

February 18, 2009

Mr. James Scarola
Senior Vice President
and Chief Nuclear Officer
Progress Energy, Inc.
P.O. Box 1551
Raleigh, NC 27602

SUBJECT: LEVY COUNTY NUCLEAR POWER PLANT UNITS 1 AND 2 COMBINED
LICENSE APPLICATION REVIEW SCHEDULE

Dear Mr. Scarola:

This letter transmits the Levy County Nuclear Power Plant (LNP) Units 1 and 2 Combined License Application (COLA) review schedule. The environmental review supports the issuance of a Final Environmental Impact Statement (FEIS) in September 2010. Milestones for the four phases of this review are provided in Table 1 of this letter. The COLA review schedule utilizes a 4-phase approach for the safety portion of the review. The safety review supports the issuance of a Final Safety Evaluation Report (FSER) in May 2011. Milestones for the four phases of this review are also provided in Table 1 of this letter.

By letter dated July 28, 2008, Progress Energy Florida, Inc. (PEF) submitted its application to the U.S. Nuclear Regulatory Commission (NRC) for a combined license (COL) for two AP1000 advanced passive pressurized water reactors in accordance with the requirement contained in 10 CFR Part 52, "Licenses, Certifications and Approvals for Nuclear Power Plants." By letter dated October 6, 2008, the NRC informed you that we had docketed your combined license application for the LNP Units 1 and 2 (ADAMS Accession No. ML082760222).

The LNP Units 1 and 2 COLA incorporates by reference both Appendix D to 10 CFR 52 and the AP1000 Design Control Document submitted by Westinghouse as Revision 16. On September 22, 2008, Westinghouse submitted Revision 17 to the AP1000 Design Certification Amendment. An updated review schedule, based on Revision 17, is forthcoming. In a future submittal, we expect that you will update the LNP Units 1 and 2 COLA to reflect Revision 17. Because your COLA incorporates by reference both Appendix D to 10 CFR 52 and the AP1000 Design Control Document, a substantial portion of your COLA review schedule is dependent on the review schedule for the AP1000 Design Certification Amendment. In addition, as a subsequent combined license applicant, the LNP Units 1 and 2 COLA review schedule is also dependent on the review schedule for the Tennessee Valley Authority's Bellefonte Units 3 and 4 COLA (the reference COLA for the AP1000 design center). It is incumbent upon PEF to remain cognizant of the resolution of the standard technical issues that will be addressed during the NRC review of the Bellefonte reference COLA (R-COLA).

The staff will work with you and the AP1000 design center working group to implement the review of standard content on a stand-alone basis so that the LNP Units 1 and 2 COLA review schedule is minimally affected by the site-specific safety and/or environmental issues that may arise on the R-COLA. If you determine that it is necessary to resolve a standard issue differently for the LNP Units 1 and 2 COLA, you must notify the NRC immediately so that we may determine the review impact of this standard issue being considered as site-specific.

Our review schedules assume that responses to Requests for Additional Information (RAIs) will be complete and provide sufficient information to address the NRC staff's concerns. Our schedules assume that RAI responses will be submitted within 30 days of receipt of RAIs related to areas that involve LNP specific information and within 45 days of receipt of RAIs related to areas that involve standard content for all AP1000 COL applications.

The LNP Units 1 and 2 COLA includes a Limited Work Authorization (LWA) request. During a January 23, 2009, teleconference call, we discussed with members of your staff how the complex geotechnical characteristics of the Levy County site relate to the LWA review. We understand now that you plan to modify the scope of activities requested in the LNP LWA. Upon receipt of your letter which identifies the current planned scope of LWA activities, we will prepare a review schedule related to the LNP Units 1 and 2 LWA. As such, the dates provided in Table 1 represent milestones related to COL issuance alone.

The review schedule does not model the hearing process. If contentions are admitted, the review schedules in Table 1 may be impacted. The mandatory hearing schedule will be developed by the Commission or the Atomic Safety and Licensing Board and, therefore, is not included in Table 1 of this letter. Both the FEIS and the FSER will be used to support this hearing. As you know, the Commission will not make a determination on whether or not to issue the COL until this hearing is concluded.

The staff will review and re-baseline, if necessary, the LNP safety review schedule around the time the Advance Final SER (Phase 2) is being prepared. At that point, the staff will have a better idea of what target milestones are achievable given the number and complexity of the potential issues that are to be resolved. Similarly, the staff will review and re-baseline, if necessary, the LNP environmental review schedule soon after the public comment period ends. At that point, the staff will have a better idea if there are any issues that have been identified that could impact the schedule for the issuance of the FEIS. Should any major revisions to the AP1000 Design Certification Amendment, the Bellefonte R-COLA, or the LNP COLA occur, we will review and re-baseline schedules, as necessary. At any time, feel free to discuss concerns with this schedule or any future proposed schedule with the staff.

J. Scarola

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Should you have any questions regarding the safety review, please contact me at (301) 415-9967 or Brian.Anderson@nrc.gov. If you have questions regarding the environmental review, please contact Mr. Doug Bruner, the lead environmental project manager, at (301) 415-2730, or Douglas.Bruner@nrc.gov.

Sincerely,

/RA/

Brian C. Anderson, Lead Project Manager
AP1000 Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-029
52-030

cc w/encl: See next page

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Sincerely,

/RA/

Brian C. Anderson, Lead Project Manager
AP1000 Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-029
52-030

cc w/encl: See next page

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(Revised 02/02/2009)

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Table 1: COL Review Schedule

| <u>Phase of Safety Review</u> | <u>Target Completion Date</u> |
|--|--------------------------------------|
| Phase 1 RAIs and Supplemental RAIs | February 11, 2010 |
| Phase 2 Advanced Final Safety Evaluation Report (SER) without Open Items | September 30, 2010 |
| Phase 3 Advisory Committee on Reactor Safeguards Meeting On Advanced Final SER | February 10, 2011 |
| Phase 4 Final SER | May 5, 2011 |
| <u>Phase of Environmental Review</u> | <u>Target Completion Date</u> |
| Phase 1 Environmental Impact Statement (EIS) Scoping Summary Report Issued | May 28, 2009 |
| Phase 2 Draft Environmental Impact Statement (DEIS) Issued to EPA | October 26, 2009 |
| Phase 3 Response to Public Comments on Draft EIS Issued | April 6, 2010 |
| Phase 4 Final Environmental Impact Statement (FEIS) Issued to EPA | September 22, 2010 |