

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
**(Adopting Proposed Transcript Corrections, Admitting Post-Hearing Exhibits,
and Closing the Record of the Proceeding)**

The Commission held an evidentiary hearing on the uncontested portion of the captioned proceeding at its Rockville, Maryland headquarters on July 28, 2016. The parties have provided proposed transcript corrections in accordance with the deadline previously set. The transcript corrections identified in Appendix A to this order are adopted. Several of the Staff's proposed changes are not corrections to the transcript. Rather, these proposed changes would correct substantive misstatements or clarify testimony.¹ Transcript corrections should be limited to the identification of transcription errors that are material to the substance of the testimony or statements involved. Therefore, the Commission did not approve some proposed changes. Should a party to a mandatory hearing wish to clarify or correct a misstatement in its testimony, the mechanism for doing so is a motion directed to the Commission.

In addition, the Staff has submitted a response to the single post-hearing question. As directed, this response was filed as a new exhibit, using the previously established numbering

¹ See, e.g., *NRC Staff Motion to Correct the Hearing Transcript and to Admit Exhibit NRC-013* (Aug. 9, 2016), at 4 (proposed corrections to Tr. at 140, lines 1-7) (Staff Motion).

scheme.² The Staff has also filed an additional exhibit and a revision to the draft combined license.³ Duke Energy Florida, LLC does not object to the admission of these exhibits. Exhibits NRC-013, NRC-014, and NRC-002-R2 are admitted into the evidentiary record.

The adoption of transcript corrections and the admission into evidence of the new exhibits completes the procedural activities that remained pending at the conclusion of the mandatory hearing. The record of the uncontested portion of this proceeding is therefore closed, effective as of the date of this order.

This order is issue pursuant to my authority under 10 C.F.R. § 2.346(a) and (j).

IT IS SO ORDERED.

For the Commission

NRC Seal

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
This 12th day of September, 2016.

² See Ex. NRC-014, NRC Staff Response to Commission Post-Hearing Question (Aug. 11, 2016).

³ See Staff Motion (attaching Ex. NRC-013, Letter from Timothy A. Parsons, Director, Division of Historical Resources and State Historic Preservation Officer, to Rochelle C. Baval, Acting Secretary, NRC (July 27, 2016)); Tr. at 155-56; *Revised NRC Staff Exhibit List* (Sept. 7, 2016) (attaching Ex. NRC-002-R2, Draft Combined License, Levy Nuclear Plant Unit 1).

APPENDIX A: Changes to the Transcript for the Levy Mandatory Hearing
 July 28, 2016

Page	Line	Correction
Cover Page		Replace "(n/a)" with "52-029-COL and 52-030-COL"
1	25	insert "the" before "General Counsel"
2	3	Insert "the" before "General Counsel"
2	6	replace "JOHN" with "CHRISTOPHER", replace "Director" with "Vice President", delete "Engineering"
2	8	replace "Engineering" with "Licensing,", replace "nuclear" with "Nuclear"
3	7	replace "DNLR" with "DNRL"
5	3	replace "Mellecia" with "Mallecia"
6	7	replace "189(a)" with "189a."
6	11	replace "189(a)" with "189a."
7	10	insert "the license," after "with"
7	20	capitalize "(a)", "(c)", and "(e)"
7	21	insert "Part" after "CFR"
8	10	replace "need for" with "NEPA"
8	20	replace "document" with "docket"
9	25	insert "the" before "admission"
10	4	replace first "as" with "on"
10	25	insert "or affirmed" after "sworn"
11	24	replace "Absent" with "In the absence of"
12	19	replace "Lewis" with "Roach"
13	1	replace "Devlin-Gils" with "Devlin-Gill"
13	8	replace "Le" with "Li", replace "Kleed" with "Kleeh"
13	13	delete "Marie Pohida"
13	14	replace "Richardo" with "Ricardo"
13	18	replace "Nebiyu" with "Nebiyu"
13	22	replace "That" with "Is that"
14	13	insert "or affirmed" after "sworn"
15	1	replace "reviewed" with "revised"
17	15	replace "COP" with "COL"
19	11	replace "state" with "State"
19	25	replace "chose" with "chosen"
22	14	replace "worked" with "works"
23	6	replace "or" with "on"
23	15	replace "Mostly" with "Most"
24	20	replace "state" with "State"
27	1	replace "active" with "actively", replace "silver culture" with "silviculture"
28	21	replace "Crystal River" with "The Crystal River"
29	22&23	replace "once through" with "once-through"
29	24	insert "canal" after "discharge"

