

October 4, 2010

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

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

In the Matter of)	
)	Docket Nos. 52-029-COL
Progress Energy Florida)	52-030-COL
)	
Levy County Nuclear Plant,)	ASLBP No. 09-879-04-COL
Units 1 and 2)	

CORRECTED
MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO MOTION TO DISMISS AS
MOOT THE ASPECTS OF CONTENTION 4 RELATED TO ACTIVE DEWATERING DURING
LEVY NUCLEAR PLANT OPERATIONS

On September 29, 2010 this Board granted an extension of time in the above captioned matter for the filing of new or amended contentions on hydroecological issues to Nuclear Information and Resource Service, the Ecology Party of Florida and the Green Party of Florida (Co-Interveners) of 40 days. Co-Interveners are deeply appreciative of the recognition by this Board of the good cause shown in our Motion for Extension of Time, filed on September 24¹ and come now on the same grounds to ask for an extension of time for filing an Answer Brief to Progress Energy's September 30th filing of a Motion to Dismiss as Moot the Aspects of Contention 4 Relating to Active Dewatering.

The Motion from PEF was filed timely under a 40 day extension that was granted by this Board on August 20th in response to a request from all parties to enable more extended discussions of the issues. The scheduling order dictates that Co-Interveners have 20 days to respond to this dispositive Motion.

¹ We will not repeat here all the details of medical hardship enumerated in the earlier filing, only affirming that the need for extension still exists on all the same grounds.

Co-Intervenors ask an additional 40 days from the 20 day deadline for reply, or in the alternative, an extension to match the same calendar date as applies to filing amended or new contentions on hydroecology (November 13, 2010).

This extension is needed on the same basis as the current extension; further, such an extension would simplify the pleading of the issues at hand. Co-Intervenors intend (in a separate Answer brief) to agree in part with the PEF Motion insofar as we agree that the DEIS differs from the Environment Report and Contention 4 should be updated by amendment to address the changes introduced in the DEIS. We do not agree with other assertions in the Motion, and will best plead this case with the participation of our expert.

Co-Intervenors may require all of the time extension granted for our expert to support the filing of a Motion to Amend Contention 4. Such a filing would be integral to the Answer to the current PEF Motion and we are asking for this extension so that both pleadings may be filed together under the extended timeline that has been afforded for "good cause."

This Motion is hereby corrected to reflect consultation with other parties (correcting the error of not consulting prior to the original submission) with the following certification:

I certify that I have consulted with the other parties as of 4pm today and that both the applicant and NRC Staff have no objection to an extension of the time for filing an Answer to the PEF Motion to Dismiss to match the existing 40 day extension for filing new / amended contentions on hydro ecology (of November 13, 2010).

Respectfully Submitted,

_____/s/_____
Mary Olson, Nuclear Information & Resource
Service
For the Co-Intervenors

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	Docket Nos. 52-029-COL
Progress Energy Florida, Inc.)	52-030-COL
)	
(Combined License Application for)	
Levy County Nuclear Plant, Units 1 and 2))	ASLBP No. 09-879-04-COL

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Corrected MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO MOTION TO DISMISS AS MOOT THE ASPECTS OF CONTENTION 4 RELATED TO ACTIVE DEWATERING DURING LEVY NUCLEAR PLANT OPERATIONS, was provided to the Electronic Information Exchange for service to those individuals on the service list in this proceeding this 4th day of October 2010.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

Office of the Secretary of the Commission
U.S. Nuclear Regulatory Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

Nuclear Information Resource Service
6390 Carroll Avenue, #340
Takoma Park, MD 20912
Michael Mariotte, Executive Director
E-mail: nirsnet@nirs.org

Nuclear Information & Resource Service
P.O. Box 7586
Asheville, NC 28802
Mary Olson,
NIRS Southeast Regional Coordinator
E-mail: nirs@main.nc.us

Alachua County Green Party, Green
Party of Florida
P.O. Box 190
Alachua, FL
Michael Canney, Co-Chair
E-mail: alachuagreen@windstream.net

Ecology Party of Florida
641 SW 6th Avenue
Ft. Lauderdale, FL 33315
Cara Campbell, Chair
Gary Hecker
E-mail: levynuke@ecologyparty.org

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop T-3 F23
Washington, DC 20555-0001

Alex S. Karlin, Chair
Administrative Judge
E-mail: ask2@nrc.gov

Anthony J. Baratta
Administrative Judge
E-mail: ajb5@nrc.gov

William M. Murphy
Administrative Judge
E-mail: William.murphy@nrc.gov,
wmm1@nrc.gov

Megan Wright, Joshua A. Kirstein, Law Clerks
E-mail: megan.wright@nrc.gov,
josh.kirstein@nrc.gov

Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburg, PA 15219
Counsel for Westinghouse Electric Co., LLC
Barton Z. Cowan, Esq.
E-mail: teribart61@aol.com

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop O-15D21
Washington, DC 20555-0001

Marian Zobler, Esq.
Sara Kirkwood, Esq.
Jody Martin, Esq.
Michael Spencer, Esq.
Kevin C. Roach, Esq.
Joseph Gilman, Paralegal
E-mail:
mlz@nrc.gov
sara.kirkwood@nrc.gov
jcm5@nrc.gov
michael.spencer@nrc.gov
jsg1@nrc.gov
Kevin.Roach@nrc.gov

OGC Mail Center : OGCMailCenter@nrc.gov

Michael Halpin
Toni L. Sturtevant
Mike.halpin@dep.state.fl.us
toni.sturtevant@dep.state.fl.us

[John H. O'Neill, Esq.](mailto:John.H.O'Neill@pillsburylaw.com)
[Michael G. Lepre, Esq.](mailto:michael.lepre@pillsburylaw.com)
[Blake J. Nelson, Esq.](mailto:blake.nelson@pillsburylaw.com)
[Robert B. Haemer, Esq.](mailto:robert.haemer@pillsburylaw.com)
[Jason P. Parker, Esq.](mailto:jason.parker@pillsburylaw.com)
Counsel for Progress Energy Florida, Inc.
Pillsbury, Winthrop, Shaw, Pittman, LLP
2300 N. Street, NW
Washington, DC 20037-1122
E-mail: john.O'Neill@pillsburylaw.com
michael.lepre@pillsburylaw.com
blake.nelson@pillsburylaw.com
robert.haemer@pillsburylaw.com
jason.parker@pillsburylaw.com

_____/S/_____
Mary Olson
Asheville, NC October 4, 2010