

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-COL
(Levy County Nuclear Power Plant,)	and 52-030-COL
Units 1 and 2))	July 10, 2012

**INTERVENORS' UNOPPOSED MOTION FOR LEAVE
TO FILE CORRECTED SOP AND EXHIBITS**

Pursuant to 10 C.F.R. § 2.323 and the Atomic Safety and Licensing Board's ("ASLB's") February 22, 2012 Order (Providing Instructions on Pre-Filed Evidentiary Material), the Nuclear Information and Resource Service ("NIRS") and the Ecology Party of Florida ("Intervenors") hereby request leave to submit corrected versions of their Initial Statement of Position ("SOP") and the testimony of Gareth Davies (Exhibit INT001R), Tim Hazlett (Exhibit INT101R), David Still (Exhibit INT201R), and Sydney Bacchus (Exhibit INT301R). As required by the ASLB's February 22 Order, Petitioners are submitting both a red-lined version and a clean version of the SOP and testimony. As also required by the February 22 Order, the revised testimony has been designated by the letter "R." These corrected SOP and pieces of testimony should be substituted for the documents that Intervenors submitted on July 6, 2012.

In addition, Intevenors seek leave to file a revised errata to the testimony of Dr. Sydney Bacchus, which contains several clerical corrections that were made to the July 6, 2012 corrected testimony but that were inadvertently omitted from the errata sheet.

In submitting these documents, Intervenors note that the page and line numbers given for locations of corrections on the July 6, 2012, errata sheets may no longer correspond precisely to the locations of corrections in the red-lined versions of the documents. Intervenors respectfully submit that this should not pose a problem, because the red-lining is a bold color and therefore

the corrections should be clearly evident.

Intervenors respectfully submit that they have good cause to file the corrections, for the following reasons:

1. After Intervenors' evidentiary presentation was submitted on June 26, 2012, they made a careful and thorough review of all of the documents for clerical errors. Despite Intervenors' best efforts to present an SOP and testimony that were correct in all respects as required by the ASLB's February 22 Order, they discovered clerical errors in the testimony and SOP, as well as errors in the numbering of exhibits. They also discovered that some exhibits had not been filed. Intervenors proceeded diligently to correct the errors within ten days of their initial filing.

2. Intervenors respectfully submit that the occurrence of some errors was understandable given the large volume of testimony that was filed. Intervenors now seek to ensure that their evidentiary presentation is correct and complete so that it can be understood and responded to by the other parties and so that the ASLB has a meaningful record for its decision.

3. Intervenors have not added any substantive content to the exhibits. Most of the corrections are to spelling and grammar. In addition, Intervenors have revised Dr. Bacchus' testimony to correct references to incorrectly numbered exhibits, remove statements that rely on exhibits that were not filed, correct an erroneous description of newspaper articles attached as exhibits (page 28), and remove a sentence that Dr. Bacchus had not intended to include in her testimony (page 1).

4. Intervenors have not made any further corrections to the corrected documents filed on July 6, 2012, except that they have added an "R" to the exhibit numbers on the first page of each piece of testimony, corrected erroneous exhibit numbers previously given to the

testimony of Tim Hazlett and David Still, and made several corrections to the errata sheet for Dr. Bacchus, as discussed above.

5. Intervenor would have sought leave to file the red-lined SOP and testimony on July 6, 2012, but for an error by their counsel, who followed standard practice for errata sheets and corrected testimony and overlooked the ASLB's specific requirement to request leave from the ASLB to submit a red-lined version of corrected exhibits. Intervenor's counsel remedied the error as soon as counsel for Progress Energy Florida pointed it out. Intervenor requests the ASLB not to penalize them for their counsel's error.

Intervenor's counsel is authorized to state that neither Progress Energy Florida, Inc. nor the U.S. Nuclear Regulatory Commission Staff objects to this motion.

For the foregoing reasons, Intervenor requests the ASLB to grant their motion.

Respectfully submitted,

(Electronically signed by)

Diane Curran

Harmon, Curran, Spielberg, & Eisenberg, L.L.P.

1726 M Street N.W., Suite 600

Washington, D.C. 20036

dcurran@harmoncurran.com

202-328-3500

July 10, 2012

Certificate of Service

I hereby certify that on July 10, 2012, I posted copies of the following documents on the NRC’s Electronic Information Exchange:

- Revised Errata to the Testimony of Sydney Bacchus;
- Corrected Statement of Position and Corrected Testimony of Gareth Davies, Tim Hazlett, David Still, and Sydney Bacchus.
- A motion for leave to file the documents identified above.

It is my understanding that the following individuals or offices were served as a result:

<p>Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Mail Stop: O-16C1 Washington, DC 20555-0001 E-mail: ocaamail@nrc.gov</p>	<p>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</p>
<p>Sara Kirkwood, Esq. Jody Martin, Esq. Michael Spencer, Esq. Kevin Roach, Esq. Laura Goldin, Esq. Emily Monteith, Esq. Office of the General Counsel U.S. Nuclear Regulatory Commission Mail Stop O-15D21 Washington, DC 20555-0001 E-mail: sara.kirkwood@nrc.gov jody.martin@nrc.gov michael.spencer@nrc.gov kevin.roach@nrc.gov laura.goldin@nrc.gov emily.moneith@nrc.gov joseph.gilman@nrc.gov karin.francis@nrc.gov</p>	<p>Michael G. Lepre, Esq. John H. O’Neill, Esq. Ambrea Watts, Esq. Alison Crane, Esq. Jason P. Parker, Esq. Stefanie Nelson George, Esq. Kimberly Harshaw, Esq. Stephen Markus Pillsbury Winthrop Shaw Pittman, LLP 2300 N. Street, N.W. Washington, DC 20037-1122 Counsel for Progress Energy Florida, Inc. E-mail: john.oneill@pillsburylaw.com ambrea.watts@pillsburylaw.com alison.crane@pillsburylaw.com michael.lepre@pillsburylaw.com jason.parker@pillsburylaw.com stefanie.george@pillsburylaw.com kimberly.harshaw@pillsburylaw.com stephen.markus@pillsburylaw.com</p>

	<p>Alex S. Karlin, Chair Anthony J. Baratta Randall J. Charbeneau Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission Mail Stop T-3F23 Washington, DC 20555-0001 E-mail: ask2@nrc.gov E-mail: Anthony.baratta@nrc.gov E-mail: Randall.Charbeneau@nrc</p>
<p>Barton Z. Cowan, Esq. Eckert, Seamans, Cherin & Mellott, LLC 600 Grant Street, 44th Floor Pittsburg, PA 15219 E-mail: teribart61@aol.com</p>	<p>Joshua A. Kirstein, Law Clerk Matthew Flyntz, Law Clerk Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission Mail Stop T-3F23 Washington, DC 20555-0001 E-mail: josh.kirstein@nrc.gov matthew.flyntz@nrc.gov</p>

Signed [Electronically] by
Diane Curran