



Serial: NPD-NRC-2009-022
February 4, 2009

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0001

Subject: Shearon Harris Nuclear Power Plant, Units 2 and 3
NRC Docket Numbers 52-022 and 52-023
Levy Nuclear Power Plant, Units 1 and 2
NRC Docket Numbers 52-029 and 52-030
Contracts for Disposal of High-Level Radioactive Waste

Ladies and Gentlemen:

Section 302(b) of the Nuclear Waste Policy Act of 1982, as amended, states "The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 [42 U.S.C. 2133, 2134] that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of high-level radioactive waste and spent nuclear fuel that may result from the use of such license." On December 18, 2008, Progress Energy signed contracts and associated amendments with the United States Department of Energy (DOE) establishing the terms and conditions applicable to the DOE's responsibility for disposal of spent nuclear fuel and high-level radioactive waste generated at proposed Shearon Harris Nuclear Power Plant Units 2 and 3 (DOE contract numbers DE-CR01-09RW09017 and DE-CR01-09RW09018, respectively) and Levy Nuclear Power Plant Units 1 and 2 (DOE contract numbers DE-CR01-09RW09019 and DE-CR01-09RW09020, respectively). Progress Energy believes that these fully executed contracts fulfill any advance contracting requirement as may be imposed pursuant to Section 302(b) of the Nuclear Waste Policy Act of 1982, as amended.

If you have any questions, or need additional information, please contact Bob Kitchen at (919) 546-6992 or me at (919) 546-6107.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 4, 2009.

Sincerely,

A handwritten signature in black ink that reads 'Garry D. Miller'.

Garry D. Miller
General Manager – Nuclear Plant Development

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cc:

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