



Serial: NPD-NRC-2010-081  
October 25, 2010

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U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LEVY  
NUCLEAR PLANT UNITS 1 AND 2 (75 FR 49539 – August 13, 2010)**

Ladies and Gentlemen:

Progress Energy hereby submits the attached comments on the Draft Environmental Impact Statement for the Combined Licenses for Levy Nuclear Plant Units 1 and 2 (NUREG-1941, Volumes 1 and 2).

If you have any questions, or need additional information, please contact Paul Snead at (919) 546-2836 or me at (919) 546-6992.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert H. Kitchen'.

Robert H. Kitchen  
Manager – Nuclear Plant Licensing  
New Generation Programs & Projects

Enclosure

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

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Chapter 2.0 Affected Environment

1. Section 2.2.1, Page 2-5, Lines 23-27: Describes the common corridor leaving the site and going all the way to CREC. This is misleading; the common corridor really goes from the site to the CFBC where it diverges into a pipeline corridor going west then south and a transmission line common corridor that goes south to the Citrus Substation. The term common corridor primarily refers to the transmission line corridor and not the pipeline corridor which it sometimes overlaps.
2. Section 2.2.1, Page 2-7, Lines 35-37: The description provided, "Two pipelines for liquefied natural gas in the vicinity are owned and operated by FGT. These underground pipelines are located on the north side of US-19 alongside the abandoned railroad track." is the beginning of the description provided in the reference (PEF 2009a) and appears to be incomplete in describing the location of these pipelines. The cited reference states the following, "These underground natural gas pipelines are located on the north side of US-19 alongside the abandoned railroad track. The pipelines cross CR-121, turn south, and cross over CR-336. The lines run parallel to power lines that run south with US-19, crossing over US-19 near the intersection of US-19 and CR-40, and continuing towards the LNP site."
3. Section 2.2.2, Page 2-10, Line 11: Page 2-10 of the DEIS, line 11, incorrectly notes that the line from the Brookridge substation to the Brooksville West substation is 500-kV. LNP ER Section 3.7.1.3 Additional Corridors notes:
  - a. "The BBW corridor for one 230-kV transmission line will originate at the Brookridge Substation in Hernando County, and will terminate at the Brooksville West Substation, also located in Hernando County. The BBW corridor is also known as Brookridge."
4. Section 2.3.1.2, Page 2-24: Progress Energy Florida (PEF) hired consultants that used the SWFWMD standard regional model to create the recalibrated groundwater model in response to NRCs request for a model that provided a better match to the 2007 USGS potentiometric map of the Upper Floridan aquifer and site-specific groundwater elevations in the surficial and Upper Floridan aquifers. In order to address this request, the consultants made changes to the lateral boundary conditions in the simulated Upper Floridan aquifer of the original model. Utilizing the higher boundary heads resulted in adjusting aquifer parameters for leakance and hydraulic conductivity to "force" the water levels to higher elevations and to reduce the horizontal gradient. The resulting water levels in the recalibrated model are now inconsistent with the DWRM2 regional model and would cause the regional model calibration to degrade. No changes were made to the lateral boundary conditions of the surficial aquifer in the original model because no information was available beyond that already incorporated into the DWRM2 model. Therefore, the changes to the boundary conditions of the Upper Floridan aquifer resulted in changes to the vertical gradients between the surficial and Upper Floridan aquifers and both dry and flooded cells in the simulated surficial aquifer. Dry and flooded cells are an indication of excessively high or low vertical flow between the surficial and Upper Floridan aquifers as a result of the boundary head changes. These excessive vertical flow differences are also inconsistent with the DWRM2 regional model and would cause the regional model calibration to degrade. The results of the recalibrated model are therefore less supported than the results of the original model.

