

July 16, 2010

John Elnitsky
Vice President, Nuclear Plant Development
Progress Energy Florida, Inc.
P.O. Box 14042
Saint Petersburg, FL 33701

SUBJECT: PROGRESS ENERGY CORPORATION PROPRIETARY REVIEW OF
SECTIONS OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
ASSOCIATED WITH ALTERNATIVE SITES FOR LEVY NUCLEAR POWER
PLANT UNITS 1 AND 2

Dear Mr. Elnitsky:

By letters dated March 16, 2009, and May 4, 2009, Progress Energy Corporation, Inc. (PEC) submitted its Site Selection Study consisting of the Evaluation of Florida Sites report and Navigant Transmission Impact Study to support the Levy Nuclear Power Plant Units 1 and 2 (LNP) combined license application (COLA). The March 16, 2009 letter (NRC Agencywide Documents Access and Management System (ADAMS) Accession No. ML090830375) included proprietary versions of the Site Selection Study and an affidavit requesting that the study be withheld from public disclosure. The May 4, 2009, letter (Accession No. ML091040203) includes a public version of the Site Selection Study in response to an NRC request dated April 30, 2009 (Accession No. ML091340502).

The affidavit submitted with your March 16, 2009, letter requested that the LNP Site Selection Study be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390(a)(4). The affidavit stated that the Site Selection Study should be considered exempt from mandatory public disclosure for the following reasons:

- i. The information sought to be withheld from public disclosure is owned by PEC and has been held in confidence by PEC.
- ii. The information sought to be protected is not available to the public to the best of your knowledge or belief.
- iii. The information is the type that would customarily be held in confidence by PEC. The financial information consists of PEC's assessment of the suitability of certain sites for construction of future generating facilities. Public disclosure of this information is likely to cause harm to PEC because it would allow contractors, vendors, and competitors to understand PEC's competitive position prior to securing the related contracts and services or pricing competitive services.

The NRC reviewed the request in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, determined that the submitted information sought to be withheld, specifically the locations of the alternative sites, contained proprietary commercial information and, therefore, should be withheld from public disclosure. As such, the Site Selection Study was withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

The staff concludes that the enclosed sections do not contain any information for which exemption from public disclosure has been sought or approved. In accordance with NRC's April 30, 2009 letter (Accession No. ML091040203) to PEC, in order to ensure that the NRC is not inadvertently releasing proprietary information, the NRC staff is providing PEC with the opportunity to inspect select draft sections of the draft environmental impact statement (DEIS) that provide details on the alternative sites. The NRC will continue to withhold these sections of the DEIS from public disclosure for five calendar days from the date of this letter to allow PEC the opportunity to verify that the sections do not include proprietary information.

If, after five days, PEC does not notify the NRC that sections of the DEIS should be withheld from public disclosure, in accordance with 10 CFR 2.390, "Public Inspections, Exemptions, and Requests for Withholding," these sections will be made publicly available along with the remainder of the DEIS on August 6, 2010. Should revisions to the environmental impact statement be required as a result of PEC's review, schedule delays are expected to result.

If you have any questions or require additional information, please contact Mr. Douglas Bruner, Project Manager, for the Levy Nuclear Power Plant COL environmental review, at 301-415-2730 or via e-mail to Douglas.Bruner@nrc.gov.

Sincerely,

/RA/

Douglas Bruner
Environmental Project Manager
Environmental Projects Branch 3
Division of Site and Environmental Reviews
Office of New Reactors

Docket Nos.: 52-029 and 52-030

Enclosures:
As stated

cc: See next page

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If you have any questions or require additional information, please contact Mr. Douglas Bruner, Project Manager, for the Levy Nuclear Power Plant COL environmental review, at 301-415-2730 or via e-mail to Douglas.Bruner@nrc.gov.

Sincerely,

/RA/

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NRO-002

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(Revised 06/23/2010)

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