August 5, 2010

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

SUBJECT: REQUEST FOR COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND BIOLOGICAL ASSESSMENT RELATED TO THE REVIEW OF THE COMBINED LICENSE APPLICATION FOR THE LEVY NUCLEAR PLANT UNITS 1 AND 2

Dear Ms. Walker:

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 action, the NRC and USACE review team has prepared the enclosed draft environmental impact statement (DEIS) and biological assessment (BA) to evaluate potential adverse effects from the construction and operation of the two proposed nuclear units at the LNP site on the environment, including Federally protected species. The U.S. Fish and Wildlife Service (FWS) BA is provided in Appendix F of the DEIS.

Additionally, the enclosed BA initiates joint consultation between NRC, USACE, and FWS, pursuant to Section 7 of the Endangered Species Act of 1973. The BA examines the potential impacts of the proposed project on a number of Federally protected species.

The BA reviewed potential impacts from construction and operation of the proposed Levy nuclear power units on multiple Federally-listed species that may occur in or near the Levy Nuclear Plant site or the offsite corridors proposed for routing electric transmission lines, water intake and discharge pipelines, and other ancillary facilities. Mammals evaluated in the BA include the Florida salt marsh vole (*Microtis pennsylvanicus dukecampbelli*), Florida panther (*Puma concolor coryi*), and Florida manatee (*Trichechus manatus latirostris*). Birds evaluated in the BA include the Florida grasshopper sparrow (*Ammodramus savannarum floridanus*), Florida scrub jay (*Aphelocoma coerulescens*), piping plover *(Charadrius melodus)*, wood stork (*Mycteria americana*), red-cockaded woodpecker (*Picoides borealis*), Audubon's crested caracara (*Polyborus plancus audubonii*), and Everglade snail kite (*Rostrhamus sociabilis plumbeus*). Reptiles evaluated in the BA include the American alligator (*Alligator mississippiensis*), eastern indigo snake (*Drymarchon couperi*), and sand skink (*Neoseps reynoldsi*).

Plants evaluated in the BA include the Florida bonamia (*Bonamia grandiflora*), Brooksville bellflower (*Campanula robinsiae*), Pygmy fringe tree *(Chionanthus pygmaeus)*, Florida golden aster (*Chrysopsis floridana)*, longspurred mint (*Dicerandra cornutissima*), scrub buckwheat (*Eriogonum longifolium*), Cooley's water willow *(Justicia cooleyi)*, Britton's beargrass (*Nolina brittoniana*), Lewton's polygala (*Polygala lewtonii*), sandlace (*Polygonella myriophylla*), scrub plum (*Prunus geniculata*), wide-leaf warea (*Warea amplexifolia*), and Carter's mustard (*Warea carteri*). One fish species, the gulf sturgeon (*Acipenser oxyrinchus desotoi*), was also evaluated in the BA. No amphibians or invertebrates were evaluated in the BA.

The review team concluded that construction and operation of the proposed units would not affect the Florida grasshopper sparrow or American alligator, and may affect, but not likely adversely affect the Florida salt marsh vole, Florida panther, Florida manatee, Audubon's crested caracara, Everglades snail kite, piping plover, sand skink, gulf sturgeon, Pygmy fringe tree, wide-leaf warea, and Carter's mustard. The review team concluded that construction and operation of the proposed units may effect, and is likely to adversely affect, the other evaluated species. However, the review team does not feel that the actions would jeopardize populations of any of the evaluated species.

Please note that although the NRC and USACE are initiating a joint Section 7 consultation with FWS, the NRC and USACE have different regulatory authorities. In the event that FWS issues an Incidental Take Statement (ITS), please specify in the ITS which Terms and Conditions are imposed on which agency.

To fulfill consultation requirements as required by the Fish and Wildlife Coordination Act (FWCA), please provide any information and comments on the enclosed DEIS you consider appropriate under the provisions of the FWCA by October 26, 2010. Comments should be submitted via e-mail to LevyCOLEIS@nrc.gov, or to the Chief, Rulemaking and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

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 informally. You and your staff are invited to attend.

If you have any questions regarding the DEIS or BA, please contact Mr. Douglas Bruner, Environmental Project Manager, at 301-415-2730, or via e-mail to 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

Enclosure:
As stated

cc: See next page

If you have any questions regarding the DEIS or BA, please contact Mr. Douglas Bruner, Environmental Project Manager, at 301-415-2730, or via e-mail to Douglas.Bruner@nrc.gov.

Sincerely,

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Enclosure:
As stated

cc: See next page

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ADAMS Accession No.: ML102020483 **NRO-002**

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NAME	DBruner/JMuir	MBrown	Masnik/Doub	KRoach	RSchaaf
DATE	7/23/2010/	7/23/2010	7/7/2010	7/30/2010	8 /5 /2010

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