August 5, 2010

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

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

Dear Mr. Bernhart:

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), essential fish habitat (EFH), and biological assessment (BA), to evaluate potential adverse effects on the environment, including Federally protected species and EFH, from the construction and operation of the two proposed nuclear units at the LNP site. The EFH and BA are included in Appendix F to the DEIS.

Additionally, the enclosed assessments initiate joint consultations between NRC, USACE, and the National Marine Fisheries Service (NMFS), pursuant to Section 7 of the Endangered Species Act of 1973 and Section 305 of the Magnuson-Stevens Fishery Conservation Management Act, as amended by the Sustainable Fisheries Act of 1996. The BA examines the potential impacts of the proposed project on the loggerhead sea turtle, green sea turtle, leatherback sea turtle, hawksbill sea turtle, Kemp's ridley sea turtle, smalltooth sawfish, and Gulf sturgeon. The EFH assessment provides an evaluation of the impacts of the proposed project on designated EFH and respective Federally managed fish and shellfish species that may occur within the vicinity of the LNP site.

Please note that although the NRC and USACE are initiating a joint Section 7 consultation with NMFS, the NRC and USACE have different regulatory authorities. In the event that NMFS 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) and NEPA please provide any information and comments on the enclosed DEIS you consider appropriate under the provisions of the FWCA by October 27, 2010. Comments should be submitted 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, or via e-mail to LevyCOLEIS@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 staff members on an informal basis. You and your staff are invited to attend.

If you have any questions regarding the DEIS, EFH, or BA, please contact Mr. Douglas Bruner, Environmental Project Manager, by phone 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

To fulfill consultation requirements as required by the Fish and Wildlife Coordination Act (FWCA) and NEPA 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 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, or via e-mail to LevyCOLEIS@nrc.gov.

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

Sincerely,

/RA/

Robert G. Schaaf, Chief
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Office of New Reactors

Docket Nos.: 52-029 and 52-030

Enclosure:
As stated

cc: See next page

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ADAMS Accession No.: ML102020516 **NRO-002**

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