



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

February 23, 2010

Mr. John Hunter
Lead Environmental Specialist
Progress Energy Florida, Inc.
299 First Avenue North
Mail Code: PEF-903
St. Petersburg, FL 33701

RE: Progress Energy Florida Levy Nuclear Plant
Modification to Conditions of Certification
Alteration of Submittal Dates
DEP Case Number PA08-51B
OGC Case Number 09-4277

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Hunter:

On December 16, 2009 the Florida Department of Environmental Protection (Department) received a request from Progress Energy Florida (PEF) to modify the Conditions of Certification for the PEF Levy Nuclear Plant (LNP). The request is for a 90-day extension of the date set forth in the Conditions of Certification for the submittal of the Comprehensive Mitigation Plan.

The Department has reviewed the modification request. On or before January 8, 2010, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. On January 22, 2010, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Florida Administrative Weekly (FAW).

Pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to file a written objection to the modification; that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing; that failure to act within the time frame constitutes a waiver of the right to become a party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the Levy Nuclear Plant are hereby modified as follows:

I. through XXIII. No Change

XXIV. Wetlands Mitigation

A. Wetlands Mitigation Plan

~~Within 180 days following certification,~~ By May 24, 2010, the Licensee shall provide to the Department for review and approval, refinements to the updated Wetland Mitigation Plan submitted on January 13, 2009, that fully offset the functional loss, as required by 62-345, F.A.C., all impacts to jurisdictional wetlands remaining after minimization and avoidance to those jurisdictional wetlands has been demonstrated. Mitigation will be in accordance with applicable rules and any "Comprehensive Mitigation Plan" approved by the Department. The submittal deadline may be further extended upon agreement between the Licensee and the Department upon a demonstration that reasonable progress has been made by the Licensee toward preparation of the proposed Plan and that additional time is warranted to complete the proposed Plan within the additional time requested.

[62-345, F.A.C.]

XXIV.B. No Change

XXV- XLIX. No Change

A complete set of the Conditions of Certification (including attachments) can be viewed and downloaded from the following website: <http://www.dep.state.fl.us/siting/certification.htm>. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd, MS 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

Any party to this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

Michael P. Halpin, P.E.

Michael P. Halpin, P.E.
Administrator,
Siting Coordination Office

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Essie Turner *Feb 23, 2010*
Clerk Date

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