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5. Section 2.3.2, Page 2-29, Line 28: Statement beginning with "Most of the water is evaporated in the cooling tower..." is not accurate. Only about 30 percent is evaporated and the rest is used to dilute the water for the blowdown.
6. Section 2.3.3.1, Page 2-32, Line 37: Bungalow Pass should be "Bungalow Pass".
7. Section 2.4.1.1, Page 2-45, Line 16: "levels" should be singular (or replace with "incidence").
8. Section 2.4.1.1, Page 2-46, Line 6: "firelag" should be "fireflag".
9. Section 2.4.1.1, Page 2-47, Lines 1-3: Notes that the Utilities FLUCFCS code 830 is represented by a natural gas pipeline. There is also a transmission line in this area covered by this code.
10. Section 2.4.1.2, Page 2-53, Line 34: Add the word "River" before the word "Management".
11. Section 2.4.1.3, Page 2-78, Line 32: "spoon-leavf" should be "spoon-leaf".
12. Section 2.4.2.1, Page 2-88, Line 16: "CFBC" mislabeled as "CBFC".
13. Section 2.4.2.1, Page 2-89, Starting at Line 36: DEIS Section 2.4.2 continually references CH2M HILL 2009b which according to references in DEIS Section 2 is TMEM-079 (Estimated Salinity Changes in the Cross Florida Barge Canal and Old Withlacoochee River Channel after Levy Nuclear Plant Intake Operation). The reference CH2MHILL 2009b appears to actually come from the Essential Fish Habitat report located in Appendix F of the DEIS. This should be clarified in section 2.4.2 or it appears the wrong data source is being referenced. Once the DEIS reaches the OWR section on page 2-98, the reference is accurate.
14. Section 2.4.2.1, Page 2-96, Line 12: Need to add space between "stations" and "for".
15. Section 2.4.2.1, Page 2-97, Line 15: DEIS statement inconsistent with TMEM-087 (Aquatic sampling) which it references. (Note that CH2M Hill 2009b reference is not correct for Chapter 2, but is the same reference and number from Appendix F.) DEIS statement reads "Station 1 had the highest catches" for minnow traps from CFBC. TMEM-087 states "Station 2 had the highest overall sampling totals for all events".
16. Section 2.4.2.1, Page 2-97, Line 21: DEIS statement inconsistent with TMEM-087 (Aquatic sampling) which it references. (Note that CH2M Hill 2009b reference is not correct for Chapter 2, but is the same reference and number from Appendix F.) DEIS statement reads "Fall and Winter had the highest CPUE" for cast netting from CFBC. TMEM-087 reports Winter and Summer were highest respectively.
17. Section 2.4.2.1, Page 2-97, Line 27: DEIS statement inconsistent with TMEM-087 (Aquatic sampling) which it references. (Note that CH2M Hill 2009b reference is not correct for Chapter 2, but is the same reference and number from Appendix F.) Repeat of previous inconsistent statement, says "As with cast netting, Fall and Winter events

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yielded the highest CPUE". Need to remove "As with cast netting" since that statement is not consistent as mentioned above.

18. Section 2.4.2.1, Page 2-97, Line 36: DEIS statement about CFBC Station 1 "but still has appreciable numbers of sediment-dwelling invertebrates" is inconsistent with TMEM-087 which it references. (Note that CH2M Hill 2009b reference is not correct for Chapter 2, but is the same reference and number from Appendix F.) Data from TMEM-087 indicates very low numbers of sediment-dwelling invertebrates.
19. Section 2.4.2.1, Page 2-102, Line 5: DEIS statement inconsistent with previous paragraph and TMEM-087 (Aquatic Sampling). DEIS statement says Silver Perch were notably absent from CREC stations. Previous paragraph states they were a dominant species during cast netting at CREC stations.
20. Section 2.4.2.3, Page 2-104, Line 35: DEIS statement should read Crevalle jacks were identified at CFBC station 2 near the US-19 overpass and at CREC stations 3 and 4. The statement omitted CREC station 3.
21. Section 2.4.2.3, Page 2-106, Line 6: DEIS statement should read pink shrimp were collected at CFBC stations 2, 3, and 4. The statement omitted CFBC station 4.
22. Section 2.4.2.3, Page 2-106, Line 15: DEIS statement should read blue crabs were caught at all CFBC stations (1, 2, 3, and 4). The statement omitted CFBC stations 1 and 4.
23. Section 2.4.2.3, Page 2-108, Line 11: DEIS statement should read red drum were caught at CFBC stations 1 and 2. The statement omitted CFBC station 2.
24. Section 2.9.3.1, Page 2-180, Line 9: "Proposed Units 3 and 4" should read "Proposed Units 1 and 2".
25. Section 2.9.4, Page 2-181, Line 3: "wind direction ambient temperature" should read "wind direction, ambient temperature".
26. Section 2.10.1.1, Page 2-182, Line 23: Air emissions in Levy County are permitted by FDEP, not Levy County.
27. Section 2.10.2, Page 2-185, Lines 34-35: Note that "...Inglis Island Trail in Goethe State Forest might also be affected by construction noise." This trail is not in Goethe but on Marjorie Harris Carr Cross Florida Greenway.
28. Section 2.10.3, Page 2-187, Line 23: says the CSX line runs to the City of Crystal River...it runs to the Crystal River Energy Complex not the city.

