



10 CFR 52 Appendix D, subsection X.B

Serial: NPD-NRC-2012-023
July 31, 2012

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

**Subject: Levy Nuclear Plant Units 1 and 2
Docket Nos. 52-029 and 52-030
Submission of COL Application, Revision 5**

Ladies and Gentlemen:

This letter provides Progress Energy Florida, Inc.'s (PEF) revision to the Levy Nuclear Plant, Units 1 and 2, (LNP) combined license (COL) application submitted by PEF letter NPD-NRC-2008-022, dated July 28, 2008. This revision includes an update of the docketed Final Safety Analysis Report (Part 2 of the LNP COL application). Each revision to the LNP COL application is identified by revision bars in the margin for text and tables and by the revision number for figures.

This revision includes changes identified by previous correspondence, including responses to requests for additional information (RAI) and voluntary responses submitted to the NRC through July 31, 2012, changes resulting from the merger between Progress Energy, Inc. (PGN) and Duke Energy Corporation (DEC), and miscellaneous errata items.

This application revision incorporates by reference Appendix D to 10 CFR Part 52 based on the Westinghouse Electric Company's (Westinghouse's) AP1000 Design Control Document (DCD) Revision 19.

A document identifying each change, as well as its source or basis, is being prepared as an aid to the NRC reviewers and will be submitted via a separate letter by August 13, 2012.

✓ The LNP COL application is composed of several parts. Each of these is identified below along with indication of any revision contained in this document update.

Part 1 - General and Financial Information (Revision 4 included).

Revised description of corporate structure, board of directors, corporate officers and corporate financial information is provided due to merger of PGN and DEC, as well as revised cost information due to revised schedule for LNP 1 and 2 in-service dates. This information reflects the status of the merged company as of July 26, 2012.

Part 2 - Final Safety Analysis Report (FSAR) (Revision 5 included).

Revised FSAR incorporates LNP-specific responses to NRC RAIs, voluntary submittals, and miscellaneous errata. Also the revised FSAR addresses merger-related corporate structure and organization changes, and addresses revised schedule for LNP 1 and 2 in-service dates.

Progress Energy Florida, Inc.
P.O. Box 14042
St. Petersburg, FL 33733

Part 3 - Environmental Report (Revision 1, previously submitted).

Part 4 - Technical Specifications (Revision 3, previously submitted).

Part 5 - Emergency Plan (Revision 4).

Revision addresses merger-related changes to corporate organization.

Part 6 - Limited Work Authorization (Revision 1, previously submitted).

Part 7 - Departures and Exemption Requests (Revision 2, previously submitted).

Part 8 - Safeguards/Security Plans (Revision 3, previously submitted).

Part 9 - Withheld Information (Revision 4).

Revision addresses financial and cost information, due to merger and revised schedule for LNP 1 and 2, that is redacted from Part 1. The State of Florida emergency plan has been revised and is also included.

Part 10 - Proposed License Conditions (including ITAAC) (Revision 4).

Revision addresses RAI and voluntary responses, and miscellaneous errata.

Part 11 - Enclosures (Revision 5).

Revised QAPD addresses merger-related corporate organization changes.

This LNP COL application update contains no restricted data or national defense information requiring separation in accordance with 10 CFR 50.33.

Consistent with common licensing practice and the original LNP COL application, most of the updated application text is written in the present tense, active voice, including discussions of facilities and programs not yet built or implemented. Exceptions to this approach are the discussions of operating experience and completed studies and evaluations, which are written in the past tense. It should be understood, however, that statements regarding facilities (e.g., structures, systems and components) and pre-construction, pre-operational, and operational activities (e.g., procedures and programs) typically address activities that have not yet been performed and will not be performed until it is reasonable and appropriate to do so.

