

June 7, 2012

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

STATUS REPORT

In accordance with the Atomic Safety and Licensing Board's (Board) Initial Scheduling Order,<sup>1</sup> the NRC staff (Staff) is providing the Board with the Staff's thirty-third Status Report.

The Staff completed the Advanced Final Safety Evaluation Report (AFSER) on September 15, 2011, and the Staff met with the AP1000 ACRS Subcommittee on October 18-19, 2011. The Staff met with the full committee of the ACRS on December 1-2, 2011. The ACRS letter that includes the results of the ACRS review of the AFSER was issued on December 7, 2011 and is available on ADAMS (ML11339A126). After the Staff met with the ACRS, the Staff determined in SECY-12-0025 that certain recommendations from the Fukushima Near-Term Task Force should be implemented for new reactors prior to licensing. Consequently, on February 29, 2012, the Staff issued requests for additional information (RAIs) regarding these recommendations to the Applicant. As stated in the attached letter, the new schedule for issuing the SER is October, 2012. Letter from David B. Matthews, to Jon Elintsky,

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<sup>1</sup> *Progress Energy Florida, Inc.* (Levy County Nuclear Power Plant, Units 1 and 2), LBP-09-22, 70 NRC 640, 646 (August 27, 2009).

“Levy Nuclear Plant, Units 1 and 2 Combined License Application – Revised Review Schedule”  
(May 17, 2012) (ADAMS Accession No. ML12130A155) (Attachment 1).

For the environmental review, as stated in the Staff’s August 5, 2010 Status Report, the Staff publicly released the Draft Environmental Impact Statement (DEIS) on August 5, 2010 and sent it to the Environmental Protection Agency on August 6, 2010. The Staff issued the final Environmental Impact Statement on April 27, 2012.

Respectfully submitted,

**/Signed (electronically) by/**  
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Counsel for NRC Staff  
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Dated at Rockville, Maryland  
The 7<sup>th</sup> day of June 2012

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff's Status Report have been served on the following persons by Electronic Information Exchange on this 7th day of June 2012:

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# Attachment 1

May 17, 2012

Mr. John Elnitsky, Vice President  
Nuclear Plant Development  
Progress Energy Florida, Inc.  
P.O. Box 14042  
Saint Petersburg, FL 33733

SUBJECT: LEVY NUCLEAR PLANT, UNITS 1 AND 2 COMBINED LICENSE  
APPLICATION – REVISED REVIEW SCHEDULE

Dear Mr. Elnitsky:

By letter dated July 28, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML082260277), Progress Energy Florida, Inc. (PEF) submitted its application to the U.S. Nuclear Regulatory Commission (NRC) for combined licenses (COL) for two AP1000 advanced passive pressurized water reactors pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 52. This letter transmits the Levy County Nuclear Plant (LNP) Units 1 and 2 COL application revised review schedule (Enclosure). The review supports the issuance of a final safety evaluation report (FSER) in October 2012.

On March 15, 2012, NRC issued a request for additional information (RAI) to PEF (Accession No. ML120550146) to address recent requirements resulting from NRC's response to Japan's March 11, 2011, Great Tohoku Earthquake and Tsunami. On April 12, 2012, PEF submitted a response stating that it would submit a revised final safety analysis report (FSAR) containing appropriate updated seismic information in August 2012.

Given these dates, the staff plans to issue the FSER in October 2012. The FSER issuance date is based on the following key assumptions:

- PEF meets the "Schedule for Option A Evaluations" milestones proposed in its April 27, 2012, public meeting presentation to NRC (Accession No. ML12115A315);
- PEF demonstrates that the appropriate updated seismic modeling results are completely bounded by the previous results; and
- The information submittals are complete and would not result in the need for additional RAIs.

Should your analysis indicate that the updated modeling results are not fully bounded, an alternate schedule will be developed based on your revised FSAR submittal revision dates.

It is noted that, should the pending merger involving Duke Energy be completed before NRC issues the FSER, PEF would need to submit a revised COL application containing appropriate updated financial and ownership information, and the staff would need to evaluate the updated information. Any resulting effect on the Levy schedule would depend on the timing of these submittals.

Should you have any questions regarding the safety review schedule, please contact Donald Habib at (301) 415-1035 or e-mail at [donald.habib@nrc.gov](mailto:donald.habib@nrc.gov).

Sincerely,

*/RA/*

David B. Matthews, Director  
Division of New Reactor Licensing  
Office of New Reactors

Docket Nos.: 52-029 and 52-030

Enclosure:  
As stated

cc: See next page

J. Elnitsky

-2-

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Should you have any questions regarding the safety review schedule, please contact Donald Habib at (301) 415-1035 or e-mail at [donald.habib@nrc.gov](mailto:donald.habib@nrc.gov).

Sincerely,

*/RA/*

David B. Matthews, Director  
Division of New Reactor Licensing  
Office of New Reactors

Docket Nos.: 52-029 and 52-030

Enclosure:  
As stated

cc: See next page

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**NRO-002**

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<b>NAME</b>	RButler	DHabib	RKaras	MShams
<b>DATE</b>	5/10/12	5/10/12	05/11/12	5/10/12
<b>OFFICE</b>	<b>BC:NRR/DIRS/IFAIB</b>	<b>OGC</b>	<b>BC:DNRL/LB4</b>	
<b>NAME</b>	CRegan	SVrahoretis	MTonacci	
<b>DATE</b>	05/14/12	05/15/12	05/10/12	
<b>OFFICE</b>	<b>DD: DNRL</b>			
<b>NAME</b>	DMatthews			
<b>DATE</b>	05/17/12			

**OFFICIAL RECORD COPY**

**Table 1: Revised Safety Review Schedule for the Levy County Units 1 and 2 Combined License Application**

<b><u>Phase of Safety Review</u></b>	<b><u>Target Completion Date</u></b>
Phase A Requests for Additional Information (RAIs) and Supplemental RAIs	Completed – March 2010
Phase B Advanced Safety Evaluation Report (SER) with no Open Items (OIs)	Completed – September 2011
Phase C ACRS review of Advanced SER with no OIs	Completed – January 2012
Phase D Final SER Issued	October 2012
Complete Mandatory Hearing	February 2013



COL - Progress Energy - Levy County Mailing List  
cc:

(Revised 06/23/2010)

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