29	25	replace "Crystal 4 and 5 is" with "Crystal River 4 and 5 use"
30	22	replace "Summary of 2006" with "Summary 2006-06"
33	1&2	replace "And these are the current, I think, in the AP1000 reality, this" with "And these are the current. I think, in—the AP1000—in reality, this"
34	5	replace "expert" with "expected"
34	20	replace "state" with "State"
36	14	delete "while"
36	24	replace "to" with "on"
37	10	insert "how" after "explain"
39	14	replace "touch" with "touched"
39	23	replace "detail" with "detailed"
40	7	replace comma after "land" with a period and replace "is" with "Is"
42	4	insert "to" after "opportunity"
42	7	delete "We also had a chance-", replace "on" with "On"
42	8	insert period after "Canal", replace "as" with "As"
42	14	delete "there"
42	22	replace "that's" with "has"
43	2	replace "license" with "licenses"
43	4	insert period after "PSC" and replace "what" with "What"
44	2	replace "We started" with "Let me start"
45	6	replace "difficult" with "difficulty"
45	8	replace "the" with "this"
45	19	delete "Is there" and replace "how" with "How"
46	9	replace "state" with "State"
46	22	delete "there was"
48	15	replace period with question mark
49	20	replace "Okay" with "Good"
49	21	insert new line reading "MR. LEE: Is it --" and insert "CHAIRMAN BURNS" immediately afterwards, replace "oh" with "Oh"
51	1	replace "of" with "from"
52	15	replace "Jackson Field" with "Jacksonville"
53	11	insert "Part" after "CFR"
53	23	replace "program" with "programs"
54	12	replace "and" with "in"
54	17	replace "application" with "Application"
54	19	replace "application" with "Application"
54	21	replace "application" with "Application"
55	5	replace "application" with "Application"
56	9	replace second "for" with "from"
56	14	replace "and containment" with "in containment"
57	17	replace "application" with "Application"
57	25	replace "fuller" with "four"
58	25	replace "application" with "Application"

59	2	replace "application" with "Application"
59	5	replace "Final Impact" with "Final Environmental Impact"
59	21	replace "Analysis" with "Analyses"
60	10	replace "have" with "has"
60	13	replace "10 CFR" with "10 CFR of Part 51"
61	6&24	replace "application" with "Application"
62	8	replace "Appendix E" with "Appendix D"
62	16	replace "Fishery" with "Fisheries"
63	14	replace "application" with "Application"
64	20	replace "102.2(a)" with "102(2)(A)"
65	5	replace "102.2(c)" with "102(2)(C)"
65	10	replace "environmental" with "environment"
65	18	replace "102.2(c)" with "102(2)(C)"
66	1	replace "102.2(e)" with "102(2)(E)"
67	4	replace "not" with "now"
69	1	replace comma with "and"
69	4	replace comma after "hazard" with period
69	8	replace period after "puzzled" with comma
69	9	delete "I", insert comma after "response", and replace "return" with "returned"
69	11	replace comma after "response" with period
70	8	replace "there's additional" with "there's an additional"
70	9	replace "questions" with "question"
70	12	delete "And", replace "that" with "That"
70	14	delete "kind of"
71	16	delete "the -"
72	10	replace "by" with "from"
73	1	replace "I" with "Let me"
73	5	replace "application" with "Application"
73	11	replace "applicants or applications, lee Turkey" with "applicants, Lee, or applications, Lee or Turkey"
74	4	insert "you know the" before "Vogtle"
75	3	insert "the" before "AP1000"
75	9	replace "insure" with "ensure"
75	11	replace "insure" with "ensure"
75	20	replace "went" with "went."
76	10	insert "involved" before "evolved"
76	17	replace "much" with "many"
76	14	insert "I'm" before "trying"
77	12	replace "a" with "the"
77	13	replace comma after "consultations" with "and"
77	18	replace "engagements" with "engagement"
79	9	replace "application" with "Application"
79	25	replace "application" with "Application"

