

August 5, 2010

The Honorable Mitchell Cypress  
Chairman, Seminole Tribe of Florida  
6300 Stirling Road  
Hollywood, FL 33024

SUBJECT: SECTION 106 CONSULTATION AND NOTIFICATION OF THE ISSUANCE OF  
THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED  
LEVY NUCLEAR PLANT UNITS 1 AND 2 COMBINED LICENSES  
APPLICATION REVIEW

Dear Chairman Cypress:

The U.S. Nuclear Regulatory Commission (NRC) is reviewing an application submitted by Progress Energy Florida, Inc., for combined licenses (COL) for construction and operation of two new nuclear power units at its proposed Levy Nuclear Plant site near Inglis, Florida. The U.S. Army Corps of Engineers (USACE), Jacksonville District, is a cooperating agency on the review of the proposed action that is being conducted under the requirements of the National Environmental Policy Act of 1969, as amended (NEPA). As part of the review of the proposed actions, the NRC and USACE review team has prepared the enclosed draft environmental impact statement (DEIS). The DEIS, NUREG-1941, includes analyses of relevant environmental issues, including potential impacts to historic properties, and documents the review team's determination regarding the environmental impacts at the proposed site from the construction and operation of two new nuclear units.

In a November 5, 2008 letter, the NRC staff notified you that it will comply with its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), using the process set forth in Title 36 of the *Code of Federal Regulations* (36 CFR) Part 800, Section 8(c) in lieu of the procedures set forth in 36 CFR 800.3 through 36 CFR 800.6. Pursuant to 36 CFR 800.8(c), the NRC staff is using the preparation of the DEIS required by NEPA to comply with its obligations under Section 106 of the NHPA.

The review team conducted an environmental audit at the site and has reviewed historic and archaeological records. In the context of NEPA, under which the DEIS was prepared, the review team has determined that the Area of Potential Effect (APE) for the COL review is the area at the power plant site and the immediate environs that may be directly or indirectly impacted by the project. The APE is influenced by the limitation of the scale and nature of the NRC undertaking which does not include most of the ground disturbing activities which constitute "preconstruction" activities. Many of the activities required to build a nuclear power plant do not fall within NRC's regulatory authority and, therefore, are not "construction" as defined by the NRC in 10 CFR 51.4. Such activities are referred to as "preconstruction" activities in 10 CFR 51.45(c).

The preliminary determination in the DEIS is that the impacts from NRC-authorized construction, preconstruction, and operation on historical and archeological resources would be small and mitigation may be warranted in the event of an unanticipated discovery. The review team's determination of cumulative impact on historical and archaeological resources from the building and preconstruction activities in addition to other past, present, and reasonably foreseeable actions would be small. For the purposes of Section 106 of the NHPA consultation pursuant to 36 CFR 800.8(c), the review team concludes with a finding of no historic properties affected.

Pursuant to 10 CFR 51.28 and 36 CFR 800.2(c), the NRC wishes to ensure that Indian Tribes that might have an interest in any potential historic properties in the APE are afforded the opportunity to identify their concerns, provide advice on the identification and evaluation of historic properties, including those of traditional religious, and cultural importance, and, if necessary, participate in the resolution of any adverse effects to such properties.

In accordance with our November 5, 2008 letter, the NRC staff is forwarding the DEIS for your review and comment. Pursuant to 36 CFR 800.8(c), the NRC staff is requesting your comments on the DEIS, and specifically on the preliminary conclusions regarding historic properties. The NRC staff will address your comments in the final environmental impact statement and upon resolving comments the NRC would complete consultation under Section 106 of the NHPA with the Seminole Tribe of Florida regarding the Levy County COL application. Please provide any information or comments you may have on the DEIS during the comment period, which ends on October 27, 2010. Comments should be submitted either by mail to the Chief, Rulemaking and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or via e-mail to [Levy.COLEIS@nrc.gov](mailto:Levy.COLEIS@nrc.gov).