A set of the revised LNP COL application documents (by Part as identified above) is provided in electronic file format on the enclosed disk (Enclosure 2). Enclosure 2 contains the non-public version revised LNP COL application. Appropriate pre-submission checks have been successfully performed on the files to confirm compliance with the guidelines provided on the NRC web site, and they have been found acceptable for electronic submittal. A pre-flight report for Enclosure 2 is provided as Enclosure 3. The disk includes a "packing slip" describing its contents, pursuant to NRC instructions for electronic filing. As discussed with the NRC staff, the revised application documents are not internally linked nor are they linked to the AP1000 DCD

as has been the practice in the past COLA revisions. This does not affect the technical or licensing basis information contained in this revision, since linking was provided as a reviewer aid consideration only. A subsequent submittal of this revision with linking completed will be provided to the NRC by the end of August 2012.

The applicant for this COL is Florida Power Corporation doing business as Progress Energy Florida, Inc. (PEF), as identified in Part 1 of the COL application. The ultimate corporate parent of PEF is Duke Energy Corporation, as a result of a merger between Progress Energy, Inc. and Duke Energy Corporation which became effective July 2, 2012.

If you have any questions, or need additional information, please contact Bob Kitchen at (919) 546-6992, or me at (704) 382-9248.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 31st day of July, 2012.

Sincerely,



Christopher M. Fallon
Vice President
Nuclear Development

Enclosures: 1. Affidavit of Christopher M. Fallon
 2. Levy Nuclear Plant, Units 1 and 2, COL Application, Revision 5, Non - Public
 Version (electronic submittal – 1 DVD enclosed)
 3. Levy Nuclear Plant, Units 1 and 2, COL Application, Revision 5, Non - Public
 Version, Pre-flight Report

cc : U.S. NRC Region II, Regional Administrator (w/o Enclosure 2)
 Mr. Donald Habib, U.S. NRC Project Manager (w/o Enclosure 2)
 Ms. Mallecia Sutton, U. S. NRC Environmental Project Manager (w/o Enclosure 2)

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Enclosure 1 to Serial: NPD-NRC-2012-023

Affidavit of Christopher M. Fallon, 2 pages

AFFIDAVIT OF CHRISTOPHER M. FALLON

STATE OF NORTH CAROLINA)

COUNTY OF MECKLENBURG) ss
)

I, Christopher M. Fallon, Vice President of Nuclear Development, Duke Energy Corporation, do hereby affirm and state:

1. I am authorized to execute this affidavit on behalf of Progress Energy Florida, Inc., (hereinafter referred to as "PEF"). I am further authorized to review information submitted to the Nuclear Regulatory Commission ("NRC") and apply for the withholding of information from disclosure. I am making this affidavit in conformance with the provisions of the NRC's regulations at 10 CFR 2.390 and in support of PEF's request for proprietary treatment of certain financial information.
2. I have knowledge of the criteria used by PEF in designating information as sensitive, proprietary, or confidential.
3. Pursuant to the provision of paragraph (a)(4) of 10 CFR 2.390, the following is furnished for consideration by the NRC in determining whether the information sought to be withheld from public disclosure should be withheld.
 - a. The information sought to be withheld from public disclosure is owned by PEF and has been held in confidence by PEF.
 - b. The information sought to be protected is not available to the public to the best of our knowledge and belief.
 - c. The information is of the type that would customarily be held in confidence by PEF. This financial information consists of PEF's projection for construction, fuel supply, and financing plan. Public disclosure of this information is likely to cause harm to PEF because it would allow contractors, vendors, and competitors to understand PEF's competitive position and schedule prior to securing the related contracts and services or pricing competitive services.

- d. The proprietary information sought to be withheld from public disclosure is identified in Part 9 of the COL application and is marked as proprietary as it appears in the application.
- e. The information is transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390; it is to be received in confidence by the NRC.

Christopher M. Fallon, being duly sworn, states that he is Vice President of Nuclear Development, Duke Energy Corporation, that he is authorized on the part of said Company to sign and file with the U. S. Nuclear Regulatory Commission this combined license application for the Levy Nuclear Plant Units 1 and 2, and that all the matter and facts set forth herein are true and correct to the best of his knowledge.

