

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)		
)	Docket Nos.	52-029-COL
Progress Energy Florida, Inc.)		52-030-COL
)		
(Combined License Application for)		
Levy County Nuclear Plant, Units 1 and 2))	ASLBP No.	09-879-04-COL

**PROGRESS ENERGY FLORIDA, INC.’S RESPONSE TO INTERVENORS’
JULY 6, 2012 LETTER**

Progress Energy Florida, Inc. (“PEF”) hereby files this response to the letter filed with the Atomic Safety and Licensing Board (“ASLB”) by counsel for Intervenor on July 6, 2012 (“July 6 Letter”).

Among other things, the July 6 Letter states that the Intervenor is filing “errata” to each piece of expert testimony, and to the Statement of Position, that Intervenor filed in this proceeding on June 26, 2012. The July 6 Letter states that the Intervenor also is filing “corrected” testimony for each of their experts, and a “corrected” Statement of Position. According to Section 12.b. of the Board’s February 22, 2012 Order (Providing Instructions on Pre-Filed Evidentiary Material) (“February 22 Order”) in this proceeding, “Parties (and their witnesses) are not entitled to submit revised documents, except on motion for leave to file revisions for good cause shown.” (emphasis in original). Intervenor failed to file a such a motion with respect to their corrected testimony and corrected Statement of Position.¹

In addition, paragraph 12.b of the February 22 Order states that, in the event revised exhibits are submitted, “[e]ach revised proposed exhibit must clearly highlight every change in the exhibit (e.g., via a

¹ As indicated in the July 6 Letter, Intervenor filed a motion on that same day for leave to file six exhibits out of time. PEF opposes that request, for the reasons set forth in the Intervenor’s Certificate of Counsel pursuant to 10 C.F.R. § 2.323. Intervenor’s representation of PEF’s position there contains two errors. In the sentence which reads “The Intervenor could have submitted these exhibits its far sooner than nine days after the filing deadline,” the word “its” should not have been included and the word “nine” should have been “ten.”

redline version).” (emphasis in original). Although Intervenor submitted a list showing each correction, they did not submit redlined versions of the corrected testimony and Statement of Position. Dr. Bacchus’s testimony alone has six pages of errata. As a result, more than 10 days into the 35 days allotted to prepare rebuttal, PEF and its experts must spend considerable time and resources sorting through the revisions.² This is precisely the type of situation that paragraph 12.b of the February 22 Order sought to prevent. Accordingly, PEF respectfully requests that, at a minimum, the Board require Intervenor to immediately submit redlined versions of the corrected testimony and corrected Statement of Position.

Respectfully Submitted,

/Signed electronically by Michael G. Lepre/
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Dated: July 9, 2012

Counsel for Progress Energy Florida, Inc.

² In addition, while many of the errata correct typographical and grammatical errors, others impact PEF’s substantive review of the Intervenor’s case because they change or delete references to Intervenor’s exhibits.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Progress Energy Florida, Inc.'s Response to Intervenor's July 6, 2012 Letter, was provided to the Electronic Information Exchange for service to those individuals on the service list in this proceeding this 9th day of July 2012.

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