

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.

(Levy County Nuclear Power Plant, Units 1 and 2)

Docket Nos. 52-029-COL, 52-030-COL

ASLBP No. 09-879-04-COL-BD01

December 7, 2011

ORDER

(Scheduling Site Visit)

The Board will conduct a visit to the site of Progress Energy Florida, Inc.'s (PEF's) proposed Levy County nuclear power plants (LNP) in Levy County, Florida, commencing at 9:00 a.m., Eastern Standard Time, Wednesday, January 11, 2012. For purposes of this visit, the term "site" is not limited to the boundary-line formally specified in PEF's application,¹ but also includes the adjacent PEF-owned properties where PEF proposes to locate the LNP groundwater production wells,² the adjacent "estimated area to be disturbed during construction,"³ and the adjacent Cross Florida Barge Canal (CFBC), Inglis Bypass Channel, and

¹ See U.S. Nuclear Regulatory Commission, Office of New Reactors, Draft Environmental Impact Statement for Combined Licenses (COLs) for Levy Nuclear Plant Units 1 and 2, Draft Report for Comment, NUREG-1941, Figure 2-10 at 2-22 (Aug. 2010) [DEIS].

² See DEIS, Figure 2-12 at 2-31. See Motion to Dismiss as Moot the Aspects of Contention 4 Related to Active Dewatering During Levy Nuclear Plant Operations (Sept. 30, 2010) at 7-8 ("After Contention 4 was admitted, the ER was revised to reflect relocating the four production wells off-site [to adjacent PEF owned properties]"); LBP-11-01, 73 NRC __, __-__ (slip op. at 4-5) (Feb. 2, 2011).

³ See DEIS, Figure 2-11 at 2-23.

Withlacoochee River in the vicinity where PEF proposes to locate the intake structure for the LNP.⁴

The purpose of the visit is to allow the Board to view aspects of the site that may be relevant to the contention that has been admitted in this proceeding. The features and locations of the site that the Board would like to see during this site visit include the following:

1. General site layout.
2. Proposed location of the “powerblock, cooling towers and associated service buildings” for each LNP unit, including the proposed location of each eight foot high island (and the excavation pits that will be necessary to construct the island).⁵
3. Proposed location of each stormwater pond and the surrounding dikes and spillways.⁶
4. Proposed location of the roadways, parking areas, lay-down areas, culverts, and swales that will be associated with the construction or operation of each LNP unit and its associated service buildings.⁷
5. Proposed location of the permanent transmission switchyard(s) and transmission line corridor.⁸
6. The “Estimated Area to be Disturbed During Construction” of the LNP units and all associated service areas, transmission lines, and intake structures.⁹

⁴ See DEIS, Figure 2-6 at 2-15, and Figure 2-9 at 2-20.

⁵ See Progress Energy’s Motion for Summary Disposition of Contention 4 (Environmental Impacts of Dewatering and Salt Drift) with Regard to Salt Drift and Passive Dewatering, Attachment C, Affidavit of Dr. Mitchell L. Griffin (Oct. 4, 2010) at 4 [Griffin Affidavit].

⁶ Griffin Affidavit at 4.

⁷ Griffin Affidavit at 5, 7-8.

⁸ Griffin Affidavit at 15; DEIS, Figure 2-11 at 2-23.

7. The vicinity and proposed location of the LNP intake structure on the CFBC and the associated pipeline corridor from the intake structure to the LNP.¹⁰
8. Cypress tree growth areas and cypress domes on the site.¹¹
9. Location of prior wildfires, if any.
10. Location of representative boreholes used to sample and analyze the soil, geology, and hydrology of the site as the basis of PEF's application and environmental report.
11. Location of representative wells used to sample and analyze groundwater levels and constituents as the basis of PEF's application and environmental report.
12. Location of the four proposed groundwater supply wells.
13. Location of representative wetlands, ponds, creeks, streams, ditches, channels, sinkholes, and springs (e.g., Little King and Big King) on the site.¹²

⁹ See DEIS, Figure 2-11 at 2-23.

¹⁰ Griffin Affidavit at 15-16.

¹¹ See Progress Energy Florida, Inc., Application for the Levy County Nuclear Power Plants Units 1 and 2, Part 2, Final Safety Analysis Report at 2.4-77.