81	19	replace "Ptolemaic" with "to limit"
82	12	replace "base mat" with "basemat"
82	18	replace "requires" with "require"
83	19	replace "etcetera" with "et cetera"
84	1	replace "grid" with "girder"
84	8	replace "in a" with "and"
84	25	replace "your" with "our"
85	22	replace "combined license" with "Combined License"
85	23	replace "application" with "Application"
87	15	replace "log" with "logs"
87	16	replace "drop" with "rock"
87	19	delete "you"
87	22	replace "you walk" with "to walk"
88	1	replace "deep positional" with "depositional"
88	12	insert "a" after "than"
89	4	replace "for" with "of"
89	18	replace "Thanks." with "Thanks, Dr. Stirewalt."
89	25	replace "application" with "Application"
90	5	replace "the combined" with "other combined"
90	7	replace "figures" with "figure"
90	14	replace "submitted" with "cemented"
90	16	delete comma after "island"
90	22	replace "mud mat" with "mudmat"
91	19	replace "that is" with "that it is"
92	12	replace "specification" with "specifications"
92	13	replace "post-RCC" with "post-COL RCC"
92	15	replace "sheer" with "shear"
92	17	replace "result" with "results"
92	21	replace "imbedding mixed" with "bedding mix", replace "in" with "on"
92	24	replace "post-CUL" with "post-COL"
93	1	replace "then a" with "the"
93	10	replace "demonstrate" with "demonstrates", replace "that RCC" with "that the RCC"
93	11	replace "bridge" with "bridging", replace "transferring NI" with "transferring the NI"
93	20	insert "of" after "example"
93	25	insert commas after both "accident" and "power"
94	4	insert comma after "signal"
94	6	insert comma after "exchanger"
94	14	insert comma after "mode"
96	2	insert comma after "analysis"
96	5	replace "for" with "following"
96	22	insert "analysis," after "design-basis"
96	23	insert comma after "specifically"

97	7&8	replace "SECY 494-084" with "SECY-94-084"
97	13	replace "on" with "only"
97	15	replace "19(e)" with "19E"
98	2	replace "to the" with "for this"
98	7	replace first "or" with "of"
98	12	replace "Member" with "Commissioner"
99	5	replace "analyses" with "analysis"
99	16	replace "Member" with "Commissioner"
99	19	replace "DR. STIREWALT" with "MR. KITCHEN"
99	21&24	replace "Member" with "Commissioner"
100	1	insert "the" before "departure"
101	8	replace "Member" with "Commissioner"
101	18	replace "that there would" with "that they would"
101	20	replace "Member" with "Commissioner"
102	12	replace question mark with period, replace "NEI-1005" with "NEI-10-05"
102	14&15	delete "And", replace "it's" with "It's", replace "down" with "done"
102	16	replace "to kind of" with "how to"
103	11	replace "Member" with "Commissioner"
103	22	replace "formation" with "formations"
104	23	replace "this may be" with "that, maybe"
104	24	insert "been" after "have"
105	1	replace "DR. STIREWALT" with "MR. THRASHER"
106	4	insert "this technique is used" after "which"
106	11	replace "what the data is" with "what they did is that"
106	12	replace "compare" with "compared"
106	17	replace "application" with "Application", replace "show" with "showed"
106	22	replace "MR. KITCHEN" with "MR. THRASHER"
107	1	delete "and"
107	2	insert "in" after "And", insert comma after "response", delete "that"
107	3	replace "--" with "a", insert "of" after "section"
107	5	insert "not" after "is", replace "with" with "within"
107	21	replace "exact" with "exactly"
108	11	replace "that was" with "that it was"
108	23	replace "future. We're" with "future, were"
109	4	replace "Member" with "Commissioner"
109	10	insert "on" after "up" and insert ", even" after "2"
109	13	insert "despite" after "mapping", replace "responded" with "response"
109	15	delete "which"
109	16	delete "but", replace "the" with "The"
109	22	delete "And", replace "so" with "So"
110	7	delete "kind of"

111	2	replace "Member" with "Commissioner"
111	4	insert comma before "where"
111	11	replace "Member" with "Commissioner"
111	20	delete comma, insert "and" after "strategies"
111	23	replace "aren't" with "isn't"
112	10&18	replace "Member" with "Commissioner"
113	11	insert "I call the hearing back to order." before "This afternoon"
113	16	replace "applicant" with "Applicant"
113	21	replace "novels" with "novel issues", insert period after "identified"
113	22	replace "first" with "First"
115	8&12	replace "state" with "State"
116	4&5	replace "energy" and "complex" with "Energy" and "Complex"
116	10	delete "a"
116	21	insert "a" before "cooperating agency"
117	9&15	replace "scrub jay" with "scrub-jay"
117	22	replace "actually" with "I ask you to"
118	5	replace "I and II" with "1 and 2"
118	16	replace "on the" with "under"
118	17	replace "nuclear" and "plant" with "Nuclear" and "Plant"
118	18	replace "I and II" with "1 and 2"
118	23	replace "continuing" with "continued"
119	2	replace "nuclear" and "plant" with "Nuclear" and "Plant"
119	13&15	replace "Fisheries" with "Fisheries Service"
119	20	replace "scrub jay" with "scrub-jay"
120	3	delete "the"
120	8&9	replace "New Reactor Office" with "Office of New Reactors"
120	11	replace "scrub jay" with "scrub-jay"
121	1	replace "include an" with "include in an"
121	7	replace "formulated" with "formulate"
121	10	replace "That" with "This"
122	4, 8, 22, 25	replace "Highland" with "Highlands"
123	4	replace "Highland" with "Highlands"
123	6	replace "of" with "the"
123	8	replace "Highland" with "Highlands"
123	19	replace "energy" and "complex" with "Energy" and "Complex"
123	24	replace period with comma
123	25	replace "As" with "as", join with prior line
125	25	replace "is reflected" with "was reflective"
126	1	replace "by" with "of"
126	10	replace "applicant" with "Applicant", delete "was"
126	18	insert "that --" after "changed", delete period
126	21	delete "in"
126	22	replace "create wetlands" with "to create wetlands"

