

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Alex S. Karlin, Chairman  
Dr. Anthony J. Baratta  
Dr. Randall J. Charbeneau

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 3, 2012

ORDER

(Admitting Intervenors' Exhibits and Granting Motion to Withdraw Exhibits)

This Board conducted an evidentiary hearing on October 31, 2012, and November 1, 2012, at the Levy County Court House in Bronson, Florida on an environmental contention proffered by The Ecology Party of Florida and Nuclear Information and Resource Service (collectively, Intervenors).<sup>1</sup> Prior to the hearing, Intervenors submitted a number of exhibits, which are enumerated in a final exhibit list submitted on October 26, 2012. See INT000R, Intervenors' Final Updated List of Exhibits (Oct. 26, 2012). During the hearing, Intervenors moved to withdraw a number of these exhibits. Tr. at 1093-1100. No parties objected. Tr. at 1099-1100. Intervenors submitted this motion in writing on November 9, 2012.<sup>2</sup>

The Board grants Intervenors' motion to withdraw exhibits INT 308, 334, 353, 404, 407, 408, 416, 420, 430, 436, 439, 440, 441, 442, 443, 444, 445, 446, and 447. In addition, we admit

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<sup>1</sup> See Notice of Hearing; Atomic Safety and Licensing Board; In the Matter of Progress Energy Florida, Inc. (Levy County Nuclear Power Plant, Units 1 and 2), 77 Fed. Reg. 51,832 (Aug. 27, 2012).

<sup>2</sup> See Intervenors' Unopposed Motion to Withdraw Certain Exhibits (Nov. 9, 2012); see also Tr. at 1097, 1100.

all of Intervenors' exhibits enumerated in their Final Updated List of Exhibits except those referenced immediately above.<sup>3</sup>

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Alex S. Karlin, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
December 3, 2012

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<sup>3</sup> We have previously admitted the pre-filed exhibits submitted by Progress Energy Florida, Inc. and the NRC Staff. See Tr. at 1088-89.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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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 **ORDER (ADMITTING INTERVENORS' EXHIBITS AND GRANTING MOTION TO WITHDRAW EXHIBITS)** have been served upon the following persons by Electronic Information Exchange.

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

**ORDER (ADMITTING INTERVENORS' EXHIBITS AND GRANTING MOTION TO WITHDRAW EXHIBITS)**

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[Original signed by Clara Sola]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 3<sup>rd</sup> day of December 2012