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**LEVY NUCLEAR PLANT, UNITS 1 AND 2
DOCKET NOS. 52-029 AND 52-030
RESPONSE TO ENVIRONMENTAL REQUEST FOR ADDITIONAL INFORMATION 7107**

- Reference:
1. Letter from Mallecia Sutton (NRC) to Christopher M. Fallon (DEF), dated May 30, 2013, "Environmental Request for Additional Information 7107 Related to the Exemption Request and Design Change Description for a Departure from AP1000 Design Certification Document Revision 19 for the Combined License Application Review for Levy Nuclear Plant, Units 1 and 2."
 2. Letter from Christopher M. Fallon (DEF) to U.S. Nuclear Regulatory Commission, dated April 18, 2013, "Submittal of Exemption Request and Design Change Description for Departure from AP1000 DCD Revision 19 to Address Containment Condensate Return Cooling Design"

Ladies and Gentlemen:

Duke Energy Florida, Inc. (DEF) hereby submits our response to the Nuclear Regulatory Commission's (NRC) request for additional information provided in Reference 1 to support the environmental review of the Levy Nuclear Plant Combined License (COL) application.

A response to the NRC request is addressed in the enclosure. Note that no changes to the COL application are needed or proposed by this response. The information provided in this response does not need to be withheld as exempt from public disclosure pursuant to 10 CFR 2.390.

If you have any further 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 June 27, 2013.

Sincerely,

Christopher M. Fallon
Vice President
Nuclear Development

DO94
MRO

Enclosure

cc : U.S. NRC Region II, Regional Administrator
Mr. Donald Habib, U.S. NRC Project Manager
Mr. Jerry Hale, U.S. NRC Project Manager
Ms. Mallecia Sutton, U.S. NRC Environmental Project Manager

**Levy Nuclear Plant Units 1 and 2 (LNP)
Response to Environmental Request for Additional Information 7107**

<u>NRC RAI #</u>	<u>Progress Energy RAI #</u>	<u>Progress Energy Response</u>
7107	L-1048	response enclosed – see following pages

NRC Letter No.: Environmental Request for Additional Information

NRC Letter Date: May 30, 2013

NRC Environmental Review

NRC RAI #: 7107

Text of NRC RAI:

By letter dated April 18, 2013 (ML13109A533), Duke Energy (Duke) submitted an exemption request and design change description for a departure from AP1000 Design Certification Document Revision 19 to address the containment condensate return cooling design. The exemption request is part of Duke's application for a combined license. The U.S. Nuclear Regulatory Commission (NRC or Commission) issued NUREG -1941, "Final Environmental Impact Statement for Combined Licenses (COLs) for Levy Nuclear Plant Units 1 and 2 Application," in April 2012. The exemption request is new information and the NRC staff needs to determine, in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Part 51.92, if this information is significant information or whether these are substantial changes that are relevant to environmental concerns.

10 CFR 51.92 states, in part, **51.92 Supplement to the final environmental impact statement:**

(a) If the proposed action has not been taken, the NRC staff will prepare a supplement to a final environmental impact statement for which a notice of availability has been published in the **Federal Register** as provided in § 51.118, if:

(1) There are substantial changes in the proposed action that are relevant to environmental concerns; or

(2) There are new and significant circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

In accordance with 10 CFR 51.41, the Commission may require an applicant to submit information that may be useful in aiding the Commission in complying with Section 102(2) of the National Energy Policy Act (NEPA). Therefore, address the requirements in 10 CFR 51.92, and provide justification for whether a supplemental environmental impact statement is or is not necessary.

DEF RAI ID#: L-1048

DEF Response to NRC RAI:

Duke Energy Florida, Inc. (DEF) reviewed the Levy Final Environmental Impact Statement (FEIS) with regard to the Condensate Return Exemption Request. The change to the AP1000 design for which DEF is requesting an exemption involves an improvement to the design of the condensate return to the In-Containment Refueling Water Storage Tank (IRWST) in order to ensure meeting the NRC requirements for a residual heat removal system capable of bringing the reactor to a safe shutdown condition or lower within 36 hours. These changes are entirely within the AP1000 containment envelope and consist of adding/modifying gutters and downspouts to more directly move condensed steam to the IRWST than was the case in the design originally approved and certified by the NRC.

DEF's review of the FEIS focused especially on the following sections:

- 3.2 Proposed Plant Structures, Systems and Components
- 3.4 Operational Activities
- 4.9 Radiation Exposure to Construction Workers
- 5.9 Radiological Impacts of Normal Operations
- 5.11 Environmental Impacts of Postulated Accidents

DEF's review of the FEIS determined that the containment internal configuration is not a consideration from an environmental assessment point of view. The proposed change in the AP1000 design has no relevance to environmental concerns evaluated in the FEIS. The proposed change also does not create new and significant circumstances or information relevant to environmental concerns. Consequently, the proposed change does not prompt the need for a supplement to the FEIS as described in 10 CFR 51.92.

Associated LNP COL Application Revisions:

None

Attachments:

None