The NRC and USACE plan to hold two public meetings to present the analyses and results in the DEIS and to receive stakeholders comments on Thursday, September 23, 2010, at the Plantation Inn, 9301 West Fort Island Trail, Crystal River, Florida. The first meeting will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second meeting will convene at 7:00 p.m., with a repeat of the overview portions of the first meeting, and will continue until 10:00 p.m., as necessary. The meetings will be transcribed and will include: (1) a presentation of the contents of the DEIS; and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC and USACE staff will host informal discussions one hour before the start of each meeting during which members of the public may meet and talk with NRC and USACE staff members on an informal basis. You and your staff are invited to attend.

Chairman M. Cypress

- 3 -

If you have any questions concerning the environmental review of this COL application, please contact Mr. Douglas Bruner, Environmental Project Manager, at 301-415-2730, or via e-mail to [Douglas.Bruner@nrc.gov](mailto:Douglas.Bruner@nrc.gov).

Sincerely,

*/RA/*

Robert G. Schaaf, Chief  
Environmental Projects Branch 3  
Division of Site and Environmental Reviews  
Office of New Reactors

Docket Nos.: 52-029 and 52-030

Enclosures:  
As stated

cc: See Next Page

Chairman M. Cypress

- 3 -

If you have any questions concerning the environmental review of this COL application, please contact Mr. Douglas Bruner, Environmental Project Manager, at 301-415-2730, or via e-mail to [Douglas.Bruner@nrc.gov](mailto:Douglas.Bruner@nrc.gov).

Sincerely,

*/RA/*

Robert G. Schaaf, Chief  
Environmental Projects Branch 3  
Division of Site and Environmental Reviews  
Office of New Reactors

Docket Nos.: 52-029 and 52-030

Enclosures:  
As stated

cc: See Next Page

**DISTRIBUTION:**

|                 |   |   |
|-----------------|---|---|
| PUBLIC          | RidsRgn2MailCenter  | DMcFarland, PNNL ( <a href="mailto:douglas.mcfarland@pnl.gov">douglas.mcfarland@pnl.gov</a> ) |
| DBruner, NRO    | RidsOcaMailCenter   | RScherpelz, PNNL ( <a href="mailto:scherpelz@pnl.gov">scherpelz@pnl.gov</a> )                 |
| BAnderson, NRO  | RidsNroDserRenv   | BMiller, PNNL ( <a href="mailto:Beverly.Miller@pnl.gov">Beverly.Miller@pnl.gov</a> )          |
| JMartin, OGC    | RidsNroDser   | SWyngarden, ISL ( <a href="mailto:SWyngarden@icfi.com">SWyngarden@icfi.com</a> )              |
| MBrown, NRO     | RidsOcaMailCenter   |   |
| JSebrosky, NRO  | RidsOpaMail   |   |
| GWilson, RII    | RidsOgcMailCenter   |   |
| KRoach, OGC     | RidsNroDnrl   |   |
| RSchaaf, NRO    | GHambrick, USACE ( <a href="mailto:Gordon.A.Hambrick@usace.army.mil">Gordon.A.Hambrick@usace.army.mil</a> ) |   |
| TMorrissey, RII |   |   |
| RHanna, RII     |   |   |

**ADAMS Accession No.: ML101980004**

**NRO-002**

|        |                  |                  |           |                  |
|--------|------------------|------------------|-----------|------------------|
| OFFICE | NRO/DSER/RAP3:PM | NRO/DSER/RAP3:LA | OGC       | NRO/DSER/RAP3:BC |
| NAME   | DBruner          | MBrown           | JMartin   | RSchaaf          |
| DATE   | 7/21/2010        | 7/23/2010        | 7/30/2010 | 8/ 5 /2010       |

**OFFICIAL RECORD COPY**

Levy County Mailing List  
cc:

Ms. Pamela Albert  
5630 N. Andri Dr.  
Crystal River, FL 34428

Mr. Hugh P. Arnold  
14031 SE 82nd Ct.  
Inglis, FL 34449

Chief Bobby Johns Bearheart  
Perdido Bay Tribe  
Southeastern Lower  
Muscogee Creek Indians  
12533 Polonious Pkwy.  
Pensacola, FL 32506