Chapter 3.0 Site Layout and Plant Description

29. Section 3.2.3.2, Page 3-15, Line 16: Line 16 should read "cooling tower basins through two 48-in.-diameter intake pipelines for each nuclear unit (four in total)". The makeup water pipes are planned to be 48-in.-diameter, not 54-in.-diameter.

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30. Section 3.4.2.4, Page 3-29, Line 17: Under the drainage discussion, suggest revising to read as "...drained through groundwater infiltration and small diameter pipes within 5 days."
31. Section 3.4.2.4, Page 3-29, Line 22: Recommend striking "long" from "long spreader swales." Long is too subjective.
32. Section 3.4.4.2, Page 3-36, Table 3-3: Recommend replacing "prior to reuse" with "prior to discharge" in all three rows for "Storm" System.
33. Section 3.4.4.2, Page 3-36, Line 3: Recommend revising to read as "...would equal approximately 4.9 percent or less of the combined..." There are different permitted flow rates at CREC between summer and winter.
34. Section 3.5, Page 3-40, Line 28: Reference to the SCA application at FDEP website...it is no longer available online.

Chapter 4.0 Construction Impacts at the Proposed Site

35. Section 4.1, starting on Page 4-3: Section 4.1 of the document discusses the land use impacts for the project. The impacts discussed are based on data from the Environmental Report and Request for Additional Information responses from Progress Energy Florida (PEF). These impacts represent the maximum impact from the project and in the case of the transmission line corridors, the final impacts will be a subset of the impacts currently evaluated in the DEIS. The refinement of the corridors to the rights of way will not change the final conclusion regarding the impact level of the project. The same comment can be made of the refinement of the wetland impact acreage. In preparing the impact data for the ER and RAI requests, PEF used a conservative approach in order to ensure that the bounding impacts would be included and as the project was refined, impacts/acreages would be reduced rather than increased. As a result, PEF believes the information presented in the DEIS is adequate to address the maximum impacts from the project and further refinement of this data is not necessary for the Final Environmental Impact Statement (FEIS). The wetland impacts described in the April 23, 2010 Wetland Mitigation Plan submitted to the State of Florida provides the most up-to-date quantification of wetland impacts and is consistent with those noted in the USACE 404 Public Notice; however, as noted above, this level of detail should not be needed for the FEIS.
36. Section 4.1.2, Page 4-11, Lines 32-33: Statement fails to note that transmission line siting in Florida can be under the Transmission Line Siting Act as well. Recommend that the sentence be revised to read "Transmission-line siting in Florida is regulated under the Transmission Line Siting Act (TLSA) or (as in this case) the Florida Power Plant Siting Act (PPSA)..."
37. Section 4.1.2, Page 4-12, Lines 23-30: Notes one of the 500kV lines beyond the first substation. All of the 500kV lines from LNP go to a first substation be it Citrus, CREC or Central Florida South. None go beyond the 1<sup>st</sup> substation.

