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10 CFR 52.79

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**LEVY NUCLEAR PLANT, UNITS 1 AND 2
DOCKET NOS. 52-029 AND 52-030
RESPONSE TO NRC WITHDRAWAL OF REQUEST FOR INFORMATION LETTER NO. 115
FOR LEVY NUCLEAR PLANT, UNITS 1 AND 2 COMBINED LICENSE APPLICATION**

- References:
1. Letter from Donald Habib (NRC) to Christopher M. Fallon (DEF), dated January 2, 2014, "Request for Additional Information Letter No. 115 Related to SRP Section 1.5 for the Levy Nuclear Plant, Units 1 and 2 Combined License Application"
 2. Letter from Christopher M. Fallon (DEF) to Nuclear Regulatory Commission (NRC), dated February 11, 2014, "Response To NRC RAI Letter 115 – Related To SRP Section 1.5 For Levy Nuclear Plant, Units 1 And 2 Combined License Application" Serial: NPD-NRC-2014-004
 3. Letter from Donald Habib (NRC) to Christopher M. Fallon (DEF), dated April 28, 2014, "Withdrawal of Request for Additional Information Letter No. 115 Related to Standard Review Plan Section 1.5 for the Levy Nuclear Plant Units 1 and 2 Combined License Application"

Ladies and Gentlemen:

In reference 1, Duke Energy Florida, Inc. (DEF) received NRC Request for Additional Information (RAI) Letter No. 115. This RAI was related to physical protection requirements for the use and transport of category 1 and category 2 quantities of radioactive material per 10 CFR Part 37. Reference 2 provided DEF's response to the NRC. In reference 3, the NRC stated that combined license (COL) applicants are not required to address 10 CFR Part 37 in their COL applications (COLAs).

Based on the discussion above, DEF hereby withdraws its response to NRC RAI Letter No. 115. This RAI response stated that changes would be made in an upcoming revision to the Levy Nuclear Plant Units 1 and 2 COLA. These changes will not be made.

If you have any further questions, or need additional information, please contact Bob Kitchen at (704) 382-4046, or me at (704) 382-9248.

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MRO

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

Executed on May 27, 2014

Sincerely,

Handwritten signature of Christopher M. Fallon in black ink.

Christopher M. Fallon
Vice President
Nuclear Development

cc: U.S. NRC Region II, Regional Administrator
Mr. Donald Habib, U.S. NRC Project Manager