



Serial: NPD-NRC-2009-125  
June 26, 2009

10 CFR 52.79

U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, D.C. 20555-0001

**LEVY COUNTY NUCLEAR POWER PLANT, UNITS 1 AND 2  
DOCKET NOS. 52-029 AND 52-030  
RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION LETTER NO. ER-USACE-RAI  
ADDENDUM RELATED TO REVIEW OF THE ENVIRONMENTAL REPORT**

Reference: Letter from Douglas Bruner (NRC) to James Scarola (PEF), dated March 13, 2009,  
"Request for Additional Information Letter ER-USACE RAI Addendum Related to  
The Environmental Report for the Levy County Nuclear Plant Units 1 and 2  
Combined License Application"

Ladies and Gentlemen:

Progress Energy Florida, Inc. (PEF) hereby submits our response to the Nuclear Regulatory Commission's (NRC) request for additional information provided in the referenced letter.

A response to the NRC request is addressed in the enclosure.

If you have any further questions, or need additional information, please contact Bob Kitchen at (919) 546-6992, or me at (919) 546-6107.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 26, 2009.

Sincerely,

A handwritten signature in black ink that reads "Garry D. Miller". The signature is written in a cursive style.

Garry D. Miller  
General Manager  
Nuclear Plant Development

Enclosure

cc: U.S. NRC Region II, Regional Administrator  
Mr. Brian Anderson, U.S. NRC Project Manager  
Mr. Douglas Bruner, U.S. NRC Project Manager

**Levy Nuclear Power Plant Units 1 and 2  
Response to NRC Request for Additional Information Letter No. USACE-11  
Related to the Environmental Report  
for the Combined License Application, dated March 13, 2009**

NRC RAI #  
USACE-11

Progress Energy RAI #  
L-0172

Progress Energy Response  
Response enclosed – see following pages

Attachment

USACE-11: Technical Memorandum 102, Levy Nuclear Units 1 and 2  
(LNP) Section 404(b)(1) Alternatives Analysis

Pages Included

58  
including cover page

**NRC Letter No.:** LNP-RAI-LTR-USACE-11 Addendum

**NRC Letter Date:** March 13, 2009

**USACE Review of the Environmental Report**

**USACE RAI NUMBER: USACE-11**

**Text of NRC RAI:**

Alternatives Analysis under 404(b)(1) Guidelines (40 CFR 230.10)

- 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 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).**

**Additional Information:**

- 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)", Section 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 applicant's alternative is considered as satisfying the requirements of Section 230.10(a).
- Practicable alternatives include, but are not limited to:
  - (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. (Form 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.

**PGN RAI ID #:** L-0172

**PGN Response to NRC RAI:**

Memorandum 338884-TMEM-102, Rev. 1 (Attachment USACE-11) provides information necessary to address the requirements for alternatives analysis under Section 404(b)(1) guidelines (40 Code of Federal Regulations [CFR] 230.10). PEF has considered alternatives from the earliest phases of project planning and has conducted a robust identification and evaluation of available design and site alternatives for this project. This memorandum is intended to respond directly to the subject RAI pertaining to the issue of the least environmentally damaging practicable alternative (LEDPA) analysis, pursuant to the Section 404 guidelines under the Clean Water Act (CWA) and is not intended to be a substitute for the whole body of evidence relating to "special aquatic sites" and alternatives that is presented in the Combined License Application (COLA) Environmental Report (ER), the State of Florida Site Certification Application (SCA), and additional supplemental permit information supplied directly to the U.S. Army Corps of Engineers (USACE), the U.S. Nuclear Regulatory Commission (NRC), the Florida Department of Environmental Protection (FDEP), and other state agencies. The information provided and the analyses conducted document the comprehensive evaluation of alternatives, taking into account both environmental and non-environmental considerations, which resulted in the selection of the Levy County, Florida, candidate site as the preferred site for the proposed two nuclear powered electric generating units.

**References:**

None

**Associated LNP COL Application Revisions:**

None

**Attachments/Enclosures:**

USACE-11: Technical Memorandum 102, Levy Nuclear Units 1 and 2 (LNP) Section 404(b)(1) Alternatives Analysis