Ms. Betty Berger  
P.O. Box 83  
Inglis, FL 34449

Ms. Carol Bergmann  
122 No. Pompeo Ave.  
Crystal River, FL 34429

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

Mr. Troy Burrell, Jr.  
12005 N. Florida Ave.  
Dunnellon, FL 34434

Renate Cannon  
7451 NW 35th St.  
Chiefland, FL 32626-7317

Mr. Ken Cheek  
12005 N. Florida Ave.  
Dunnellon, FL 34434

Ms. Linda Cohan  
AF Knotts Public Library  
11 56th St.  
Yankeetown, FL 34498

Ms. Betsy Cox  
5213 Relay Way  
Raleigh, NC 27605

Avis M. Craig  
10995 N. Citrus Ave.  
Crystal River, FL 34428

The Honorable Mitchell Cypress  
Chairman  
Seminole Tribe of Florida  
6300 Stirling Rd.  
Hollywood, FL 33024

Mr. Darryl A. Diamond  
20165 SE 115th Ave.  
Inglis, FL 34449

Ms. Amanda Douglas  
P.O. Box 1112  
Bronson, FL 32621

Mimi Drew  
FDEP Deputy Secretary  
3900 Commonwealth Blvd., MS 15  
Tallahassee, FL 32399

Lesla Ehlers  
Coastal Region Library  
Citrus County  
8619 W. Crystal St.  
Crystal River, FL 34426

Mr. Thomas Eppes  
6900 Ulmerton Rd.  
Largo, FL 33771

Mr. Hal C. Flowers  
2919 Wallerford Ave.  
Tampa, FL 33611

Ms. Patricia Foreman  
323 E. Hill St.  
Inverness, FL 34452

Levy County Mailing List  
cc:

Mr. John M. Fowler  
Director  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
Old Post Office Building  
1100 Pennsylvania Ave., NW, Ste. 803  
Washington, DC 20004

Mr. Ken Frink  
1281 N. Lombardi Ave.  
Lecanto, FL 34461  
Carol & John Froelich  
9521 N. Alder Ave.  
Crystal River, FL 34428

CDR Paul S. Gagliano  
U.S. EPA, Region 4  
61 Forsyth St.  
Atlanta, GA 30303

Mr. Rolando Garcia  
Regional Director  
Florida Fish and Wildlife Conservation  
Commission  
North Central Region  
3377 E. U.S. Highway 90  
Lake City, FL 32055-8795

Mr. Frederick P. Gaske  
Director  
Division of Historical Resources  
State Historic Preservation Officer  
Office of Cultural and Historical Programs  
500 So. Bronough St.  
Tallahassee, FL 3299-0250

Mr. James Golden  
Lead Planner  
South Florida Water Management District  
Intergovernmental Policy & Planning  
Division  
West Palm Beach, FL 33416-4680

Mr. Don Hambrick  
Department of the Army  
Jacksonville District - Corps of Engineers  
Panama City Regulatory Office  
1002 West 23rd St., Suite 350  
Panama City, FL 32405-3648

Chief Leonard Harjo  
Seminole Nation of Oklahoma  
P.O. Box 1498  
Wewoka, OK 74884

Mr. Mac Harris  
2795 W. Sunrise St.  
Lecanto, FL 34461

Mr. Michael A. Hernandez  
3663 S.W. 8th St., Suite 200  
Miami, FL 33135

Mr. Alan Hodges  
P.O. Box 110240  
Gainesville, FL 32611

Mr. Norman Hopkins  
1030 N. Crescent Dr.  
Crystal River, FL 34429

Mr. Art Jones  
560 NW 14th Place  
Crystal River, FL 34428

Mr. David Keys  
SERO NEPA Coordinator  
NOAA Fisheries Service  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