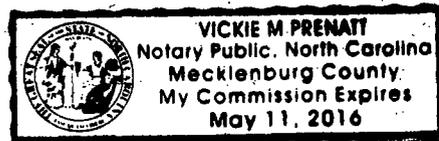
Christopher M. Fallon

Christopher M. Fallon
Vice President
Nuclear Development

Subscribed and sworn to before me, a Notary Public, in and for the county and state above named, this 31st day of July 2012.

Vickie M. Prenatt
Notary Public in and for the State of North Carolina

My Commission Expires: May 11, 2016



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Enclosure 3 to Serial: NPD-NRC-2012-023

Levy Nuclear Plant, Units 1 and 2 COL Application, Revision 5, Non-Public Version, (electronic
submittal) Submittal 7 Pre-flight Report

This document serves as a pre-flight report for the Levy COLA Submittal 7. The following files (mostly individual figure files) do not pass pre-flight or do not meet NRC criteria, but text is word searchable and clarity/legibility is of high quality.

No.	File Name	Preflight Status	Reason
Part 2 – FSAR			
1	LNP_FSAR_APP02_CC.pdf	Error/Failed	Figure resolution is less than 300 ppi
2	LNP_FSAR_FIG02_05_04_05_204.pdf	Error/Failed	Figure resolution is less than 300 ppi; Figure is output from an engineering analysis program; highest output resolution used
Part 5 - Emergency Plan			
1	LNP_EP_FIG_Intro-3.pdf	Error/Failed	Figure resolution is less than 300 ppi
2	LNP_EP_FIG_Intro-4.pdf	Error/Failed	Figure resolution is less than 300 ppi
3	LNP_EP_SUPP_UNITS_1_and_2_EAL_BASIS_DOC.pdf	Error/Failed	< 300 ppi
4	Citrus County - Cert. Letter.pdf	Error/Failed	< 300 ppi, font not embedded
5	Citrus Memorial Hospital - Cert. Letter.pdf	Error/Failed	Font not embedded
6	Dept. of Public Safety - Cert. Letter.pdf	Error/Failed	< 300 ppi, font not embedded
7	Florida DEM - Cert. Letter.pdf	Error/Failed	< 300 ppi, font not embedded
8	Levy County - Cert. Letter.pdf	Error/Failed	< 300 ppi, font not embedded
9	Marion County - Cert. Letter.pdf	Error/Failed	< 300 ppi, font not embedded
10	Nature Coast EMS - Cert. Letter.pdf	Error/Failed	Font not embedded

No.	File Name	Preflight Status	Reason
11	Seven Rivers Medical - Cert. Letter.pdf	Error/Failed	Font not embedded
Part 9 – SUNSI Information			
1	Citrus County Emergency Plan Part 01 - Draft.pdf	Error/Failed	< 300 ppi, font not embedded due to OCR
2	Citrus County Emergency Plan Part 02 - Draft.pdf	Error/Failed	font not embedded due to OCR
3	Levy County Emergency Plan Part 01 – Draft.pdf	Error/Failed	< 300 ppi, font not embedded due to OCR
4	Levy County Emergency Plan Part 02 – Draft.pdf	Error/Failed	< 300 ppi, font not embedded due to OCR
5	Marion County Emergency Plan Part 01 – Draft.pdf	Error/Failed	< 300 ppi
6	State of Florida REMP – Annex A – Appendix VI-Draft.pdf	Error/Failed	< 300 ppi
7	State of Florida REMP – Annex A-Draft.pdf	Error/Failed	< 300 ppi, font not embedded
Part 11 – Reference Info			
1	LNP_Part11_QAPD.pdf	Error/Failed	Font not embedded due to OCR, < 300 ppi due to logos, signatures, and figures