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38. Section 4.2.1, Page 4-19, Line 7: Historic basin storage is a volume, not an effect. Replace "The second of these effects is..." with "The second effect is on retention storage below the SHWL which is also called historic basin storage (HBS)."
39. Section 4.2.1, Page 4-20, Line 3: Recommend revising to read as "... estimated in the boundary analysis the maximum rise in the level of the 100-year flood..."
40. Section 4.2.1, Page 4-21, Line 11: Delete reference to "Regional Offsite Mitigation Area plan" and replace with "LNP Mitigation Plan".
41. Section 4.2.1, Page 4-18: Progress Energy Florida (PEF) hired consultants that used the SWFWMD standard regional model to create the recalibrated groundwater model in response to NRCs request for a model that provided a better match to the 2007 USGS potentiometric map of the Upper Floridan aquifer and site-specific groundwater elevations in the surficial and Upper Floridan aquifers. In order to address this request, the consultants made changes to the lateral boundary conditions in the simulated Upper Floridan aquifer of the original model. Utilizing the higher boundary heads resulted in adjusting aquifer parameters for leakance and hydraulic conductivity to "force" the water levels to higher elevations and to reduce the horizontal gradient. The resulting water levels in the recalibrated model are now inconsistent with the DWRM2 regional model and would cause the regional model calibration to degrade. No changes were made to the lateral boundary conditions of the surficial aquifer in the original model because no information was available beyond that already incorporated into the DWRM2 model. Therefore, the changes to the boundary conditions of the Upper Floridan aquifer resulted in changes to the vertical gradients between the surficial and Upper Floridan aquifers and both dry and flooded cells in the simulated surficial aquifer. Dry and flooded cells are an indication of excessively high or low vertical flow between the surficial and Upper Floridan aquifers as a result of the boundary head changes. These excessive vertical flow differences are also inconsistent with the DWRM2 regional model and would cause the regional model calibration to degrade. The results of the recalibrated model are therefore less supported than the results of the original model.
42. Section 4.2.1, Page 4-21, Lines 15-31: This paragraph is confusing in that it implies building-related groundwater-use impacts from comparison with impacts from wells screened within the aquifer implying a well-field drawdown. The discussion provided in this paragraph refers to dewatering activities to support construction. It refers to the analysis of production wells which have been moved off-site being used to bound construction dewatering potential impacts on-site. The use of Figure 4-1 seems inappropriate since it shows drawdown for off-site production wells. Using the drawdown modeled for the production wells when they were on-site and more representative of the area to be impacted by construction dewatering would be more appropriate. The bounding analysis should note that the construction drawdown are still a fraction of the original production well analysis, temporary in nature, and would still not be expected to noticeably alter any aquatic resources.
43. Section 4.3.1.7, Page 4-67, Lines 37-38: Notes that "the lift would be spread over all five affected watersheds, although not in exact proportion to the impacts." This statement is not accurate – the updated mitigation plan (April 23, 2010) does have impacts/mitigation based on watersheds.

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44. Section 4.6, Page 4-107, Line 10: "significant" needs to be added before cultural resource. It should read: . . . near known significant cultural resources . . .

Chapter 5.0 Operational Impacts at the Proposed Site

45. Section 5.2.1, Page 5-4: Progress Energy Florida (PEF) hired consultants that used the SWFWMD standard regional model to create the recalibrated groundwater model in response to NRCs request for a model that provided a better match to the 2007 USGS potentiometric map of the Upper Floridan aquifer and site-specific groundwater elevations in the surficial and Upper Floridan aquifers. In order to address this request, the consultants made changes to the lateral boundary conditions in the simulated Upper Floridan aquifer of the original model. Utilizing the higher boundary heads resulted in adjusting aquifer parameters for leakance and hydraulic conductivity to "force" the water levels to higher elevations and to reduce the horizontal gradient. The resulting water levels in the recalibrated model are now inconsistent with the DWRM2 regional model and would cause the regional model calibration to degrade. No changes were made to the lateral boundary conditions of the surficial aquifer in the original model because no information was available beyond that already incorporated into the DWRM2 model. Therefore, the changes to the boundary conditions of the Upper Floridan aquifer resulted in changes to the vertical gradients between the surficial and Upper Floridan aquifers and both dry and flooded cells in the simulated surficial aquifer. Dry and flooded cells are an indication of excessively high or low vertical flow between the surficial and Upper Floridan aquifers as a result of the boundary head changes. These excessive vertical flow differences are also inconsistent with the DWRM2 regional model and would cause the regional model calibration to degrade. The results of the recalibrated model are therefore less supported than the results of the original model.
46. Section 5.2.3.1, Page 5-13, Line 3: Fischer is misspelled.
47. Section 5.3.1.1, Page 5-27, Lines 1-9: Discusses how differences in model values (such as the original Levy groundwater model and the recalibrated groundwater model) can lead to uncertainty. Starting on Line 6, the DEIS says "Because of this uncertainty, and to ensure that the proposed use of groundwater for the LNP project does not cause adverse impacts on wetlands and surface waters, the State of Florida imposed the following conditions in the final site certification issued under the PPSA..." This implies that the State of Florida imposed the conditions of certification because of the uncertainty between these two models. The conditions of certification were imposed independent of the recalibrated groundwater model and even before the recalibrated model was completed. Please clarify that the State of Florida imposed the conditions of certification because of the inherent uncertainty that exists for groundwater models in general.
48. Section 5.3.1.1, Page 5-28, starting at Line 15: The DEIS fails to recognize that PEF is required to develop an Avian Protection Plan (APP) which covers both the site and transmission lines to help mitigate for the potential collisions issues. As part of the PPSA Conditions of Certification (Condition XXIX.A.6 and XXXIX.F), PEF is required to develop an Avian Protection Plan for the project that will address potential avian issues from the power plant and transmission lines. This plan will address potential collision issues.

