

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-029 and 52-030; NRC-2008-0558]

Duke Energy Florida, LLC; Levy Nuclear Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Combined license application; hearing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) will convene an evidentiary session to receive testimony and exhibits in the uncontested portion of this proceeding regarding the application of Duke Energy Florida, LLC (DEF) for combined licenses (COLs) to construct and operate two units (Units 1 and 2) in Levy County, Florida. This mandatory hearing will concern safety and environmental matters relating to the requested COLs.

DATES: The hearing will be held on July 28, 2016, beginning at 9:00 a.m. Eastern Daylight Time. For the schedule for submitting pre-filed documents and deadlines affecting Interested Government Participants, see Section VI of the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Please refer to Docket ID 52-029 and 52-030 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available

information related to this document using any of the following methods:

- **NRC's Electronic Hearing Docket:** You may obtain publicly available documents related to this hearing online at <http://www.nrc.gov/about-nrc/regulatory/adjudicatory.html>.

- **NRC's Agencywide Documents Access and Management System (ADAMS):**
You may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public Documents](#)" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Denise McGovern, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-0681; e-mail: Denise.McGovern@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission hereby gives notice that, pursuant to Section 189a of the Atomic Energy Act of 1954, as amended (the Act), it will convene an evidentiary session to receive testimony and exhibits in the uncontested portion of this proceeding regarding DEF's¹ July 28, 2008, application for COLs under part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), to construct and operate two new units (Units 1 and 2) in Levy County, Florida <http://www.nrc.gov/reactors/new-reactors/col/levy/documents.html#application>. This mandatory hearing will concern safety and environmental matters relating to the requested COLs, as more fully described below. Participants in the hearing are not to address any contested issues in their written filings or oral presentations.

II. Evidentiary Uncontested Hearing

The Commission will conduct this hearing beginning at 9:00 a.m., Eastern Daylight Time on July 28, 2016, at the Commission's headquarters in Rockville, Maryland. The hearing on these issues will continue on subsequent days, if necessary.

III. Presiding Officer

The Commission is the presiding officer for this proceeding.

¹ The application was initially submitted by Progress Energy Florida, Inc.. The applicant changed its name in April 2013 following a July 2012 corporate merger between Progress Energy, Inc. and Duke Energy Corporation.

IV. Matters to be Considered

The matter at issue in this proceeding is whether the review of the application by the Commission's staff has been adequate to support the findings found in 10 CFR 52.97 and 10 CFR 51.107. Those findings that must be made for each COL are as follows:

Issues Pursuant to the Atomic Energy Act of 1954, as Amended

The Commission will determine whether 1) the applicable standards and requirements of the Act and the Commission's regulations have been met; 2) any required notifications to other agencies or bodies have been duly made; 3) there is reasonable assurance that the facility will be constructed and will operate in conformity with the license, the provisions of the Act, and the Commission's regulations; 4) the applicant is technically and financially qualified to engage in the activities authorized; and 5) issuance of the license will not be inimical to the common defense and security or the health and safety of the public.

Issues Pursuant to the National Environmental Policy Act (NEPA) of 1969, as Amended

The Commission will 1) determine whether the requirements of Sections 102(2) (A), (C), and (E) of NEPA and the applicable regulations in 10 CFR part 51 have been met; 2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; 3) determine, after weighing the environmental, economic, technical, and other benefits against environmental and other costs, and considering reasonable alternatives, whether the combined licenses should be issued, denied, or appropriately conditioned to protect environmental values; and 4) determine whether the NEPA review conducted by the NRC staff has been adequate.

V. Schedule for Submittal of Pre-filed Documents

No later than July 7, 2016, unless the Commission directs otherwise, the staff and the applicant shall submit a list of its anticipated witnesses for the hearing.

No later than July 7, 2016, unless the Commission directs otherwise, the applicant shall submit its pre-filed written testimony. The staff previously submitted its testimony on June 10, 2016.

The Commission may issue written questions to the applicant or the staff before the hearing. If such questions are issued, an order containing such questions will be issued no later than June 24, 2016. Responses to such questions are due July 7, 2016, unless the Commission directs otherwise.

VI. Interested Government Participants

No later than June 27, 2016, any interested State, local government body, or affected, Federally-recognized Indian tribe may file with the Commission a statement of any issues or questions to which the State, local government body, or Indian tribe wishes the Commission to give particular attention as part of the uncontested hearing process. Such statement may be accompanied by any supporting documentation that the State, local government body, or Indian tribe sees fit to provide. Any statements and supporting documentation (if any) received by the

Commission using the agency's E-filing system² by the deadline indicated above will be made part of the record of the proceeding. The Commission will use such statements and documents as appropriate to inform its pre-hearing questions to the Staff and applicant, its inquiries at the oral hearing and its decision following the hearing. The Commission may also request, prior to July 14, 2016, that one or more particular States, local government bodies, or Indian tribes send one representative each to the evidentiary hearing to answer Commission questions and/or make a statement for the purpose of assisting the Commission's exploration of one or more of the issues raised by the State, local government body, or Indian tribe in the pre-hearing filings described above. The decision of whether to request the presence of a representative of a State, local government body, or Indian tribe at the evidentiary hearing to make a statement and/or answer Commission questions is solely at the Commission's discretion. The Commission's request will specify the issue or issues that the representative should be prepared to address.

States, local governments, or Indian tribes should be aware that this evidentiary hearing is separate and distinct from the NRC's contested hearing process. Issues within the scope of contentions that have been admitted or contested issues pending before the Atomic Safety and Licensing Board or the Commission in a contested proceeding for a COL application are outside the scope of the uncontested proceeding for that COL application. In addition, although States, local governments, or Indian tribes participating as described above may take any position they wish, or no position at all, with respect to issues regarding the COL application or the NRC

² The process for accessing and using the agency's E-filing system is described in the December 8, 2008, notice of hearing that was issued by the Commission for this proceeding. See Progress Energy Florida, Inc.; Application for the Levy County Nuclear Power Plant Units 1 and 2; Notice of Order, Hearing, and Opportunity To Petition for Leave To Intervene 73 FR 74532. Participants who are unable to use the electronic information exchange (EIE), or who will have difficulty complying with EIE requirements in the time frame provided for submission of written statements, may provide their statements by electronic mail to hearingdocket@nrc.gov.

staff's associated environmental review that do fall within the scope of the uncontested proceeding (i.e., issues that are not within the scope of admitted contentions or pending contested issues), they should be aware that many of the procedures and rights applicable to the NRC's contested hearing process due to the inherently adversarial nature of such proceedings are not available with respect to this uncontested hearing. Participation in the NRC's contested hearing process is governed by 10 CFR 2.309 (for persons or entities, including States, local governments, or Indian tribes, seeking to file contentions of their own) and 10 CFR 2.315(c) (for interested States, local governments, and Indian tribes seeking to participate with respect to contentions filed by others). Participation in this uncontested hearing does not affect the right of a State, local government, or Indian tribe to participate in the separate contested hearing process.

Dated at Rockville, Maryland, this 13th day of June, 2016.

For the Nuclear Regulatory Commission.

A handwritten signature in cursive script that reads "Rochelle C. Baval".

Rochelle C. Baval, Acting,
Secretary of the Commission.