¹² In any case where there are numerous examples of features to be viewed during the site visit, such as proposed swales, existing monitoring wells, or existing ditches or streams, the Board need only see a representative sample of such features.

The procedures to be followed during the site visit are attached hereto as Appendix A.
Any motion objecting to the site visit or these procedures shall be filed within five days.
Answers thereto shall be filed within five days.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Alex S. Karlin, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
December 7, 2011

APPENDIX A

Site Visit Procedures – Levy County COL Proceeding

The Atomic Safety and Licensing Board in the matter of Progress Energy Florida, Inc., Docket Nos. 52-029-COL and 52-030-COL, ASLBP No. 09-879-04-COL-BD01, will conduct its view and visit to the proposed site of Progress Energy Florida, Inc.'s (PEF's) proposed Levy County nuclear power plant in Levy County, Florida. The purpose of the visit is to orient the Board so that it may better understand the testimony, documentary evidence, and pleadings that are filed in this case. The site visit will be conducted in accordance with the following procedures:

1. The Board, the NRC Staff, and representatives of the Intervenors and of PEF will meet at PEF's Crystal River Nuclear Training Center, located at 8200 West Venable Street in Crystal River, Florida, at 9:00 a.m., on Wednesday, January 11, 2011.
2. One PEF representative will serve as the Guide for the site visit. Other PEF escorts may accompany the group as needed for logistical or security reasons.
3. In order that all attendees to the site visit can proceed as a single group traveling in one or two vehicles, participation is limited as follows:
 - a. Board: The three judges and two law clerks.
 - b. NRC Staff: Two persons.¹³
 - c. Applicant: Guide plus needed representatives/escorts.
 - d. Intervenors: Three persons (total).¹⁴

¹³ In the course of processing the application, members of the NRC Staff have numerous other opportunities to visit and inspect the proposed site.

¹⁴ The Intervenors may allocate their three slots as they deem fit, e.g., two pro se representatives and one expert.

4. Counsel or representatives for each party should provide counsel for PEF with the names, addresses, and other identification information required by PEF for the site visit participants at least five days prior to the site visit. At the same time, the names of these individuals should also be provided to the Board's law clerk.
5. Attendees on the site visit shall wear clothing and shoes appropriate for spending several hours outside and for walking a significant portion of the proposed site. We invite PEF to provide written suggestions in this regard.
6. On the date of the site visit, participants must present an acceptable form of government-issued photo identification (e.g., NRC identification badge, state-issued driver's license, etc.). Attendees on the site visit may undergo normal site security and safety procedures.
7. We request that, before the site visit commences, the Guide provide the Board with a short overview orientation to the site covering those areas of the site that are accessible on the day in question and that will be included in the tour.
8. PEF is requested to provide the Board and all participants in the site visit with appropriate maps covering the site and the locations to be viewed. For example, a 12" x 18" version of Attachment 3 to the Griffin Affidavit (as color coded in the original) would be a useful over-view map. Likewise, a more detailed 12"x18" map displaying the features of DEIS Figure 2-11 (LNP Units 1 and 2 footprint, the 100-year floodplain, and the estimated areas to be disturbed during construction) and displaying the proposed locations of the 4 LNP supply wells would be useful for orientation during the site visit.
9. The Guide will take the Board, together with all representatives of the parties, as a single group, on a walking and/or vehicular tour of the features and locations specified above.

10. Consistent with the purpose of the site visit, only the members of the Board may ask questions during the visit. The questions will relate to site features, orientation, and location (e.g., Where does PEF plan to locate the concrete pad? Where is the intake structure proposed to be constructed on the CFBC? What direction are we facing now?). The site visit is not open to the public. The site visit is not an opportunity for the parties to ask questions or make substantive presentations.
11. The site visit will not be recorded or transcribed.
12. If the site visit attendees, including PEF, NRC Staff, or the Intervenors believe that any information or communication that occurs during the site visit should be included in the evidentiary record of this proceeding, then they may file a motion to supplement the record. Any such motion must specify the information that the party wishes to include in the evidentiary record and shall be filed within seven days after the site visit. Answers thereto shall be filed within seven days.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
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 (SCHEDULING SITE VISIT) 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 (SCHEDULING SITE VISIT)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 7th day of December 2011