

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

DUKE ENERGY FLORIDA, LLC

(Levy Nuclear Plant, Units 1 and 2)

Docket No. 52-029-COL

Docket No. 52-030-COL

ORDER
(Transmitting Post-Hearing Question)

The Commission held an evidentiary hearing on July 28, 2016, on the uncontested portion of the captioned proceeding. The NRC Staff should file a written response to the post-hearing question listed in the table below no later than August 11, 2016. The response should be filed as an exhibit, using the previously-established numbering scheme. The Staff should consult with Duke prior to filing its response and indicate whether there are any objections to admitting the new exhibit into the record. Absent objection, the new exhibit will be admitted. This order is issued pursuant to my authority under 10 C.F.R. § 2.346(a) and (j).

No.	Category	Reference(s)	Directed To	Question
1	Environmental	(a) FEIS § 4.3.1.8 (b) Staff response to Pre-hearing Question #55 (c) Transcript at 127	Staff	<p>In response to Pre-hearing Question 55 regarding the Environmental Protection Agency's (EPA) comments on the Draft Environmental Impact Statement (DEIS), the Staff noted that impacts to wetlands were EPA's primary concern. EPA noted that there may be a need for "changes to the current site layout or application of mitigation measures that could reduce the environmental impacts."</p> <p>The Staff stated that the NRC and the U.S. Army Corps of Engineers worked with the EPA to identify further reductions of such wetland impacts and these have been incorporated into the Final Environmental Impact Statement (FEIS). However, the Staff noted that the FEIS actually reported somewhat greater wetland impacts on the Levy Nuclear Plant (LNP) site (approximately 450 acres versus approximately 403 acres in the DEIS) but stated that this was reflective of the fact that the FEIS used more accurate wetland delineation data than was used for the DEIS.</p> <p>Section 4.3.1.8 of the FEIS states, "Although wetlands would be avoided to the extent possible, the proposed LNP project is estimated to affect approximately 668 ac of wetlands." However, during the uncontested hearing, the Staff was asked to confirm that there was indeed a reduction in impact to wetlands realized from the work done between the DEIS and FEIS. In response the Staff stated that "the total wetland impacts from the draft to the final environment impact statement is actually 690 acres" Tr. at 127, lines 16-18.</p> <p>Please clarify for the record the extent of wetlands that are expected to be impacted by the proposed LNP project.</p>

IT IS SO ORDERED.

For the Commission

NRC Seal

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 4th day of August, 2016

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
PROGRESS ENERGY FLORIDA, INC.)	Docket Nos. 52-029-COL
)	and 52-030-COL
(Levy County Nuclear Power Plant)	
Units 1 and 2))	
Mandatory Hearing)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Transmitting Post-Hearing Question)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate
Adjudication
Mail Stop: O-7H4
Washington, DC 20555-0001
ocaamail@nrc.gov

Office of the Secretary of the Commission
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
Hearing Docket
hearingdocket@nrc.gov

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop: O-15D21
Washington, DC 20555-0001

Pillsbury Winthrop Shaw Pittman, LLP
1200 Seventeen St., NW
Washington, DC 20036-3006
Counsel for Progress Energy Florida, Inc.
David R. Lewis

Sara Kirkwood, Esq.
sara.kirkwood@nrc.gov
Patrick A. Moulding, Esq.
patrick.moulding@nrc.gov
Kevin C. Roach, Esq.
kevin.roach@nrc.gov
Michael Spencer, Esq.
michael.spencer@nrc.gov

david.lewis@pillsburylaw.com

OGC Mail Center: OGCMailCenter@nrc.gov

[Original signed by Clara Sola]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 4th day of August, 2016