



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PANAMA CITY REGULATORY OFFICE
1002 WEST 23rd STREET, SUITE 350
PANAMA CITY, FLORIDA 32405-3648

February 5, 2014

Regulatory Division
North Permits Branch
SAJ-2008-00490(IP-GAH)

Mr. Robert Kitchen
Director - Licensing
Nuclear Development
Duke Energy
EC12 / P.O. Box 1006
Charlotte, NC 28201-1006

Dear Mr. Kitchen:

Reference is made to an exchange of letters between the U.S. Army Corps of Engineers (Corps) and Duke Energy, Florida (DEF) regarding the construction and uses of various components of DEF's proposed Levy Nuclear Plant (LNP) within the Cross Florida Greenway (CFG), and whether the construction and uses of these various LNP components on CFG lands are compatible with the restrictions in the statute, Title 16 U.S.C. § 460tt, Cross Florida Barge Canal. The Corps's letter was dated June 15, 2012, and DEF's response letter was dated August 22, 2012.

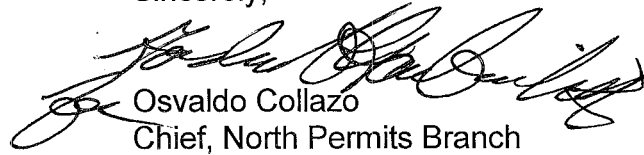
The Corps has determined that the proposed construction and uses, which have been approved by the State of Florida, as evidenced by the granting of easements by the State of Florida to DEF, as identified and stated in your August 22, 2012 letter, are not inconsistent with the intent of the statute.

The Corps requests that in the future DEF provide written confirmation to the Corps of the issuance of easements by the State of Florida for the remaining uses not already approved by the State of Florida, so that the Corps can make consistency determinations for those remaining uses and provide written confirmation of those determinations to DEF.

If a Department of the Army permit is issued for the LNP project before the State of Florida has issued easements for all of the proposed uses, and a written determination by the Corps has not been made confirming that all of the uses are not inconsistent with the statute; then the permit will be specially conditioned that authorized work may not proceed, until DEF has received from the Corps a written determination that all of the proposed uses are not inconsistent with the statute.

Questions regarding the application and this letter should be directed to the Corps project manager, Mr. Don Hambrick, at the letterhead address, by electronic mail at gordon.a.hambrick@usace.army.mil, or by telephone (850-763-0717 ext. 25).

Sincerely,



Osvaldo Collazo
Chief, North Permits Branch

Copy furnished (by electronic mail):
NRC, Mallecia Sutton
EPA, Eric Hughes
DEP, Scott Woolam
DEP, Cindy Mulkey
DEF, Paul Snead