

NRR-PMDAPEm Resource

From: Saba, Farideh
Sent: Tuesday, January 17, 2012 1:48 PM
To: Saprodani Associates
Cc: Broaddus, Doug; Mensah, Tanya; Russell, Andrea; Clark, Michael
Subject: RE: Crystal River Nuclear Plant - Enforcement Petition 10 C.F.R. 2.206
Attachments: image001.png

Dear Mr. Saporito:

This is regarding your email below dated January 13, 2012 to the NRC, Executive Director of Operations. In your email you have requested to further supplement your petition against Progress Energy Corporation at Crystal River Unit 3 Nuclear Generating Plant dated December 5, 2009. In your email, you have requested 'to supplement that Enforcement Petition [December 5, 2009, petition] with "expert" testimony which will be obtained this summer via a public hearing before the Florida Public Service Commission.' In accordance with the Nuclear Regulatory Commission (NRC) Management Directive (MD) 8.11, the petitioner should submit supplemental information to the NRC in writing and discuss how the supplemental information (e.g., specific facts provided through expert testimony in your email) supports the original petition request.

Once you submit your supplement to the NRC, the Petition Review Board for your original petition will review the supplement and process it in accordance with the guidance in MD 8.11, Supplements to the Petition.

Please let me know if I can be of any further assistance to you.

Best regards,

Farideh E. Saba, P.E.
Senior Project Manager
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301-415-1447
Mail Stop O-8G9A
Farideh.Saba@NRC.GOV

From: saporito3@gmail.com [<mailto:saporito3@gmail.com>] **On Behalf Of** Saprodani Associates
Sent: Friday, January 13, 2012 6:42 AM
To: NRCExecSec Resource
Cc: Jaczko, Gregory; DeMiranda, Oscar
Subject: Crystal River Nuclear Plant - Enforcement Petition 10 C.F.R. 2.206

For the Executive Director - U.S. Nuclear Regulatory Commission (NRC)

The NRC is currently investigating an Enforcement Petition filed under 10 C.F.R. 2.206 which I submitted in connection with the Crystal River Nuclear Plant (CR-3) related to the delamination event(s) in the containment building structure. At this time, I request to supplement that Enforcement Petition with "expert" testimony which will be obtained this summer via a public hearing before the Florida Public Service Commission. Please see the news article shown below.

Public counsel seeks delay in hearings on broken Crystal River nuclear plant

By [Ivan Penn](#), Times Staff Writer
In Print: Friday, January 13, 2012

Public hearings about the broken Crystal River nuclear plant could be delayed as much as seven months, until January 2013, as lawyers and experts continue to sift through millions of documents in the case.

J.R. Kelly, the state public counsel who represents consumers before the Public Service Commission, said his office initially requested a 60-day extension of the case, which would move it from June to August.

But that's when several annual rate hearings begin. During a forum about nuclear energy Wednesday at St. Petersburg College, Kelly said further delay is needed because the case involving the broken Crystal River nuclear plant, which has been idle since 2009 because of cracks in its concrete reactor containment building, is the most complicated the commission has faced.

"It is unprecedented," Kelly said. "We think it will go two or three weeks. We don't want to start and stop. We also wanted more time to develop our testimony."

Kelly's office has hired two world-renowned engineering experts as witnesses for its case: William Jacobs, who holds a doctorate in nuclear engineering, and Oral Buyukozturk, a civil and material engineering professor at MIT who is a leading authority on concrete.

In addition, Kelly said his office, led by Charles Rehwinkel, associate public counsel, has collected testimony from dozens of people related to the case and reviewed millions of pages "morning, afternoon and night."

Cindy Muir, a commission spokeswoman, said the PSC believes it can schedule two weeks of hearings in August and is currently working to do so.

The commission had scheduled five days in June for the hearing to determine whether Progress Energy acted reasonably and prudently when it replaced old steam generators at the Citrus County nuclear plant.

During the project, the 42-inch-thick containment building that houses the nuclear reactor cracked. After the crack was repaired, the building cracked two more times. Progress has said it will cost at least \$2.5 billion to repair the plant and purchase alternative electricity while it remains offline. The utility believes insurance will cover about three quarters of the costs but wants its 1.6 million Florida customers to pay the rest.

For Progress to be able to pass those costs onto customers, the commission must affirm that the utility's handling of the project was prudent and reasonable.

Customers paid \$110 million in 2010 for money Progress spent to buy alternative electricity and will pay \$140 million this year. That money would be refunded if the PSC determined Progress' actions were not prudent.

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In addition, I request that the NRC Office of Investigations and Enforcement - monitor the testimony given at the upcoming public hearings in Florida to ascertain whether one or more licensee officials intentionally mislead the NRC in connection with the "root" cause and repair activities of the CR-3 facility - in an effort to gain restart authorization from the agency.

Kind regards,

Thomas Saporito, Senior Consultant
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Advocate of Greenpeace USA
<http://saprodani.blogspot.com/>

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