

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)		
)	Docket Nos.	52-029-COL
Progress Energy Florida, Inc.)		52-030-COL
)		
(Combined License Application for)		
Levy County Nuclear Plant, Units 1 and 2))	ASLBP No.	09-879-04-COL

PROGRESS ENERGY FLORIDA, INC.’S UNOPPOSED MOTION TO CORRECT THE RECORD

Pursuant to 10 C.F.R. § 2.323(a), Progress Energy Florida, Inc. (“PEF”) moves to correct the record with respect to testimony made during the evidentiary hearing held in this proceeding at the Levy County, FL Courthouse from October 31, 2012 to November 1, 2012 (the “hearing”).

As set forth in the attached Affidavit of Mr. Jeffrey D. Lehnen, during the hearing Mr. Lehnen misspoke with respect to the monitoring well core borings he reviewed during LNP groundwater modeling efforts. On pages 1238 through 1242 of the hearing transcript, Mr. Lehnen testified to having reviewed core borings extracted from a pair of monitoring wells (MW-1S and MW-4S) that he identifies as being located “about two miles” from the centroid of the wellfield (Tr. 1239, 1242), or approximately one-half mile from the South Property. Mr. Lehnen has determined that his statements actually relate to core borings extracted from a different pair of monitoring wells (MW-10D and MW-12D), that are located approximately two-and-a-half miles from the centroid of the wellfield, or approximately one mile from the South Property. All of these wells are identified on BRD001 at 7.

On three occasions, PEF’s December 5, 2012 Proposed Findings of Fact and Conclusions of Law rely on Mr. Lehnen’s hearing testimony as support for the statement that core borings were reviewed from wells located “roughly a half-mile” from the South Property. See PEF Proposed Findings at 32 (No. 49), 35 (No. 55), 41 (No. 70)¹. Based on Mr. Lehnen’s Affidavit, those references to “a half-mile” should

¹ Proposed Finding No. 70 on page 41 states that the wells were located roughly a half-mile from the “wellfield,” which term PEF uses in its Findings to refer to the South Property. See PEF Findings at 13 n.25.

actually be to “one-mile”. Accordingly, PEF respectfully requests that the Board accept Mr. Lehnen’s Affidavit as a correction to the record.

In accordance with 10 C.F.R. § 2.323(c), counsel for PEF has discussed this motion with counsel for other participants in the proceeding. Counsel for the Ecology Party of Florida and Nuclear Information and Resource Service, and counsel for the Nuclear Regulatory Commission Staff, have stated that they do not intend to object to this motion.

Respectfully Submitted,

/Signed electronically by John H. O’Neill, Jr./

John H. O’Neill, Jr.

Michael G. Lepre

Robert B. Ross

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Counsel for Progress Energy Florida, Inc.

December 20, 2012

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AFFIDAVIT OF JEFFREY D. LEHNEN

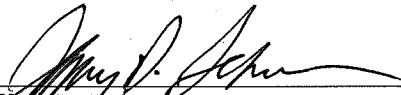
JEFFREY D. LEHNEN being duly sworn states as follows:

1. My name is Jeffrey D. Lehnen. I am a Principal Technologist in Water Resources with CH2M HILL, Inc., an engineering consulting firm providing consulting services to Progress Energy Florida, Inc. (“PEF”) for the proposed Levy Nuclear Plant, Units 1 and 2 (“LNP”).
2. I have previously provided sworn written direct and rebuttal testimony in this proceeding (see PEF200; PEF218), and I testified at the evidentiary hearing (the “hearing”) held by the Atomic Safety and Licensing Board (the “Board”) at the Levy County, FL Courthouse from October 31, 2012 to November 1, 2012.
3. This affidavit corrects statements within my hearing testimony regarding the core borings I reviewed in connection with LNP groundwater modeling efforts.
4. At the hearing, the Board asked me whether PEF had reviewed core borings extracted from monitoring wells drilled within the LNP’s North Property to corroborate PEF’s understanding that the LNP site overlies the Avon Park Formation, as opposed to the Ocala Formation. See Tr. 1235-1238 (Charbeneau, Karlin, Baratta).
5. In my response to the Board’s questioning, I explained that, during LNP groundwater modeling efforts, I reviewed core borings extracted from North Property monitoring wells. Tr. 1241. Among core boring data I testified to having reviewed were core borings from a pair of monitoring wells (MW-1S and MW-4S) located “outside of the vicinity of the Nuclear Islands.”

Tr. 1238. See also BRD001 at 7. I testified that, as a result of information from those wells, PEF had “good data” that we saw rock from the Avon Park Formation in borings “about two miles” from the “centroid of the wellfield” (Tr. 1239, 1242). As set forth in PEF’s Proposed Findings of Fact and Conclusions of Law, those wells are also roughly one-half mile from the South Property. See PEF Proposed Findings at 32 (No. 49), 35 (No. 55), 41 (No. 70).

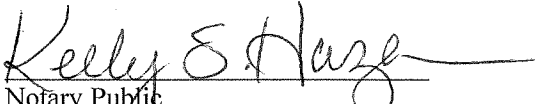
6. In assisting PEF’s preparation of its Rebuttal to Intervenors’ Proposed Findings of Fact and Conclusions of Law in the Contested Hearing for Contention 4A, I reviewed the set of core borings I had previously examined in connection with groundwater modeling. In so doing, I realized that data from wells MW-1S and MW-4S shed no light on the underlying formations, because those wells are too shallow (approximately 30 feet deep) for the borings to have penetrated the Upper Floridan Aquifer. Accordingly, I determined that the two southernmost monitoring wells whose core borings I had reviewed during LNP groundwater modeling efforts were wells MW-10D and MW-12D (see BRD001 at 7), not wells MW-1S and MW-4S. Those wells are located approximately 2.5 miles from the centroid of the wellfield, and approximately 1 mile from the South Property.

7. The distance between either MW-10D or MW-12D and the centroid of the wellfield is only marginally farther (each approximately 2.5 miles) than the distance (“about 2 miles”, Tr. 1239, 1242) between the centroid of the wellfield and either of the two wells (MW-1S and MW-4S) to which I mistakenly referred in my hearing testimony. Accordingly, my hearing testimony stating that core borings from North Property monitoring wells are evidence that the entire LNP site overlies the Avon Park Formation (and not the Ocala Formation) remains valid.



Jeffrey D. Lehnen
Principal Technologist
CH2M HILL, Inc.
3011 S.W. Williston Rd.
Gainesville, FL, 32608
(352) 355-7991

Subscribed and sworn to before me
this 20th day of December 2012



Notary Public

My commission expires: Nov 8, 2015



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Progress Energy Florida, Inc.'s Unopposed Motion to Correct the Record dated December 20, 2012, was provided to the NRC's Electronic Information Exchange for service to those individuals on the service list in this proceeding as of this 20th day of December 2012.

/Signed electronically by Michael G. Lepre/
Michael G. Lepre