

June 7, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
PROGRESS ENERGY FLORIDA, INC.)	
)	Docket Nos. 52-029 and 52-030
)	
(Levy County Nuclear Power Plant,)	
Units 1 and 2))	

STATUS REPORT

In accordance with the Atomic Safety and Licensing Board's (Board) Initial Scheduling Order,¹ the NRC staff (Staff) is providing the Board with the Staff's thirty-third Status Report.

The Staff completed the Advanced Final Safety Evaluation Report (AFSER) on September 15, 2011, and the Staff met with the AP1000 ACRS Subcommittee on October 18-19, 2011. The Staff met with the full committee of the ACRS on December 1-2, 2011. The ACRS letter that includes the results of the ACRS review of the AFSER was issued on December 7, 2011 and is available on ADAMS (ML11339A126). After the Staff met with the ACRS, the Staff determined in SECY-12-0025 that certain recommendations from the Fukushima Near-Term Task Force should be implemented for new reactors prior to licensing. Consequently, on February 29, 2012, the Staff issued requests for additional information (RAIs) regarding these recommendations to the Applicant. As stated in the attached letter, the new schedule for issuing the SER is October, 2012. Letter from David B. Matthews, to Jon Elintsky,

¹ *Progress Energy Florida, Inc.* (Levy County Nuclear Power Plant, Units 1 and 2), LBP-09-22, 70 NRC 640, 646 (August 27, 2009).

“Levy Nuclear Plant, Units 1 and 2 Combined License Application – Revised Review Schedule”
(May 17, 2012) (ADAMS Accession No. ML12130A155) (Attachment 1).

For the environmental review, as stated in the Staff’s August 5, 2010 Status Report, the Staff publicly released the Draft Environmental Impact Statement (DEIS) on August 5, 2010 and sent it to the Environmental Protection Agency on August 6, 2010. The Staff issued the final Environmental Impact Statement on April 27, 2012.

Respectfully submitted,

/Signed (electronically) by/

Jody C. Martin
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(202)570-0660
Jody.Martin@nrc.gov

Dated at Rockville, Maryland
The 7th day of June 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
)
PROGRESS ENERGY FLORIDA, INC.) Docket Nos. 52-029 and 52-030
)
)
(Levy County Nuclear Site, Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff's Status Report have been served on the following persons by Electronic Information Exchange on this 7th day of June 2012:

Administrative Judge
Alex S. Karlin, Chair
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Alex.Karlin@nrc.gov

Office of Commission Appellate
Adjudication
Mail Stop O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: OCAAmal@nrc.gov

Administrative Judge
Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Anthony.Baratta@nrc.gov

Office of the Secretary
ATTN: Docketing and Service
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: HEARINGDOCKET@nrc.gov

Administrative Judge
Randall J. Charbeneau
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Randall.Charbeneau@nrc.gov

Matthew Flyntz
Law Clerks
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Matthew.Flyntz@nrc.gov

Cara Campbell
The Ecology Party of Florida
641 SW 6th Ave
Ft. Lauderdale, FL 33315
E-Mail: levynuke@ecologyparty.org

Michael Mariotte
Executive Director
Nuclear Information & Resource Service
6930 Carroll Ave. Suite 340
Takoma Park, MD 20912
Email: nirsnet@nirs.org

Mary Olson
NIRS Southeast
PO Box 7586
Asheville, NC 28802
E-mail: maryo@nirs.org

John H. O'Neill, Esq.
Michael G. Lepre, Esq.
Jason P. Parker, Esq.
Stefanie N. George, Esq.
Kimberly Harshaw, Esq.
Counsel for Progress Energy Florida, Inc.
Pillsbury, Winthrop, Shaw, Pittman, LLP
2300 N. Street, NW
Washington, DC 20037-1122
E-mail: john.O'Neill@pillsburylaw.com
michael.lepre@pillsburylaw.com
jason.parker@pillsburylaw.com
stefanie.george@pillsburylaw.com
Kimberly.harshaw@pillsburylaw.com

