



**UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

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St. Petersburg, Florida 33701-5505

(727) 824-5317; FAX 824-5300

<http://sero.nmfs.noaa.gov>

May 6, 2009 F/SER46:MS/mt

**RECEIVED**

**MAY 08 2009**

**JACKSONVILLE DISTRICT  
USACE**

Colonel Paul L. Grosskruger, District Engineer  
Jacksonville District Corps of Engineers  
Panama City Regulatory Office  
1002 West 23<sup>rd</sup> Street, Suite 350  
Panama City, Florida 32405-3648

Dear Colonel Grosskruger:

Please reference the Jacksonville District's public notice dated March 16, 2009, regarding the Department of the Army (DA), Corps of Engineers' permit application SAJ-2008-490 (IP-GAH). The applicant, Progress Energy Florida, proposes to construct the Levy Nuclear Plant (LNP) electrical generation facility and associated integral project components, including electrical transmission lines and substations, access roads, a vessel slip in the Cross Florida Barge Canal, and cooling water intake and discharge structures in the Gulf of Mexico in Levy County, Florida

A critical component of Progress Energy Florida's DA permit application process is the development of an environmental impact statement (EIS) by the Nuclear Regulatory Commission (NRC), the designated lead federal agency for this project. In response to NRC's request through their letter dated November 5, 2008, (copy enclosed) to our office, the NMFS participated in their December 2008 pre-application and public scoping meetings regarding LNP proposed construction and operations. During that time, we provided the NRC and their environmental consultants lists of essential fish habitat (EFH) potentially affected by the project. Our main concerns with the project are impacts to EFH resulting from LNP operation requiring the withdrawal of cooling water from the Cross Florida Barge Canal. This issue should be addressed in the NRC's EIS and, accordingly, our comments on such impacts would be premature before completion and review of the forthcoming document.

Therefore, we request the Progress Energy Florida's DA permit application be held in abeyance until our agency has reviewed and provided EFH conservation recommendations on the NRC's forthcoming EIS. Thank you for your consideration of this request.

Sincerely,

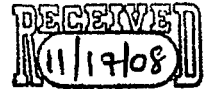
for Miles M. Croom  
Assistant Regional Administrator  
Habitat Conservation Division



Enclosure

F/SER4

F/SER46



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

November 5, 2008

Mr. David Bernhart  
Assistant Regional Administrator for Protected Resources  
National Marine Fisheries Service  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, Florida 33701

**SUBJECT: REQUEST FOR PARTICIPATION IN THE ENVIRONMENTAL SCOPING  
PROCESS AND A LIST OF PROTECTED SPECIES WITHIN THE AREA  
UNDER EVALUATION FOR THE LEVY NUCLEAR PLANT, UNITS 1 AND 2,  
COMBINED LICENSE APPLICATION REVIEW**

Dear Mr. Bernhart:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by Progress Energy Florida, Inc. (PEF) for a combined license (COL) for construction and operation of two new commercial nuclear power reactors at its Levy Nuclear Plant Units 1 and 2 (LNP) site approximately 4 miles north of the Levy-Citrus County border. As part of the review of this COL application, the NRC staff is preparing an Environmental Impact Statement (EIS) as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, the NRC's regulations that implement the National Environmental Policy Act of 1969, as amended (NEPA). The U.S. Army Corps of Engineers (USACE) is a cooperating agency for preparation of the EIS. The EIS includes an analysis of pertinent environmental matters, including those involving endangered or threatened species and impacts to fish and wildlife. This letter is being submitted under the provisions of the Endangered Species Act of 1973, as amended (ESA), the Fish and Wildlife Coordination Act of 1934, as amended (FWCA), and the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (MSFCMA).

PEF submitted the application for the COL on July 30, 2008, pursuant to the NRC requirements in 10 CFR Part 52. The NRC accepted the application for docketing on October 6, 2008. It is available through the web-based version of the NRC's Agencywide Documents Access and Management System (ADAMS), which can be found at <http://www.nrc.gov/reading-rm/adams.html>. The Environmental Report (ER) is listed in ADAMS under the accession number ML082261323. The LNP COL application, including the ER, is also available on the Internet at <http://www.nrc.gov/reactors/new-reactors/col/levy.html>.