127	9	replace "very one" with "everyone"
127	11	replace comma with period, delete "either if they're not --", and replace remaining "if" with "If"
132	2	replace "state" with "State"
132	6	replace "TAV" with "T&E"
132	13	replace "state" with "State"
133	20	delete comma after "NHPA"
134	12	replace "So" with "Also"
134	13	replace "the Historic" with "the National Historic"
135	4	insert line that reads "CHAIRMAN BURNS: Okay." before "MS. HERRITY: Hello", replace "HERRITY" with "DIXON-HERRITY"
135	5	replace "Dixon Herrity" with "Dixon-Herrity"
135	6	replace "Force" with "Four"
135	9	replace "HERRITY" with "DIXON-HERRITY"
135	10	replace question mark with a period
135	12&20	replace "HERRITY" with "DIXON-HERRITY"
136	5&18	replace "HERRITY" with "DIXON-HERRITY"
136	20	delete "an"
137	5	replace "a way" with "aware"
137	6	delete extraneous "on"
137	12	replace "concluding" with "concluded"
138	2	replace "and" with "on"
138	15	replace "8 th " with "APE" twice
140	2	replace "maybe" with "may be"
140	7	replace "does" with "doesn't"
141	6	replace "guides" with "GEIS"
141	9	insert "and significant" after "new"
141	11	insert "storage" after "fuel"
141	12	replace "I believe," with "the impact on"
141	13	replace "on that review" with "on the review"
141	14	insert "the impact" after "addressed"
141	23	insert "I'm" before "the Director"
141	25	insert "if" after "think"
142	6	insert "of" after "area"
142	7	insert "of" after "area"
142	12	insert "to disturb" after "potential"
142	12	insert "and" after "historic"
142	18	replace "that" with "that's"
142	20	replace "to have" with "had"
142	23	replace "applicant" with "Applicant"
144	8	replace "applicant" with "Applicant"
144	16	replace "the" with "a"
145	3	delete "the—and"
146	2, 20, 23	replace "MR. MASNIK" with "DR. MASNIK"

147	5&9	replace "MR. MASNIK" with "DR. MASNIK"
147	14	replace "All right," with "I want to"
147	18	replace "applicant" with "Applicant"
148	14	replace "AP-1000" with "AP1000"
148	25	replace "application" with "Application"
149	4	replace "supplicant" with "subsequent"
149	13&14	replace "AP-1000" with "AP1000"
150	4	insert "we" before "otherwise"
150	20	replace "combines license application" with "Combined License Application"
151	15	replace "corrections" with "correction" and insert "for the record" afterward
152	6	replace "combined license application" with "Combined License Application"
152	9	replace "provided both an exhaustive" with "provided that it was an exhaustive"
152	13	replace "AP-1000" with "AP1000"
153	3	replace "applicant's" with "Applicant's", replace "AP-1000" with "AP1000"
153	5	replace "common state" with "condensate"
153	25	replace "applicant" with "Applicant"
154	14	replace "appreciate" with "appreciates"
154	23	insert new line after line 23 "COMMISSIONER SVINICKI: [shakes head no]" and insert "CHAIRMAN BURNS" at the start of the following line
155	11	insert "there are" after "whether"
155	20	delete the first "just"
155	22	insert "the" before "Division"
156	11	delete "my questions on"
156	12	delete "docket, it may well be, you know,"
156	16	replace "you know, given, I think, we" with "given we"
156	23	replace "hearings" with "hearing"
156	24	insert "so" after "do"
157	20	insert "I" before "was"
158	10	replace "powered" with "power at"
158	11	replace "AP-1000" with "AP1000"
158	14	replace "that's going" with "that has gone"
158	16	replace "application" with "Application"
158	22	insert "of" after "all"
159	3	replace "you" with "your"
159	4	replace "application" with "Application"
159	16	replace "and" with "an"
160	8	replace "applicant" with "Applicant"
160	16	replace "where ever" with "whatever"
161	7	delete "a"

161	14	insert "today" after "here"
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Adopting Proposed Transcript Corrections, Admitting Post-Hearing Exhibits, and Closing the Record of the Proceeding)** have been served upon the following persons by Electronic Information Exchange.

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

Dated at Rockville, Maryland
this 12th day of September, 2016