Mr. Mark P. Klutho  
14496 120th Ave. North  
Largo, FL 33774

Ms. Karen Koceimba  
Dunnellon Branch Library  
20351 Robinson Rd.  
Dunnellon, FL 34431

Mr. Al Latimer  
800 N. Magnolia Ave., Suite 1100  
Orlando, FL 32803

Mr. Barry Lenz  
5426 Bay Center Dr., Suite 400  
Tampa, FL 33609

Levy County Mailing List  
cc:

Maloni R. Lewis  
786 NE 6th Terr.  
Crystal River, FL 34428

Mr. Gary Maidhof  
3600 W. Sovereign Path, Suite 109  
Lecanto, FL 34461

Mr. Paul Marraffino  
19544 SW 82nd Place Rd.  
Dunnellon, FL 34432

Ms. Katrice McCray-Holly  
P.O. Box 551  
Crystal River, FL 34423

Mr. Walton McJordan  
P.O. Box 688  
Cedar Key, FL 32625

Mr. Brian Moore  
5559 Cactus Circle  
Spring Hill, FL 34606

Sandy Moseley  
Bronson Public Library  
Levy County  
600 Gilbert St.  
Bronson, FL 32621

Mr. Matt Mucci  
4300 W. Cypress St., Suite 250  
Tampa, FL 33607

Mr. Heinz Mueller  
U.S. EPA  
Region 4  
61 Forsyth St.  
Atlanta, GA 30303

Ms. Cindy Mulkey  
Engineering Specialist  
Dept. of Environmental Protection  
Siting Coordination Office  
3900 Commonwealth Blvd, MS 48  
Tallahassee, FL 32399

Mr. Joe Murphy  
34413 Orchid Pkwy.  
Ridge Manor, FL 33523

Mr. Michael Peters  
P.O. Box 7  
Inglis, FL 34449

Mr. Guy Rabens  
1417 SW 15th Ave.  
Ocala, FL 34471

E. E. Renfro  
6588 W. Cannondale Dr.  
Crystal River, FL 34429

Mr. John Russell  
17810 Hyland Ln.  
Dade City, FL 33523

Mr. Noah Silverman  
Natural Resource Specialist  
NOAA Fisheries Service  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

Ms. Laura Slaback  
P.O. Box 1086  
Branson, FL 32621

Mr. Paul Snead  
4701 Fox Rd.  
Raleigh, NC 27616

Ms. Anita Stewart  
18809 4th St. SE  
Lutz, FL 33549

Mr. Alan Summerville  
ICF International  
9300 Lee Highway  
Fairfax, VA 22031-1207

Mr. Steve Terry  
Miccosukee Tribe  
NAGPRA & Section 106 Representatives  
Tamiami Station  
P.O. Box 440021  
Miami, FL 331144-0021

Levy County Mailing List  
cc:

The Honorable Anne D. Tucker  
Chairwoman  
Muscogee Nation of Florida  
P.O. Box 3028  
Bruce, FL 32455

Mr. James Tulenko  
202 Nuclear Science Center  
Gainesville, FL 32611

Mr. Mark Vianello  
1614 SE Ft. King St.  
Ocala, FL 34471

A. Vlikmir  
1498 N. Endicott Pt.  
Crystal River, FL 34429

Ms. Theresa Waldron  
P.O. Box 438  
Lecanto, FL 34460

Ms. Linda Walker  
Deputy Field Supervisor  
U.S. Fish and Wildlife Service  
Jacksonville Field Office  
7915 Bay Meadows Way  
Jacksonville, FL 32256-7515

Mr. John York  
210 Estado Way NE  
St. Petersburg, FL 33704



Levy County Mailing List

cc:

