

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Alex S. Karlin, Chairman
Dr. Anthony J. Baratta
Dr. William M. Murphy

In the Matter of
PROGRESS ENERGY FLORIDA, INC.
(Combined License Application for Levy County
Nuclear Power Plant, Units 1 and 2)

Docket No. 52-029-COL, 52-030-COL
ASLBP No. 09-879-04-COL-BD01
September 3, 2009

ORDER
(Granting Motion for Clarification)

The Board grants the Joint Motion for Clarification¹ from the NRC Staff and the Intervenor (with no objection from the Applicant), of our August 27, 2009, Initial Scheduling Order.² Specifically:

1. The requirement to produce privilege logs under 10 C.F.R. § 2.336(a)(3) and (b)(5) is waived, except for proprietary and security-related documents.
2. New or amended contentions based on information that first becomes available in the DEIS or AFSER will be deemed timely under 10 C.F.R. § 2.309(f)(2)(iii) if filed within sixty (60) days of the date when the DEIS or AFSER become available.³

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁴

/RA/

Alex S. Karlin, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 3, 2009

¹ Joint Motion for Clarification of the Initial Scheduling Order (Sept. 1, 2009).

² Progress Energy Florida, Inc. (Levy County Nuclear Power Plant, Units 1 and 2) (Initial Scheduling Order), LBP-09-22, 70 NRC __ (slip op.) (Aug. 27, 2009).

³ Joint Motion Regarding Enumerated Matters in Initial Scheduling Conference Order (Aug. 14, 2009).

⁴ Copies of this order were sent this date by the agency's E-Filing system to the counsel/representatives for (1) Progress Energy Florida, Inc. (2) Nuclear Information and Resource Service, The Green Party of Florida and The Ecology Party of Florida; and (3) NRC Staff.

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NUCLEAR REGULATORY COMMISSION

In the Matter of)
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PROGRESS ENERGY FLORIDA, INC.) Docket Nos. 52-029-COL
) and 52-030-COL
 (Levy County Nuclear Power Plant)
 Units 1 and 2))
)
 (Combined License))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING MOTION FOR CLARIFICATION) have been served upon the following persons by Electronic Information Exchange.

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Docket Nos. 52-029-COL and 52-030-COL
LB ORDER (GRANTING MOTION FOR CLARIFICATION)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 3rd day of September 2009