

July 21, 2009

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION
 BEFORE THE ATOMIC SAFETY LICENSING BOARD

In the Matter of)	
)	
PROGRESS ENERGY FLORIDA)	
)	Docket Nos. 52-029 COL
)	52-030 COL
(Levy County Nuclear Station)	
Units 1 & 2))	
)	

Corrected
 REPLY FROM THE GREEN PARTY OF FLORIDA, THE ECOLOGY PARTY OF
 FLORIDA AND NUCLEAR INFORMATION AND RESOURCE SERVICE to
PROGRESS ENERGY'S MOTION TO SUSPEND DISCOVERY OBLIGATIONS

The Co-Interveners respond to the Motion by Progress Energy Florida (PEF) to suspend discovery obligations in the above captioned proceeding by first offering two corrections to the record.

First, in the motion it is stated that counsel for PEF consulted with the representative for the Co-Interveners and that [she]

has authorized Progress to advise the Board that Petitioners "do not express an opinion on this motion." Petitioners neither oppose nor support the Motion.

The actual statement made to PEF counsel included the additional words "at this time." PEF counsel has added the "neither oppose nor support the Motion." When asked if the Co-Interveners would reply to the Motion, it was made clear to PEF counsel that we

would need to see the Motion as written, and all Co-Intervenors would have to be consulted.

The second correction is minor, but nonetheless substantive – in the correspondence sent by PEF to the ASLB on July 1, 2009 regarding disclosure of relevant documents, it is stated that the Co-Intervenors filed a petition to intervene on December 8th, 2008. In fact, the Nuclear Regulatory Commission's Notice of Opportunity for Hearing and Petition to Intervene was not published in the Federal Register until two days later on December 10, 2008. The Co-Intervenors filed the Petition to Intervene on February 6th, 2009.

Turning to the matter of discovery. The Co-Intervenors support this motion in part, but not in full. We agree that a more extended schedule for full scale discovery and production of all documents and identification of experts than the 30 days otherwise specified in 2.336 is a good plan.

At the same time, we support an ongoing disclosure of relevant documents in the interim, perhaps on a monthly basis. Nuclear Information and Resource Service is a party in the Unistar Nuclear COL for Calvert Cliffs 3.¹ In that proceeding a record is being developed while the Unistar appeal to the Commission is pending. This exchange of new relevant information has been useful. We suggest that all parties effectively contribute to the Hearing File on a monthly basis all documents that are relevant to the contentions admitted during the pendency of the PEF appeal.

¹ Calvert Cliffs case and docket number...

Respectfully submitted,

_____*(Electronically signed by)*_____

Mary Olson, NIRS Southeast Regional Coordinator
on behalf of

The Green Party of Florida,
The Ecology Party of Florida and
Nuclear Information and Resource Service

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Corrected Reply from the Green Party of Florida, The Ecology Party of Florida and Nuclear Information and Resource Service to Progress Energy Florida's Motion to Suspend Discovery Obligations" dated July 21, 2009, were provided to the Electronic Information Exchange for service to those individuals on the service list in this proceeding this 21st day of July 2009, as well as by courtesy email.

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