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October 19, 2009

Ann Cole
Director, Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850

RE: Docket No. 090009-EI
In Re: Nuclear Cost Recovery.

Dear Ms. Cole:

On behalf of the Southern Alliance for Clean Energy, Inc., I have enclosed for filing a Request to Take Official Recognition of Action by the Nuclear Regulatory Commission, consisting of seven pages, along with Exhibits A and B. I thank you for your attention to this matter.

Sincerely,

/s/ E. Leon Jacobs, Jr.

E. Leon Jacobs, Jr.
Attorney for Intervenor

Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Plant Cost
Recovery Clause

DOCKET NO. 090009-EI
FILED: OCTOBER 19, 2009

**THE SOUTHERN ALLIANCE FOR CLEAN ENERGY'S
REQUEST FOR OFFICIAL RECOGNITION OF ACTION BY
THE NUCLEAR REGULATORY COMMISSION**

The Southern Alliance for Clean Energy ("SACE"), by and through its undersigned counsel, and pursuant to section 90.202(5), Florida Statutes, and section 120.569(2)(i), Florida Statutes, respectfully requests that the Florida Public Service Commission ("Commission") take official recognition of the action of the Nuclear Regulatory Commission ("NRC") concluding its review of an integral component of the AP1000 reactor. The NRC's communication is attached at Exhibit A.

1. On October 16, 2009, the Commission voted on a number of issues relating to the recovery of costs by Florida Power & Light's ("FPL") related to the development of new Units 6 and 7 at Turkey Point, and recovery of costs by Progress Energy of Florida's ("PEF") related to development of new Units 1 and 2 in Levy County. Pursuant to Rule 25-6.0423, Florida Administrative Code, the Commission voted that, for purposes of the current year recovery, the showing of long-term feasibility was sufficient as made by each company regarding their respective units. However, in its deliberations prior to the vote, the Commission expressed clear interest in matters which might affect the future feasibility of the units, and instructed that all pertinent and relevant issues affecting the progress and status of the plants be presented and

considered in the context of this docket. The Commission directed that future filings address these concerns.

2. On October 15, 2009, the NRC issued a determination regarding its certification of a key component of the AP1000 nuclear reactor (see press release in Exhibit B). The AP1000 is planned by FPL and PEF for installation at Turkey Point Units 6 and 7, and Levy County Units 1 and 2. The NRC determined that there are deficiencies in the design of a vital component known as the "shield building," and concluded that "the proposed design of the shield building will require modifications in some specific areas to ensure its ability to perform its safety function under design basis loading conditions..." Hurricanes represent one such load condition. The NRC communicated to the AP1000's manufacturer, Westinghouse, the following:

..... Progress on the NRC staff's review of the shield building will require that Westinghouse provide modifications to the design and testing that demonstrate the capability of the building to perform its intended safety function under design basis loads. In addition to the issues described above, the NRC staff identified several other issues that need to be addressed; these issues are discussed in the enclosure to this letter. Based on the above, the NRC considers its review of the shield building, as proposed, to be complete.....

3. Thus, the NRC has suspended its regulatory approval of this component of the AP1000, which fundamentally affects the NRC's certification of the AP1000 as a whole. The NRC specifically indicated that all Combined License applications which reference the AP1000 are affected, and that any impact on the completion of such applications is tied directly to the resolution of the issues raised in its letter of October 15th.

4. The result of this action is that the Combined License applications of FPL for Turkey Point Units 6 and 7, and of PEF for Levy County Units 1 and 2 are substantially affected,

and likely suspended pending the outcome of the shield building review, and the AP1000 certification in general.

WHEREFORE, SACE respectfully requests that this Commission take official recognition of the NRC's determination of the status of the certification of the AP1000 reactor design.

RESPECTFULLY SUBMITTED this 19th day of October, 2009.

/s/ E. Leon Jacobs, Jr.

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CERTIFICATE OF SERVICE
Docket No. 090009

I HEREBY CERTIFY that a true and correct copy of the foregoing REQUEST TO TAKE OFFICIAL RECOGNITION has been furnished by electronic mail (e-mail) and/or U.S. Mail this the 19th day of October, 2009.

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