds, Director
 Office of Nuclear Reactor Regulation

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