Email:

ecasey21@hotmail.com (Emily Casey)  
jcd1968@gmail.com (Chris Dougherty)  
edisonj@levy.k12.fl.us (Jeff Edison)  
gagliano.paul@epa.gov (Cdr. Paul S. Gagliano)  
robert.hoffman@noaa.gov (Robert Hoffman)  
skirk@tampabay.rr.com (Susan Kirk)  
lawterv@cf.edu (Vernon Lawter)  
Littleton.brian@epa.gov (Brian Littleton)  
john.marmish@unitedway.org (John Marmish)  
miedema.ron@epa.gov (Ron Miedema)  
mueller.heinz@epa.gov (Heinz Mueller)  
porro@optonline.net (Joe Porrovecchio)  
reyes.juan@epa.gov (Juan Reyes)  
routree.marthea@epa.gov (Marthea Rountree)  
Paul.Snead@pgnmail.com (Paul Snead)  
greencat9@juno.com (Jennifer Sullivan)  
Rinck.todd@epa.gov (Rinck Todd)

Levy County Mailing List  
cc:

COL - Progress Energy - Levy County Mailing List  
cc:

(Revised 06/23/2010)

Ms. Michele Boyd  
Legislative Director  
Energy Program  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Ms. Georgia Cranmore  
Assistant Regional Administrator  
NOAA Fisheries Southeast Regional Office  
9721 Executive Center Drive North  
Saint Petersburg, FL 33702

Mr. John Elnitsky  
Vice President  
Nuclear Plant Development  
Progress Energy Florida, Inc.  
P.O. Box 14042  
Saint Petersburg, FL 33733

## COL - Progress Energy - Levy County Mailing List

### Email

APH@NEI.org (Adrian Heymer)  
awc@nei.org (Anne W. Cottingham)  
Bill.Jacobs@gdsassociates.com (Bill Jacobs)  
billn@fcan.org (Bill Newton)  
brian.mccabe@pgnmail.com (Brian McCabe)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
chris.burton@pgnmail.com (Chris Burton)  
chris.maslak@ge.com (Chris Maslak)  
CumminWE@Westinghouse.com (Edward W. Cummins)  
cwaltman@roe.com (C. Waltman)  
david.lewis@pillsburylaw.com (David Lewis)  
david.waters@pgnmail.com (Dave Waters)  
Derlinda.Bailey@chguernsey.com (Derinda Bailey)  
ed.burns@earthlink.net (Ed Burns)  
gzinke@entergy.com (George Alan Zinke)  
jgutierrez@morganlewis.com (Jay M. Gutierrez)  
jim.riccio@wdc.greenpeace.org (James Riccio)  
joe.w.donahue@pgnmail.com (Joe Donahue)  
john.elnitsky@pgnmail.com (John Elnitsky)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
Ichandler@morganlewis.com (Lawrence J. Chandler)  
levynuke@ecologyparty.org (Cara Campbell)  
Marc.Brooks@dhs.gov (Marc Brooks)  
maria.webb@pillsburylaw.com (Maria Webb)  
mark.beaumont@wsms.com (Mark Beaumont)  
Mark.Crisp@chguernsey.com (Mark Crisp)  
maryo@nirs.org (Mary Olson)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
media@nei.org (Scott Peterson)  
Mike.Halpin@dep.state.fl.us (Mike Halpin)  
MSF@nei.org (Marvin Fertel)  
nirsnet@nirs.org (Michael Mariotte)  
Nuclaw@mindspring.com (Robert Temple)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
Paul@beyondnuclear.org (Paul Gunter)  
pshastings@duke-energy.com (Peter Hastings)  
RJB@NEI.org (Russell Bell)  
robert.kitchen@pgnmail.com (Robert H. Kitchen)  
ronald\_m\_bright@bellsouth.net (Ronald Bright)  
sabinski@suddenlink.net (Steve A. Bennett)  
sandra.sloan@areva.com (Sandra Sloan)  
sfrantz@morganlewis.com (Stephen P. Frantz)

COL - Progress Energy - Levy County Mailing List

stephan.moen@ge.com (Stephan Moen)  
Tansel.Selekler@nuclear.energy.gov (Tansel Selekle)  
twinkletoesdms@aol.com (Robert and Deborah Smith)  
Vanessa.quinn@dhs.gov (Vanessa Quinn)  
william.maher@fpl.com (William Maher)