The LNP site is located in Levy County, Florida and consists of approximately 3,105 acres on a greenfield site primarily comprised of mixed forest lands, forested wetlands, and agricultural lands. The site is approximately 7.9 miles east of the Gulf of Mexico and 3.4 miles north of the Withlacoochee River, Inglis Bypass Channel, and the Cross Florida Barge Canal (CFBC). The closest towns include Inglis, which is 4.1 miles southwest of the site, and Yankeetown, which is 8.0 miles southwest of the site. The site is currently zoned as Forestry/Rural Residential, and

will be changed to Public Use pending final approval from the Florida Department of Community Affairs. The siting area for the new units and transmission lines include Citrus, Sumter, Hernando, Hillsborough, Polk, and Pinellas Counties of Florida, in addition to Levy County, Florida.

The proposed cooling system consists of two mechanical draft cooling towers. The average annual withdrawal rate would be approximately 395,000 gallons per day, which would be taken from the Gulf of Mexico through the CFBC to make up losses from evaporation, blowdown, drift, and desalinization. Blowdown from the cooling towers would be discharged into the existing Crystal River Energy Complex (CREC) discharge canal, located approximately 9.6 miles south of the LNP site. The CREC canal discharges into the Gulf of Mexico. Enclosed with this letter is a copy of a site map.

The NRC staff, in its review, will evaluate the environmental impacts of construction and operation of the proposed new units and associated transmission lines and will also consider alternatives including alternative sites. PEF has identified four alternative sites in Florida. The four alternative sites to be evaluated in the EIS are located in Citrus County along the Crystal River Energy Complex, Dixie County, Highlands County, and Putnam County.

To support preparation of the EIS on the proposed action and to ensure compliance with Section 7 of the ESA, the NRC staff requests your office provide to the NRC staff a list of Federally endangered, threatened, candidate, and proposed species, and designated and proposed critical habitat under the jurisdiction of National Marine Fisheries Service (NMFS) that may be in the vicinity of the LNP site, the associated transmission line rights-of-way, and the alternative sites. In support of MSFCMA, the NRC staff also requests your office provide to the NRC staff a list of federally managed species that have designated essential fish habitat in the vicinity of the LNP site. In addition, please provide any comments, concerns, or information you consider appropriate under the provisions of the FWCA.

The NRC staff plans to hold two public NEPA scoping meetings on December 4, 2008, at the Florida National Guard Armory located at 8551 West Venable Street, Crystal River, Florida 33426. The first meeting will convene at 1:00 p.m., and will continue until approximately 4:00 p.m. The second meeting will convene at 6:00 p.m., with a repetition of the overview portions of the first meeting and will continue until approximately 9:00 p.m. Each meeting will be preceded by an hour-long open house, during which members of the public may meet and talk with NRC staff members on an informal basis. In addition, from December 2 through December 5, 2008, the NRC plans to conduct a site audit to discuss with the applicant the detailed information that is the basis for preparation of the Environmental Report (ER), to visit the site and its environs, and to review documentation. You and your staff are invited to attend both the public meetings and the site audit.

Please provide any information, comments, or concerns you feel are appropriate on the scope of the proposed action during the scoping comment period, which ends on December 23, 2008. When the NRC staff completes the draft EIS on the proposed action, the staff plans to send the draft EIS to your office for comment. The anticipated publication date for the draft EIS is October 2009.

D. Bernhart

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If you have any questions or require additional information, please contact Mr. Douglas Bruner, Environmental Project Manager at (301) 415-2730 or via e-mail at [Douglas.Bruner@nrc.gov](mailto:Douglas.Bruner@nrc.gov). In his absence, please contact Ms. Jessie Muir at (301) 415-0491 or via email at [Jessie.Muir@nrc.gov](mailto:Jessie.Muir@nrc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory P. Hatchett". The signature is written in a cursive style with a large initial "G".

