

October 6, 2010

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

Alex S. Karlin, Chairman  
Dr. Anthony J. Baratta  
Dr. William M. Murphy

In the Matter of	)	
	)	Docket Nos. 52-029-COL
Progress Energy Florida	)	52-030-COL
	)	
Levy County Nuclear Plant, Units 1 and 2	)	ASLBP No. 09-879-04-COL

Motion for Extension of Time to File Answer to Progress Energy Florida's Motion for Summary Disposition of Contention 4 (Environmental Impacts of Dewatering and Salt Drift) With Regard to Salt Drift and Passive Dewatering

Monday October 4, 2010 Nuclear Information and Resource Service, Green Party of Florida and Ecology Party of Florida (Co-Intervenors or Intervenors) filed a Motion for Extension of Time to File an Answer to the Motion to Dismiss as Moot the Aspects of Contention 4 Related to the Active Dewatering During Levy Nuclear Plant Operations. The request was for an extension of either 40 days or an extension to November 13, 2010 which would match the extension already approved by this Board (Order dated September 29, 2010) for the filing of amended or new contentions pertaining to hydroecological impacts of the proposed Levy County Units 1 & 2. The extension requested Monday for additional time was supported by the applicant (Progress Energy Florida – PEF) and by counsel for NRC Staff.

Also Monday (October 4, 2010) PEF filed (timely) an additional dispositive Motion – Progress Energy's Motion for Summary Disposition of Contention 4 (Environmental Impacts of Dewatering and Salt Drift) With Regard to Salt Drift and Passive Dewatering.

Intervenors have consulted with counsel for PEF and Counsel for NRC Staff who do not object to this request for one more extension of time for the Answer to PEF's Motion for Summary Disposition, to conform to the extension already granted (for which we are deeply grateful).

Co-Intervenors ask an additional 40 days from the 20 day deadline for reply, or in the alternative, an extension to match the same calendar date as applies to filing amended or new contentions on hydroecology (November 13, 2010).

This extension is needed on the same basis as the current extension; further, such an extension would simplify the pleading of the issues at hand.

Co-Intervenors may require all of the time extension granted for our expert to support the filing of an Answer to the Motion for Summary Disposition. Wwe are asking for this extension so that all these interlaced pleadings may be filed together under the extended timeline that has been afforded because of the health issues our expert is suffering and which have been identified already as "good cause."

I certify that I have consulted with the other parties as of 4pm today and that both the counsel for the applicant and counsel for NRC Staff have no objection to an extension of the time for filing an Answer to the PEF Motion for Summary Disposition of Contention 4 (Environmental Impacts of Dewatering and Salt Drift) With Regard to Salt Drift and Passive Dewatering to match the existing 40 day extension for filing new / amended contentions on hydro ecology (of November 13, 2010).

Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Mary Olson, Nuclear Information & Resource  
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**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of	)		
	)	Docket Nos.	52-029-COL
Progress Energy Florida, Inc.	)		52-030-COL
	)		
(Combined License Application for	)		
Levy County Nuclear Plant, Units 1 and 2)	)	ASLBP No.	09-879-04-COL

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Corrected MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO MOTION TO SUMMARY DISPOSITION OF CONTENTION 4 was provided to the Electronic Information Exchange for service to those individuals on the service list in this proceeding this 6<sup>th</sup> day of October 2010.

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Asheville, NC October 6, 2010