

Person County



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File: 12594-D

November 27, 2007

North Carolina Department of Environment and Natural Resources
Division of Waste Management
Attn: Mr. Edward F. Mussler, III
1646 Mail Service Center
Raleigh, NC 27699-1646

Subject: Carolina Power & Light Co. d/b/a Progress Energy Carolinas, Inc.
Roxboro Plant Gypsum Storage Pad
Coal Combustion By-Products
Notification for Recordation of Structural Fill

Dear Mr. Mussler:

The construction of the gypsum storage pad that incorporated coal ash as structural fill is complete. The attached recordation of structural fill has been recorded to the Person County Register of Deeds for the tract of land where ash was used as fill on our Roxboro Plant property. This completes the required notifications for the use of ash as structural fill. Please contact Mr. Steven B. Conner at (336) 597-6292 or Mr. William E. Milam, Jr. at (336) 597-6284 if there are any questions concerning the information submitted.

Sincerely,

Cecil E. Rowland
Plant Manager

Attachment
CER/jt

Progress Energy Carolinas, Inc.
Roxboro Steam Plant
1700 Dunnaway Road
Semora, NC 27343

FILED in PERSON County, NC
on Oct 26, 2007 at 10:14:06 AM
by: AMANDA W. GARRETT
REGISTER OF DEEDS
Book 654 Page 241



CORRECTED STATEMENT OF STRUCTURAL FILL FACILITY

Prepared by or under the direction of:

Matthew D. Rhoad, Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.
Post Office Box 2611, Raleigh, N.C. 27602-2611

Return original after recording to:

Jill Coroitt, Progress Energy PEB4
Post Office Box 1551, Raleigh, N.C. 27602

Brief Description for Index: 12.551 acres - Cunningham Twp.

STATE OF NORTH CAROLINA

COUNTY OF PERSON

WHEREAS, pursuant to N.C. Gen. Stat. § 130A-294 and 15A N.C. Admin. Code 13B .1707, Carolina Power & Light Company, a North Carolina public service corporation d/b/a Progress Energy Carolinas, Inc. (“PEC”) previously filed a Statement of Structural Fill Facility dated August 24, 2007, and recorded in Book 650, Page 793, Person County Registry (the “Original Statement”);

WHEREAS, the Original Statement erroneously states that the volume of dry ash used as fill on the Property (defined below) is approximately 13,319 cubic yards or 13,319 tons; and

WHEREAS, PEC files this Corrected Statement of Structural Fill Facility to replace the Original Statement in order to correct said error.

NOW, THEREFORE, the undersigned PEC, in accordance with the provisions of N.C. Gen. Stat. § 130A-294 and 15A N.C. Admin. Code 13B .1707 (“Recordation of Structural Fill”

Facilities”), acknowledges that it is the owner of certain real property located in Cunningham Township, Person County, North Carolina, said real property being more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the “Property”).

PEC further acknowledges that coal combustion by-products, specifically dry ash, were beneficially utilized as structural or engineered fill beneath PEC’s gypsum storage pad located on said Property (or portion thereof). The volume of coal combustion by-products so utilized is approximately 131,319 cubic yards or 131,319 tons.

In accordance with the requirements of 15A N.C. Admin. Code 13B .1707(d), when real property with more than 1,000 cubic yards of coal combustion by-products is sold, leased,

conveyed or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than used in the body of the deed or instrument a statement that coal combustion by-products have been used as fill material on the property.

IN WITNESS WHEREOF, PEC has caused this Corrected Statement of Structural Fill Facility to be signed in its name, by its duly authorized officer, this 22nd day of October, 2007.

CAROLINA POWER & LIGHT COMPANY
d/b/a PROGRESS ENERGY CAROLINAS, INC.

By: *Rodney E. Gaddy*
Name: Rodney E. Gaddy
Title: Vice President – Corporate Services

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, *Howard G. Nipper*, a Notary Public of *Wake* County, North Carolina, certify that Rodney E. Gaddy, either being personally known to me or proven by satisfactory evidence (said evidence being _____), personally appeared before me this day and acknowledged that he is the Vice President – Corporate Services of CAROLINA POWER & LIGHT COMPANY, a North Carolina public service corporation d/b/a PROGRESS ENERGY CAROLINAS, INC., and that he, as Vice President – Corporate Services, being authorized to do so, voluntarily executed the foregoing on behalf of the corporation for the purposes stated therein.

Witness my hand and notarial stamp or seal, this *22nd* day of *October*, 2007.

HOWARD G. NIPPER
NOTARY PUBLIC
WAKE COUNTY, N. C.

Howard G. Nipper
Notary Public
Howard G. Nipper
Print Name

My commission expires: *12/17/2007*

(Notary Seal)

EXHIBIT A
(Description of Property)

The Property is located in Cunningham Township, Person County, North Carolina and is more particularly described as follows:

BEGINNING at a point (said point having North Carolina Coordinates (NAD 27) of N = 995488.87 and E = 1981971.14) and which is also located South 53 degrees 02 minutes 43 seconds West 2936.17 feet from a property corner (said property corner having North Carolina Coordinates (NAD 27) of N = 997254.04 and E = 1984317.47); and thence running from said beginning point South 33 degrees 36 minutes 47 seconds East 501.53 feet to a point (said point having North Carolina Coordinates (NAD 27) of N = 995071.20 and E = 1982248.78); thence South 60 degrees 28 minutes 43 seconds West 1160.10 feet to a point (said point having North Carolina Coordinates (NAD 27) of N = 994499.56 and E = 1981239.29); thence North 05 degrees 27 minutes 45 seconds West 623.24 feet to a point (said point having North Carolina Coordinates (NAD 27) of N = 995119.97 and E = 1981179.97); and thence North 65 degrees 00 minutes 07 seconds East 872.95 feet to the point of BEGINNING, containing 12.551 acres, more or less; the same being shown on that certain drawing entitled "Progress Energy Carolinas, Inc. Exhibit for Hyco Electric Plant Lands as shown on Tract #30, Hyco River Project (HY #37) dated July 15, 2007 (PEC Drawing No. L-C-10181), which is incorporated herein by reference.