

**Addendum to Enclosure 2
U.S. Army Corps of Engineers Request for Additional Information
Levy Nuclear Plant, Units 1 and 2
Combined Operating License Application**

<p style="text-align: center;">USACE – 11</p> <p style="text-align: center;">404(b)(1) Guidelines</p> <p style="text-align: center;">40 CFR 230.10</p>	<p>Provide sufficient information for the alternatives analysis under 404(b)(1) Guidelines (40 CFR 230.10).</p>	<p><u>Alternatives Analysis under 404(b)(1) Guidelines (40 CFR 230.10)</u></p> <ul style="list-style-type: none"> - The applicant must provide sufficient information and data for the USACE to reasonably evaluate, differentiate and compare the relative impacts of each practicable alternative on the overall environment, and on the aquatic environment in particular. The level of analysis should be commensurate with the level of project impacts. In the case of the applicant's proposed project at the Levy site, impacts to the aquatic environment in terms of wetlands alone are estimated to be 410 acres on the plant site, blowdown pipeline, and barge slip; and an additional estimated 355 wetland acres for the transmission lines. - The burden of proof to demonstrate compliance with the Guidelines rests with the applicant; where insufficient information is provided to determine compliance, the Guidelines require that no permit be issued (section 230.12(a)(3)(iv)). - The outcome of the alternatives analysis under 40 CFR 230.10 → Determination of the Least Environmentally Damaging Practicable Alternative (LEDPA). <p>Additional Information to explain the request:</p> <ul style="list-style-type: none"> - No discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge, which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. From "Memorandum to the Field, Appropriate Level of Analysis Required for Evaluating Compliance with the Section 404(b)(1) Guidelines Alternative Requirements (1993)", 3iii: When it is determined that there is no identifiable difference in adverse impact on the environment between the applicant's proposed alternative and all other practicable alternatives, then the requirements of Section 230.10(a).
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<p>USACE – 11 cont.</p> <p>404(b)(1) Guidelines</p> <p>40 CFR 230.10</p>	<p>Assure sufficient information is provided for the alternatives analysis under 404(b)(1) Guidelines (40 CFR 230.10).</p>	<ul style="list-style-type: none"> - Practicable alternatives include, but are not limited to: <ul style="list-style-type: none"> (i) Activities which do not involve a discharge of dredged or fill material into the waters of the United States or ocean waters; (ii) Discharges of dredged or fill material at other locations in waters of the United States or ocean waters; - An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered. (From the Corps Standard Operating Procedures for the Regulatory Program (1999): ...it is not a particular applicant's financial standing that is the primary consideration for determining practicability, but rather characteristics of the project and what constitutes a reasonable expense for these types of projects that are most relevant to practicability determinations). - Where the activity associated with a discharge which is proposed for a special aquatic site (e.g., wetlands) does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (i.e., is not "water dependent"), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.
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