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49. Section 5.3.1.1, Page 5-31, starting at Line 6: The DEIS fails to recognize that PEF is required to develop an Avian Protection Plan (APP) which covers both the site and transmission lines to help mitigate for the potential collisions issues. As part of the PPSA Conditions of Certification (Condition XXIX.A.6 and XXXIX.F), PEF is required to develop an Avian Protection Plan for the project that will address potential avian issues from the power plant and transmission lines. This plan will address potential light pollution issues.
50. Section 5.3.2.1, Page 5-49, Line 31: Change "expected in" to "expected to".
51. Section 5.3.1.6, Page 5-43, Lines 21-30: The DEIS notes that terrestrial ecological resources (including wetlands) impacts would be SMALL to MODERATE and that a range is provided to account for the uncertainty that exists regarding the potential effects of groundwater withdrawal on wetlands and associated biota. However, as noted earlier in DEIS Section 5.3.1.1, the State of Florida has imposed Conditions of Certification which require PEF to develop and implement an Environmental Monitoring Plan (EMP) for the proposed operational groundwater well-field to monitor the hydrology and ecology of wetlands in the vicinity of the well-field that could potentially be affected by groundwater drawdown resulting from operation of the LNP. In accordance with SWFWMD's review criteria, groundwater withdrawal cannot cause unacceptable adverse impacts on wetlands or other surface waters. Consequently, any potential impact to wetlands from groundwater withdrawal would be only temporary and therefore would not destabilize nor noticeably alter the wetland resource. PEF recommends that this impact be revised to "SMALL" from "SMALL to MODERATE". Similarly, PEF recommends that this same impact be revised in the following sections:
- Table 5-23 on Page 5-129
  - Section 7.3.1, Page 7-20, Lines 23-25
  - Section 7.3.1.3, Page 7-28, Lines 17-22
  - Section 7.12, Page 7-52, Lines 30-31
  - Table 7-4 on Page 7-53
  - Table 10-2 on Page 10-10
52. Section 5.4.3.1, Page 5-64, Line 20: Typo: "in the 50 mile region," instead of "in the 50 mi,".
53. Section 5.6, Page 5-77, Line 8: "significant" needs to be added before cultural resource. It should read: . . . concluded that no known significant cultural resources exist . . . [there are known cultural resources in the APE, they just aren't significant].
54. Section 5.6, Page 5-77, Line 17: "significant" needs to be added before cultural resource. It should read: . . . near known significant cultural resources . . .
55. Section 5.7.1, Page 5-78, Line 17: Note that a PSD Permit (Air Permit No. PSD-FL-403) was issued for the LNP air emissions on 02/20/09.
56. Section 5.7.1, Page 5-78, Line 23: The PEF reference should be 2009a rather than 2008a.

