

## **PMLevyCOLPEm Resource**

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**From:** Kitchen, Robert [robert.kitchen@pgnmail.com]  
**Sent:** Wednesday, January 25, 2012 5:37 PM  
**To:** Burton, William  
**Cc:** Bruner, Douglas  
**Subject:** Progress Energy Letter re DEIS  
**Attachments:** NPD-NRC-2011-079.pdf

FYI – Attached is the letter that we previously sent to NRC re DEIS comment resolution. Let us know if you have any questions.

**Hearing Identifier:** Levy\_County\_COL\_Public  
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**Mail Envelope Properties** (7FD614EFA33B03448166AF44364F42AE0E320FDD3C)

**Subject:** Progress Energy Letter re DEIS  
**Sent Date:** 1/25/2012 5:37:15 PM  
**Received Date:** 1/25/2012 5:37:22 PM  
**From:** Kitchen, Robert

**Created By:** robert.kitchen@pgnmail.com

**Recipients:**  
"Bruner, Douglas" <Douglas.Bruner@nrc.gov>  
Tracking Status: None  
"Burton, William" <William.Burton@nrc.gov>  
Tracking Status: None

**Post Office:** WN000075.oak.zone1.progress-energy.com

Files	Size	Date & Time
MESSAGE	133	1/25/2012 5:37:22 PM
NPD-NRC-2011-079.pdf	513043	

**Options**  
**Priority:** Standard  
**Return Notification:** No  
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**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**



Serial: NPD-NRC-2011-079

November 14, 2011

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

**LEVY NUCLEAR PLANT, UNITS 1 AND 2  
DOCKET NOS. 52-029 AND 52-030  
STATUS OF THE ENVIRONMENTAL REVIEW FOR LEVY NUCLEAR PLANT  
UNITS 1 AND 2 COMBINED LICENSE APPLICATION**

References:

1. NRC letter from Scott Flanders (NRC) to John Elnitsky (PEF) dated November 7, 2011 Reference ADAMS Accession No.: ML11280A202
2. Letter from Osvaldo Collazo (USACE) to John Elnitsky (PEF), dated June 23, 2011, Reference: SAJ-2008-00490 (IP-GAH)
3. Letter from John Elnitsky (PEF) to Osvaldo Collazo (USACE), dated July 22, 2011, Reference: Levy Nuclear Plan/PEF, SAJ-2008-00490 (IP-GAH), Serial: NPD-MISC-2011-010
4. Letter from Robert Kitchen (PEF) to Osvaldo Collazo (USACE), dated September 20, 2011, Reference: Levy Nuclear Plan/PEF, SAJ-2008-00490 (IP-GAH), Response #1 to Corps Position Letter dated June 23, 2011, Serial: NPD-MISC-2011-014
5. Letter from Robert Kitchen (PEF) to Osvaldo Collazo (USACE), dated October 4, 2011, Reference: Levy Nuclear Plan/PEF, SAJ-2008-00490 (IP-GAH), Response #2 to Corps Position Letter dated June 23, 2011, Serial: NPD-MISC-2011-015
6. Letter from Robert Kitchen (PEF) to Osvaldo Collazo (USACE), dated October 20, 2011, Reference: Levy Nuclear Plan/PEF, SAJ-2008-00490 (IP-GAH), Response #3 to Corps Position Letter dated June 23, 2011, Serial: NPD-MISC-2011-016
7. Letter from Robert Kitchen (PEF) to Osvaldo Collazo (USACE), dated November 1, 2011, Reference: Levy Nuclear Plan/PEF, SAJ-2008-00490 (IP-GAH), Response #4 to Corps Position Letter dated June 23, 2011, Serial: NPD-MISC-2011-018





8. Letter from Robert Kitchen (PEF) to Osvaldo Collazo (USACE), dated November 10, 2011, Reference: Levy Nuclear Plan/PEF, SAJ-2008-00490 (IP-GAH), Response #5 to Corps Position Letter dated June 23, 2011, Serial: NPD-MISC-2011-019

Ladies and Gentlemen:

This letter is intended to update the NRC on the status of LNP environmental review and interface with U.S. Army Corps of Engineers (USACE) and Environmental Protection Agency (EPA) and is in response to the NRC letter to Progress Energy dated November 7, 2011 (Reference 1). Progress Energy received USACE comments on the Draft Environmental Impact Statement (DEIS) on June 23, 2011 (Reference 2). We met with the USACE and EPA on July 14, 2011 and described our planned response to the USACE comments. At the July 14, 2011 meeting we committed to provide response to the USACE comments by November 18, 2011 and also proposed that monthly meetings be held to review progress with our efforts to provide the information that the Corps needs to complete its reviews.

As requested, the USACE has coordinated monthly status meetings which have been conducted on July 28, August 26, September 27 and October 28. A final meeting is planned for November 22, 2011. At these meetings the USACE and EPA have indicated that they liked the systematic approach to responding to the agency comments (PEF response matrix) and they confirmed that our planned submittal dates were satisfactory. Responses have been provided in letters dated July 22, September 20, October 4, October 20, November 1, and November 10, 2011 (References 3 through 8, respectively). We completed response to all identified USACE information needs on November 10, 2011. In addition to these interactions, a tour of the Levy site focusing on wetland mitigation areas was provided to David Pritchett of EPA on September 20, 2011.

We think that we are taking appropriate actions to address USACE comments and that the information provided will resolve the USACE comments. We appreciate the NRC offer to schedule meetings with PEF, the Corps, and other Federal and State agencies to review and discuss outstanding items and determine the steps necessary to resolve these issues. If NRC feedback from the USACE or EPA indicates that such a meeting is desired, or would be beneficial, we welcome the opportunity to discuss these issues. If this is desired or appropriate to maintain schedule, we will support this meeting at the earliest date that can be coordinated by NRC.

PEF is not aware of any additional issues or changes in the project that would impact the environmental review. We prefer to have the FEIS address all environmental issues required for permitting. However, if required to maintain the FEIS schedule, USACE questions related to the 404 permit could be resolved separately from the FEIS. PEF looks forward to working with NRC and the Corps to ensure any remaining issues are addressed satisfactorily and in a timely manner.



If you have any questions or need additional information, please contact Bob Kitchen at (919) 546-6992.

Sincerely,

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

John Elnitsky  
Vice President  
New Generation Programs & Projects

cc: U.S. NRC Region II, Regional Administrator  
Mr. Brian C. Anderson, U.S. NRC Project Manager  
Mr. Scott Flanders, U.S. NRC  
Mr. Gordon Hambrick, USACE  
Mr. Douglas Bruner, U.S. NRC  
Mr. Osvaldo Collazo, USACE