



Serial: NPD-NRC-2010-033

April 21, 2010

10CFR52.79

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

**LEVY NUCLEAR PLANT, UNITS 1 AND 2  
DOCKET NOS. 52-029 AND 52-030  
SUPPLEMENT 1 TO RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION LETTER  
NO. 074 RELATED TO EMERGENCY PLANNING**

- References:
1. Letter from Denise L. McGovern (NRC) to Garry Miller (PEF), dated November 19, 2009, "Request for Additional Information Letter No. 074 Related to SRP Section 13.3 for the Levy County Nuclear Plant, Units 1 and 2 Combined License Application"
  2. Letter from John Elnitsky (PEF) to U. S. Nuclear Regulatory Commission (NRC) dated December 18, 2009, "Response to Request for Additional Information Letter No. 074 Related to Emergency Planning," Serial: NPD-NRC-2009-247

Ladies and Gentlemen:

Progress Energy Florida, Inc. (PEF) hereby submits a supplemental response to the Nuclear Regulatory Commission's (NRC) request for additional information provided in Reference 1.

A supplemental response to one of the NRC questions (13.03-30) is addressed in the enclosure. The enclosure also identifies a change that will be made in a future revision of the Levy Nuclear Plant Units 1 and 2 application.

If you have any further questions, or need additional information, please contact Bob Kitchen at (919) 546-6992, or me at (727) 820-4481.

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

Executed on April 21, 2010.

Sincerely,

John Elnitsky  
Vice President  
Nuclear Plant Development

Enclosure

cc : U.S. NRC Region II, Regional Administrator  
Mr. Brian C. Anderson, U.S. NRC Project Manager

Progress Energy Florida, Inc.  
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DO94  
NRW

**Levy Nuclear Plant Units 1 and 2**  
**Supplement 1 to Response to NRC Request for Additional Information Letter No. 074**  
**Related to SRP Section 13.3 for the Combined License Application,**  
**Dated November 19, 2009**

<u>NRC RAI #</u>	<u>Progress Energy RAI #</u>	<u>Progress Energy Response</u>
13.03-28	L-0593	December 18, 2009; Serial: NPD-NRC-2009-247
13.03-29	L-0594	December 18, 2009; Serial: NPD-NRC-2009-247
13.03-30	L-0595 & L-0806	December 18, 2009; Serial: NPD-NRC-2009-247 & Supplemental response enclosed – see following pages
13.03-31	L-0596	December 18, 2009; Serial: NPD-NRC-2009-247
13.03-32	L-0597	December 18, 2009; Serial: NPD-NRC-2009-247
13.03-33	L-0598	December 18, 2009; Serial: NPD-NRC-2009-247
13.03-34	L-0599	December 18, 2009; Serial: NPD-NRC-2009-247
13.03-35	L-0600	December 18, 2009; Serial: NPD-NRC-2009-247

**NRC Letter No.:** LNP-RAI-LTR-074

**NRC Letter Date:** November 19, 2009

**NRC Review of Final Safety Analysis Report**

**NRC RAI #:** 13.03-30

**Text of NRC RAI:**

**Emergency Classification (RAI ID: 1811 / Q6771)**

**Basis:** 10 CFR 52.79(a)(21), 10 CFR 50.47(b)(4), Section IV.B of Appendix E to 10 CFR Part 50 SRP Acceptance Criteria:

In response to RAI 13.03-01, the applicant selected Option 2 as the chosen method for establishing the Emergency Classification System at LNP. However, the applicant's response did not contain a general list of licensee actions at each emergency classification as specified in Critical Element 1 of Option 2.

1. **Provide a revised Section D, "Emergency Classification System," to the LNP Emergency Plan that includes a general list of licensee actions at each emergency classification. An acceptable list of general licensee actions for each emergency classification is contained in Appendix 1 to NUREG-0654/FEMA-REP-1.**
2. **Since the emergency plan cannot contain incomplete information, other than those items tracked by EP-ITAAC and/or Licensing Conditions, consider deleting Appendix 4, "Emergency Action Levels," of the LNP Emergency Plan and designate it as "NOT USED."**
3. **Propose a License Condition, or ITAAC, to ensure the final version of the initial emergency action levels will be discussed with, and agreed upon with, state and local governmental authorities at least 180 days prior to fuel load.**

**PGN RAI ID #:** L-0806

**PGN Response to NRC RAI:**

The following is a supplemental response to LNP RAI 13.03-30 question 2 originally submitted by letter from Progress Energy to the NRC per NPD-NRC-2009-247 dated December 18, 2009. In the original response, the LNP COLA Part 5, Emergency Plan Appendix 4 was changed from "Emergency Action Levels" to "[Not Used]". The deletion of Appendix 4 included the deletion of the requirement to review the LNP Emergency Action Levels (EALs) with the state and county authorities on an annual basis per 10 CFR Appendix E to Part 50, Emergency Planning and Preparedness for Production and Utilization Facilities.

This supplement is provided to reinstate the annual review of the LNP EALs with the state and county authorities on an annual basis back into the LNP COLA Part 5, Emergency Plan during a future revision.

**Associated LNP COL Application Revisions:**

The following change will be made to the Levy COLA in a future revision:

COLA Part 5, Emergency Plan, Section P.4, Plan Reviews and Updates, will be revised from:

This Emergency Plan shall be reviewed, updated as needed, and certified to be current on an annual basis. Any revisions to the Plan will be reviewed in accordance with 10 CFR 50.54(q) requirements.

On an annual basis, the Emergency Planning Coordinator reviews the LNP procedures for emergency classification with the state and any affected local organizations.

**To Read:**

This Emergency Plan shall be reviewed, updated as needed, and certified to be current on an annual basis. Any revisions to the Plan will be reviewed in accordance with 10 CFR 50.54(q) requirements.

On an annual basis, the Emergency Planning Coordinator reviews the LNP procedures for emergency classification with the state and any affected local organizations. The annual review includes the content of the EALs with the state and county authorities.

**Attachments/Enclosures:**

None.