/Signed (electronically) by/

Jody C. Martin
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(202)570-0660
Jody.Martin@nrc.gov

Attachment 1

May 17, 2012

Mr. John Elnitsky, Vice President
Nuclear Plant Development
Progress Energy Florida, Inc.
P.O. Box 14042
Saint Petersburg, FL 33733

SUBJECT: LEVY NUCLEAR PLANT, UNITS 1 AND 2 COMBINED LICENSE
APPLICATION – REVISED REVIEW SCHEDULE

Dear Mr. Elnitsky:

By letter dated July 28, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML082260277), Progress Energy Florida, Inc. (PEF) submitted its application to the U.S. Nuclear Regulatory Commission (NRC) for combined licenses (COL) for two AP1000 advanced passive pressurized water reactors pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 52. This letter transmits the Levy County Nuclear Plant (LNP) Units 1 and 2 COL application revised review schedule (Enclosure). The review supports the issuance of a final safety evaluation report (FSER) in October 2012.

On March 15, 2012, NRC issued a request for additional information (RAI) to PEF (Accession No. ML120550146) to address recent requirements resulting from NRC's response to Japan's March 11, 2011, Great Tohoku Earthquake and Tsunami. On April 12, 2012, PEF submitted a response stating that it would submit a revised final safety analysis report (FSAR) containing appropriate updated seismic information in August 2012.

Given these dates, the staff plans to issue the FSER in October 2012. The FSER issuance date is based on the following key assumptions:

- PEF meets the "Schedule for Option A Evaluations" milestones proposed in its April 27, 2012, public meeting presentation to NRC (Accession No. ML12115A315);
- PEF demonstrates that the appropriate updated seismic modeling results are completely bounded by the previous results; and
- The information submittals are complete and would not result in the need for additional RAIs.

Should your analysis indicate that the updated modeling results are not fully bounded, an alternate schedule will be developed based on your revised FSAR submittal revision dates.

It is noted that, should the pending merger involving Duke Energy be completed before NRC issues the FSER, PEF would need to submit a revised COL application containing appropriate updated financial and ownership information, and the staff would need to evaluate the updated information. Any resulting effect on the Levy schedule would depend on the timing of these submittals.

Should you have any questions regarding the safety review schedule, please contact Donald Habib at (301) 415-1035 or e-mail at donald.habib@nrc.gov.

Sincerely,

/RA/

David B. Matthews, Director
Division of New Reactor Licensing
Office of New Reactors

Docket Nos.: 52-029 and 52-030

Enclosure:
As stated

cc: See next page

J. Elnitsky

-2-

It is noted that, should the pending merger involving Duke Energy be completed before NRC issues the FSER, PEF would need to submit a revised COL application containing appropriate updated financial and ownership information, and the staff would need to evaluate the updated information. Any resulting effect on the Levy schedule would depend on the timing of these submittals.

Should you have any questions regarding the safety review schedule, please contact Donald Habib at (301) 415-1035 or e-mail at donald.habib@nrc.gov.

Sincerely,

/RA/

David B. Matthews, Director
Division of New Reactor Licensing
Office of New Reactors

Docket Nos.: 52-029 and 52-030

Enclosure:
As stated

cc: See next page

DISTRIBUTION:

PUBLIC	DHabib	ASnyder	SVrahoretis, OGC
RidsAcraAcnwMailCenter	MSutton	DMcGovern	JMartin, OGC
RidsNroDnrl	MTonacci	TGalletta	BHughes
RidsNroDnrlNwe1	RJoshi	MComar	MSutton
RidsRgn2MailCenter	SBurnell, OPA	RKaras	MShams
RidsOgcMailCenter	PPatel	VGraizer	SDevlin
CRegan	ASzabo	WBurton	

