

counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at <http://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date.

Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <http://www.nrc.gov/site-help/e-submittals.html>, by email to [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov), or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit

documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted a request for exemption from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Detailed information about the subsequent license renewal process can be found under the Nuclear Reactors icon at <http://www.nrc.gov/reactors/operating/licensing/renewal.html> on the NRC's website. Copies of the application to renew the operating licenses for Turkey Point are available for public inspection at the NRC's PDR, and at

<https://www.nrc.gov/reactors/operating/licensing/renewal/subsequent-license-renewal.html>, the NRC's website while the application is under review. The application may be accessed in ADAMS through the NRC Library on the internet at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS Accession No. ML18113A132. As stated above, persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC's PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by email to [pdr.resources@nrc.gov](mailto:pdr.resources@nrc.gov).

The NRC staff has verified that a copy of the SLRA is also available for inspection near the site at the Homestead Branch Library, 700 North Homestead Boulevard, Homestead, Florida 33030; South Dade Regional Library, 10750 SW 211th Street, Miami, Florida 33189; Naranja Branch Library, 14850 SW 280 St., Homestead, Florida 33032; and Main Library, 101 West Flagler St., Miami, Florida 33130.

Dated at Rockville, Maryland, this 27th day of April 2018.

For the Nuclear Regulatory Commission.

**Eric R. Oesterle,**

*Chief, License Renewal Project Branch,  
Division of Materials and License Renewal,  
Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 52-029 and 52-030; NRC-2008-0558]**

### **Duke Energy Florida, LLC; Levy Nuclear Plant, Units 1 and 2**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Termination of licenses.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is terminating the Levy Nuclear Plant (LNP) Units 1 and 2 Combined Licenses (COLs) designated as NPF-99 and NPF-100 and their included licenses to manufacture, produce, transfer, receive, acquire, own, possess, or use byproduct material. By letter dated January 25, 2018, Duke Energy Florida, LLC (Duke) requested that the NRC terminate the LNP COLs. Construction was not initiated for LNP Units 1 and 2, and nuclear materials were never procured or possessed under these licenses. Consequently, the LNP site is approved for unrestricted use.

**DATES:** The termination was issued on April 26, 2018.

**ADDRESSES:** Please refer to Docket ID NRC-2008-0558 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2008-0558. Address questions about NRC dockets to Jennifer Borges telephone: 301-287-9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Brian Hughes, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6582; email: [Brian.Hughes@nrc.gov](mailto:Brian.Hughes@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The NRC issued COLs NPF-99 and NPF-100 to Duke for LNP Units 1 and 2 on October 26, 2016 (ADAMS Accession No. ML16176A200). Since issuance of the licenses, Duke has not begun construction or procured nuclear materials for use on the site. In Duke's letter dated November 6, 2017 (ADAMS Accession No. ML17313A290), Duke informed the NRC that it no longer plans to move forward with building LNP Units 1 and 2 and would consequently submit an application for termination of the licenses. By subsequent letter dated January 25, 2018 (ADAMS Accession No. ML18029A117), Duke requested termination of LNP COLs NPF-99 and NPF-100 and their included title 10 of the *Code of Federal*

*Regulations* (10 CFR) parts 30, 40, and 70 licenses for LNP Units 1 and 2.

**II. License Termination**

Termination of COLs issued under 10 CFR part 52 is controlled by 10 CFR 52.110, "Termination of license." As discussed in "Current NRC Staff Views on Applying the 1987 Policy Statement on Deferred Plants" (ADAMS Accession No. ML18065B257), the NRC staff does not apply the requirements for termination in 10 CFR 52.110 to plants that have not begun operation. Regardless, the staff finds that Duke's license termination application dated January 25, 2018, demonstrates that the criteria of 10 CFR 52.110 are met. Requirements for termination of the included licenses under sections 30.36, 40.42, and 70.38 of 10 CFR include the submission of NRC Form 314 or equivalent information. The staff finds that Duke met these requirements through the information provided as part of its January 25, 2018, submission.

Further, as there was no construction on the LNP site and nuclear materials have never been procured or possessed under these licenses, there is no need for a site radiation survey to be conducted under 10 CFR parts 30, 40, or 70. With no radiological contamination associated with the licenses, the LNP site may be released for unrestricted use pursuant to 10 CFR 20.1402.

**III. Environmental Review**

Duke seeks to terminate the LNP Units 1 and 2 COLs for which construction never commenced and nuclear material was never procured or brought onsite. Terminating a COL is a licensing action that would ordinarily require an environmental assessment under 10 CFR 51.21, unless a categorical exclusion in 10 CFR 51.22(c) applies and no special circumstances under 10 CFR 51.22(b) exist. Actions listed in 10 CFR 51.22(c) were previously found by the Commission to be part of a category of actions that "does not individually or cumulatively have a significant effect on the human environment."

The categorical exclusion identified in 51.22(c)(20) includes:

Decommissioning of sites where licensed operations have been limited to the use of—

- Small quantities of short-lived radioactive materials;
- Radioactive materials in sealed sources, provided there is no evidence of leakage of radioactive material from these sealed sources; or
- Radioactive materials in such a manner that a decommissioning plan is not required by 10 CFR 30.36(g)(1), 40.42(g)(1), or 70.38(g)(1) and the NRC has determined that the facility meets the radiological criteria for

unrestricted use in 10 CFR 20.1402 without further remediation or analysis.

This categorical exclusion captures decommissioning activities at sites where contamination from radioactive material is determined to be nominal. In the case of LNP Units 1 and 2, no associated radiological contamination exists because construction never commenced and nuclear material was never procured or brought on site. As a result, a decommissioning plan for this site is not required by 10 CFR 30.36(g)(1), 40.42(g)(1), or 70.38(g)(1), and the site meets the radiological criteria for unrestricted use in 10 CFR 20.1402 without further remediation or analysis. Further, no special circumstances under 10 CFR 51.22(b) apply. The factors listed in 10 CFR 51.22(c)(20) are consistent with the circumstances here because there is no environmental impact associated with the LNP COLs, which is even less than the nominal impacts anticipated by the categorical exclusion. Therefore, application of the categorical exclusion to the termination of the LNP COLs is warranted. Consequently, in accordance with 10 CFR 51.21, an environmental assessment is not required for the termination of COLs NPF-99 and NPF-100 and their included 10 CFR parts 30, 40, and 70 licenses.

**IV. Conclusion**

As discussed above, the Commission has determined that the LNP COL termination request meets the categorical exclusion criteria set forth in 10 CFR 51.22(c)(20) and that the unrestricted use criteria pursuant to 10 CFR 20.1402 are met. The Commission grants Duke's request to terminate the COLs designated as NPF-99 and NPF-100 and their included 10 CFR parts 30, 40, and 70 licenses for LNP Units 1 and 2. This license termination was effective upon Duke's receipt of NRC's termination letter, dated April 26, 2018 (ADAMS Accession No. ML18107A111).

Dated at Rockville, Maryland, this 26th day of April 2018.

For the Nuclear Regulatory Commission.

**Jennifer L. Dixon-Herrity,**

*Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.*

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