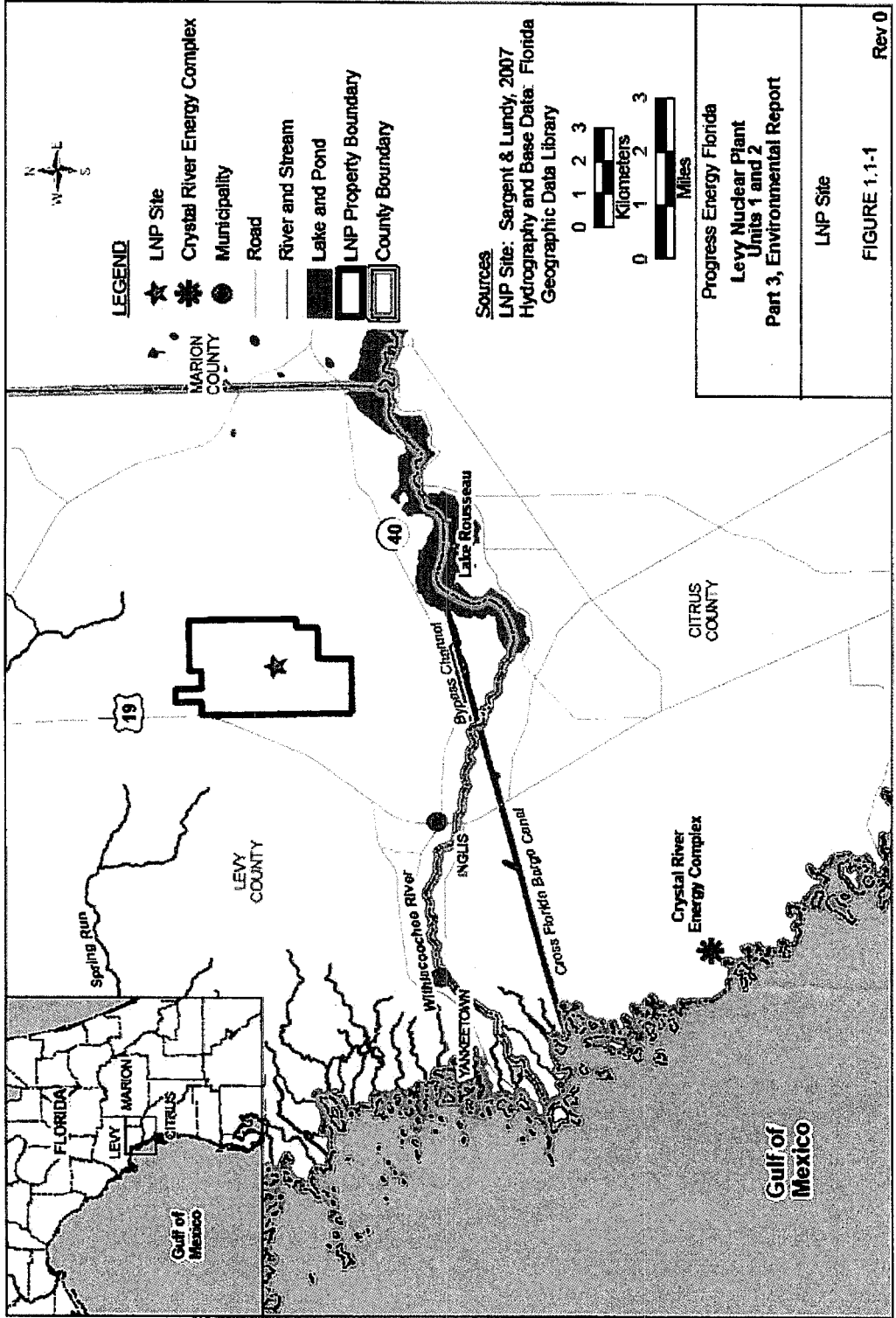
Gregory P. Hatchett, Acting Branch Chief  
Environmental Projects Branch 2  
Division of Site and Environmental Reviews  
Office of New Reactors

Docket Nos.: 52-029 and 52-030

Enclosure: As Stated

cc / enclosure: See next page

# Map of the Levy Nuclear Plant Site



Progress Energy Florida Levy Nuclear Plant Units 1 and 2 Part 3, Environmental Report
LNP Site
FIGURE 1.1-1
Rev 0