



Crystal River Nuclear Plant
Docket No. 50-302
Operating License No. DPR-72

Ref: 10 CFR 50.4

February 20, 2013
3F0213-09

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

Subject: Crystal River Unit 3 – Request for Schedule Relaxation Associated with the Fukushima Orders (EA-12-049 and EA-12-051)

- References:
1. EA-12-049, "Issuance of Order to Modify Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events," dated March 12, 2012 (Accession No. ML12054A735)
 2. EA-12-051, "Issuance of Order to Modify Licenses with Regard to Reliable Spent Fuel Pool Instrumentation," dated March 12, 2012 (Accession No. ML12054A679)
 3. Duke Energy to NRC Letter, "Carolina Power & Light Company and Florida Power Corporation's Initial Status Report In Response To March 12, 2012, Commission Order Modifying Licenses With Regard To Requirements For Mitigation Strategies For Beyond-Design-Basis External Events (Order Number EA-12-049)," dated October 29, 2012 (Accession No. ML12307A021)
 4. Duke Energy to NRC Letter, "Carolina Power & Light Company And Florida Power Corporation's Initial Status Report In Response To March 12, 2012, Commission Order Modifying Licenses With Regard To Requirements For Reliable Spent Fuel Pool Instrumentation (Order Number EA-12-051)," dated October 29, 2012 (Accession No. ML12307A020)
 5. CR-3 to NRC Letter, "Crystal River Unit 3 – Certification of Permanent Cessation of Power Operations and that Fuel Has Been Permanently Removed from the Reactor," dated February 20, 2013

Dear Sir:

Florida Power Corporation (FPC) is obligated to submit an Overall Integrated Plan (OIP) on or before February 28, 2013, regarding implementation of Orders EA-12-049 and EA-12-051 at Crystal River Unit 3 (CR-3). FPC was diligently working to fully comply with this obligation when Duke Energy, the parent company for FPC, announced on February 5, 2013, that CR-3 would be retired. This announcement significantly impacts the OIPs that had been prepared for CR-3. Therefore, FPC is requesting an extension of the OIP submittal due date by six months, to August 28, 2013, in order to complete a review and assessment of the above Orders and associated OIPs for their continued applicability and to ensure their completeness and accuracy in light of this new and significant information. The certification of permanent cessation of power operations and that fuel has been permanently removed from the reactor vessel, per 10 CFR 50.82(a)(1)(i) and 10 CFR 50.82(a)(1)(ii), for CR-3 is being concurrently submitted via Reference 5.

Crystal River Nuclear Plant
15760 W. Power Line Street
Crystal River, FL 34428

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NRC

Order EA-12-051 requires that reliable spent fuel instrumentation be installed in the spent fuel pools (SFPs). Interim Staff Guidance (ISG) JLD-ISG-2012-03, "Compliance with Order EA-12-051, Reliable Spent Fuel Pool Instrumentation," was issued in order to provide guidance for complying with Order EA-12-051." JLD-ISG-2012-03 endorsed NEI 12-02, "Industry Guidance for Compliance with NRC Order EA-12-051," with exceptions. However, there were no exceptions identified to NEI 12-02, Section 2.3, which states, in part:

Conversely, for purposes of implementation of this order and guideline, pools that have the following distinct characteristics are not spent fuel pools:

- *Spent fuel pools that contain no fuel used in a reactor vessel for power generation within the past five years, or*

CR-3 has been safely shutdown since September 26, 2009, when it shutdown for a refueling outage to replace the steam generators. Since September 26, 2009, fuel was reloaded into the reactor vessel once in anticipation of unit restart. However, restart was subsequently deferred and the fuel was off loaded to the spent fuel pool where it currently resides. The final removal of fuel from the reactor vessel was completed on May 28, 2011. No fuel has been used in the reactor vessel for power generation since the 2009 shutdown began. By the required implementation due date of the Order (i.e., December 31, 2016), fuel at CR-3 will not have been used in the reactor vessel for power generation for over seven years.

Order EA-12-049 requires that mitigating strategies be developed and implemented to maintain or restore core cooling, containment, and spent fuel pool cooling capabilities. The currently prepared strategies at CR-3 assumed concurrent challenges of cooling the core in the vessel, maintaining Reactor Coolant System (RCS) inventory and containment function as well as monitoring and managing conditions in the spent fuel pool. However, these safety functions remain adequately addressed without taking any additional actions:

- There is no fuel in the core to cool. Thus, core cooling is unnecessary.
- The RCS is no longer pressurized or generally subject to forced flow so there is limited motive force to cause leakage.
- The primary challenge to the containment would come from energy losses from the primary and secondary systems during power operations. With the plant shutdown these systems will not appreciably add energy to the containment.
- With all the fuel discharged to the spent fuel pools, this safety function becomes the primary focus. The fuel has not been irradiated for over 3 years and the current heat load would not result in bulk temperatures over 200°F for greater than 95 hours with no forced cooling. In addition to the capabilities maintained onsite, in accordance with 10 CFR 50.54(hh)(2), additional resources could be deployed from other Duke Energy facilities to establish make-up capability before boiling would occur.

For the above stated reasons, FPC herein requests that the NRC relax Order requirement IV.C.1.a (submit an OIP by February 28, 2013) for Order EA-12-049 and EA-12-051 by extending the respective CR-3 OIP submittal due date by six months to August 28, 2013, as allowed in Order Section IV. FPC has begun reviewing the Orders and reassessing compliance and completeness and accuracy in light of the new information. Relaxation of Order requirements, related to the

submittal of the respective OIPs, will allow FPC sufficient time to complete this re-review with respect to the applicability of the Orders and ensure the completeness and accuracy of any required OIP factoring in this new and significant information. If portions of the Orders are retained, OIPs will be submitted by August 28, 2013, as applicable.

Therefore, as discussed above, FPC believes it has shown good cause for the relaxation of Order requirement IV.C.1.a (submit an OIP by February 28, 2013) for Order EA-12-049 and EA-12-051 and requests an extension for the respective CR-3 OIP submittal due date by six months to August 28, 2013.

If you have any questions regarding this submittal, please contact Mr. Dan Westcott, Regulatory Affairs Manager, at (352) 563-4796.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon A. Franke', written over a horizontal line.

Jon A. Franke
Vice President
Crystal River Nuclear Plant

JAF/krw

xc: NRR Project Manager
Fukushima Project Manager
Regional Administrator, Region II
Senior Resident Inspector

STATE OF FLORIDA

COUNTY OF CITRUS

Jon A. Franke states that he is the Vice President, Crystal River Nuclear Plant for Florida Power Corporation, that he is authorized on the part of said company to sign and file with the Nuclear Regulatory Commission the information attached hereto; and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.



Jon A. Franke
Vice President
Crystal River Nuclear Plant

The foregoing document was acknowledged before me this 20 day of February, 2013, by Jon A. Franke.



Signature of Notary Public
State of Florida



(Print, type, or stamp Commissioned
Name of Notary Public)

Personally Known ✓ -OR- Produced Identification