ADAMS Accession No.: ML12130A155

NRO-002

OFFICE	LA:DNRL/NWE1	PM:DNRL/NWE1	BC:DSEA/RGS1	BC:DSRA/SEB1
NAME	RButler	DHabib	RKaras	MShams
DATE	5/10/12	5/10/12	05/11/12	5/10/12
OFFICE	BC:NRR/DIRS/IFAIB	OGC	BC:DNRL/LB4	
NAME	CRegan	SVrahoretis	MTonacci	
DATE	05/14/12	05/15/12	05/10/12	
OFFICE	DD: DNRL			
NAME	DMatthews			
DATE	05/17/12			

OFFICIAL RECORD COPY

Table 1: Revised Safety Review Schedule for the Levy County Units 1 and 2 Combined License Application

<u>Phase of Safety Review</u>	<u>Target Completion Date</u>
Phase A Requests for Additional Information (RAIs) and Supplemental RAIs	Completed – March 2010
Phase B Advanced Safety Evaluation Report (SER) with no Open Items (OIs)	Completed – September 2011
Phase C ACRS review of Advanced SER with no OIs	Completed – January 2012
Phase D Final SER Issued	October 2012
Complete Mandatory Hearing	February 2013

COL - Progress Energy - Levy County Mailing List
cc:

(Revised 06/23/2010)

Ms. Michele Boyd
Legislative Director
Energy Program
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Ms. Georgia Cranmore
Assistant Regional Administrator
NOAA Fisheries Southeast Regional Office
9721 Executive Center Drive North
Saint Petersburg, FL 33702

Mr. John Elnitsky
Vice President
Nuclear Plant Development
Progress Energy Florida, Inc.
P.O. Box 14042
Saint Petersburg, FL 33733

COL - Progress Energy - Levy County Mailing List

Email

APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
Bill.Jacobs@gdsassociates.com (Bill Jacobs)
billn@fcen.org (Bill Newton)
brian.mccabe@pgnmail.com (Brian McCabe)
BrinkmCB@westinghouse.com (Charles Brinkman)
chris.burton@pgnmail.com (Chris Burton)
chris.maslak@ge.com (Chris Maslak)
CumminWE@Westinghouse.com (Edward W. Cummins)
cwaltman@roe.com (C. Waltman)
david.lewis@pillsburylaw.com (David Lewis)
david.waters@pgnmail.com (Dave Waters)
Derlinda.Bailey@chguernsey.com (Derinda Bailey)
ed.burns@earthlink.net (Ed Burns)
gzinke@entergy.com (George Alan Zinke)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
jim.riccio@wdc.greenpeace.org (James Riccio)
joe.w.donahue@pgnmail.com (Joe Donahue)
john.elnitsky@pgnmail.com (John Elnitsky)
Joseph_Hegner@dom.com (Joseph Hegner)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
lchandler@morganlewis.com (Lawrence J. Chandler)
levynuke@ecologyparty.org (Cara Campbell)
Marc.Brooks@dhs.gov (Marc Brooks)
maria.webb@pillsburylaw.com (Maria Webb)
mark.beaumont@wsms.com (Mark Beaumont)
Mark.Crisp@chguernsey.com (Mark Crisp)
maryo@nirs.org (Mary Olson)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
media@nei.org (Scott Peterson)
Mike.Halpin@dep.state.fl.us (Mike Halpin)
MSF@nei.org (Marvin Fertel)
nirsnet@nirs.org (Michael Mariotte)
Nuclaw@mindspring.com (Robert Temple)
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul@beyondnuclear.org (Paul Gunter)
pshastings@duke-energy.com (Peter Hastings)
RJB@NEI.org (Russell Bell)
robert.kitchen@pgnmail.com (Robert H. Kitchen)
ronald_m_bright@bellsouth.net (Ronald Bright)
sabinski@suddenlink.net (Steve A. Bennett)
sandra.sloan@areva.com (Sandra Sloan)
sfrantz@morganlewis.com (Stephen P. Frantz)

COL - Progress Energy - Levy County Mailing List

stephan.moen@ge.com (Stephan Moen)
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)
twinkletoesdms@aol.com (Robert and Deborah Smith)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
william.maher@fpl.com (William Maher)