

February 7, 2013

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,¹ the NRC staff (Staff) is providing the Board with the Staff's forty first Status Report. On January 24, 2013, the Staff sent the Applicant a new schedule letter, which is Attachment 1 to this 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. These issues and the implementation of a new emergency planning rule delayed the finalization of the FSER. The staff issued an additional Chapter 20 of the AFSER on December 13, 2012,

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

to address Fukushima-related matters, and the staff subsequently presented its review of the Fukushima-related seismic reevaluation to the ACRS AP1000 Subcommittee on January 18, 2013. As stated in the attached January 24, 2013, letter to the Applicant, assuming the Applicant meets the milestones set forth in that letter, the Staff plans on issuing the Final Safety Evaluation Report in September 2013.

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 made the final Environmental Impact Statement publicly available on April 27, 2012.

Respectfully submitted,

/Signed (electronically) by/
Jody C. Martin
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(202)570-0660
Jody.Martin@nrc.gov

Dated at Indianapolis, Indiana
The 7th day of February 2013

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 the NRC Staff's Status Report has been filed through the E-Filing system this 7th day of February 2013.

/Signed (electronically) by/

Jody C. Martin
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
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Attachment 1

January 24, 2013

Mr. Christopher M. Fallon, Vice President
Nuclear Development
Progress Energy Florida, Inc.
P.O. Box 1006 - ECO9D
Charlotte, NC 28202

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

Dear Mr. Fallon:

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 (COLs) for two AP1000 advanced passive pressurized water reactors pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 52.

On November 8, 2012, PEF submitted Revision 5 to the Levy Nuclear Plant (LNP) Emergency Plan and a proposed license condition (ADAMS Accession No. ML12320A496) to comply with the Final Rule on Enhancements to Emergency Preparedness Regulations that became effective on December 23, 2011.

This letter transmits the revised review schedule for the LNP Units 1 and 2 COL application (Enclosure). The review supports the issuance of a final safety evaluation report in September 2013. The schedule assumes that PEF will submit complete information to support the ongoing review in the following five review areas:

- Responses within 30 days to requests for additional information (RAIs) issued in January 2013 related to the revised emergency plan and a 30-day response to any supplemental RAIs expected to be issued no later than April 2013;
- Proposed application revisions related to changes in the quality assurance program description and the applicant's organizational structure, to be submitted in February 2013;
- Supplemental information related to Near-Term Task Force Recommendation 7.1 regarding spent fuel pool instrumentation, to be submitted in January 2013;
- Proposed application revisions related to a change to the applicant name, to be submitted in March 2013; and
- Additional information related to radioactive waste inventories and associated worker and public doses (RAI Letter No. 110, ADAMS Accession No. ML12362A126), to be submitted in February 2013.

C. Fallon

-2-

The schedule also assumes that no additional information is necessary to supplement your response relating to the electric power system vulnerabilities described in Bulletin 2012-01, "Design Vulnerability in Electric Power System," dated July 27, 2012 (ADAMS Accession No. ML12074A115) and does not consider additional review matters not related to those discussed above.

Should you have any questions regarding the safety review schedule, please contact the lead project manager, Donald Habib, at (301) 415-1035 or by e-mail at 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

C. Fallon

-2-

The schedule also assumes that no additional information is necessary to supplement your response relating to the electric power system vulnerabilities described in Bulletin 2012-01, "Design Vulnerability in Electric Power System," dated July 27, 2012 (ADAMS Accession No. ML12074A115) and does not consider additional review matters not related to those discussed above.

Should you have any questions regarding the safety review schedule, please contact the lead project manager, Donald Habib, at (301) 415-1035 or by e-mail at 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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| OFFICE | BC:DNRL/LB4 | DD: DNRL | | |
| NAME | LBurkhart | DMatthews | | |
| DATE | 1/15/13 | 1/24/2013 | | |

OFFICIAL RECORD COPY

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

| <u>Phase of Safety Review</u> | <u>Target Completion Date</u> |
|--|--------------------------------------|
| 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 | September 2013 |
| Completion of the Uncontested Hearing Process | To be determined* |

* As directed by the Commission in CLI-12-16, the NRC will not issue licenses dependent on the Waste Confidence Decision or Temporary Storage Rule prior to resolution of the issues remanded by the D.C. Circuit Court of Appeals.

COL - Progress Energy - Levy County Mailing List

(Revised 09/26/2012)

cc:

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COL - Progress Energy - Levy County Mailing List

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