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57. Section 5.8.3, page 5-84: DEIS Section 5.8.3 describes the “acute effects of electromagnetic fields”. The DEIS states that “Based on PEF’s commitment to design new transmission lines to ensure that the present NESC criteria are met for all of the anticipated transmission-line configurations for the proposed LNP, the staff concludes that the impact on the public from acute effects of EMFs would be minimal, and additional mitigation would not be warranted.” The DEIS does not note that PEF’s compliance with National Electric Safety Code (NESC) criteria and standards are statutory requirements imposed by the Florida Public Service Commission on PEF. The NESC criteria are statutory and regulatory requirements, not merely “commitments by PEF.” Section 366.04(6), Florida Statutes, provides the FPSC the authority to adopt safety standards for transmission facilities of all utilities in Florida, and provides that the NESC “shall constitute acceptable and adequate requirements for the protection of the safety of the public, and compliance with the minimum requirements of that code shall constitute good engineering practice by the utilities.” FPSC has adopted the NESC and provided that newly constructed transmission lines must comply, at a minimum, with the NESC standards and criteria. (See Rule 25-6.0345, Fla. Admin. Code, *Safety Standards for Construction of New Transmission and Distribution Facilities*).
58. Section 5.9.3.1, Page 5-95, Line 6: There is an apparent discrepancy between what is reported in the DEIS and the ER regarding the calculated Beta Air Dose from the gaseous pathway from one new AP1000 unit. Table 5-11 of the DEIS states 9.9 mrad and Table 5.4-9 of the ER states 9.4 mrad.
59. Section 5.12, Page 5-123, Table 5-22: This table notes under land use that “No ground disturbing activities are planned to occur during the maintenance of the transmission lines.” This isn’t totally correct during regular maintenance. During regular maintenance, there is likely no ground disturbing activities but there could be times where new ground rods need to be driven or poles replaced and minor ground disturbing activities could occur during those times.

Chapter 7.0 Cumulative Impacts

60. Section 7.1, Page 7-9, Lines 11-13: Note that “...the review team expects the corridors to have a noticeable impact on the local area”. Since most of the lines except for the common route between LNP and Citrus are either adjacent or rebuilding of existing ROW, this impact should be minimal.
61. Section 7.3.1.2, Page 7-27, Lines 14-26: We disagree with the discussion of habitat fragmentation on the utility corridors. The utility corridors are being collocated with existing lines which allows the amount of ROW to be reduced or eliminated. In the area for the common route, the habitat is already fragmented due to the subdivision layout of Crystal Manor. The roads/canals of the subdivision already fragment this habitat. The pipeline is adjacent to the barge canal in previously impacted areas and then on existing linear features which have already fragmented the habitat. The Levy utility corridors do not significantly add more fragmentation.
62. Section 7.6.1, Page 7-41, Line 6: Note that a PSD Permit (Air Permit No. PSD-FL-403) was issued for the LNP air emissions on 02/20/09.

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Chapter 9.0 Environmental Impacts of Alternatives

63. Section 9.2.2.1, Page 9-11, Lines 28-29: NPDES is National Pollutant Discharge Elimination System not "National Pollution Discharge Elimination System" - correct in acronym listing but not in text when introduced.

Chapter 10.0 Conclusions and Recommendations

64. Section 10, Page 10-1, Lines 13-15: Statement should be rewritten as "On August 26, 2009 the Florida Governor and Cabinet (acting as the Siting Board) approved the Site Certification with specified Conditions of Certification for LNP Units 1 and 2, associated facilities, and transmission lines..."

Appendix F Key Consultation Correspondence

65. Essential Fish Habitat Assessment, Section 2.1, Page F-10, Line 8: DEIS statement implies that analytical water quality samples included TOC. TOC analyses were performed on sediment samples within the CFBC and not water samples.
66. Essential Fish Habitat Assessment, Section 2.2.1, Page F-17, Line 3: DEIS statement implies that analytical water quality samples included TOC. TOC analyses were performed on sediment samples within the CREC and not water samples.
67. Essential Fish Habitat Assessment, Section 2.2.1, Page F-17, Line 10: DEIS statement inconsistent with TMEM-087 (Aquatic Sampling). DEIS statement says Silver Perch were notably absent from CREC stations. TMEM-087 indicates Silver perch were caught cast netting at CREC stations.
68. Essential Fish Habitat Assessment, Section 3, Page F-19, Line 6: Text "Error! Reference source not found" inserted into paragraph.
69. Essential Fish Habitat Assessment, Section 3.1, Page F-21, Line 15: DEIS statement about size of inlet area needing to be larger than 106.1 ft<sup>2</sup> references CH2MHILL 316(b) study. This information is not found in that source. Later, the same statement is referenced to PEF 2008a which is LNP 1 and 2 SCA volumes 1 through 9. References inconsistent and not accurate in regard to CH2MHILL 2009c.
70. Essential Fish Habitat Assessment, Section 4.2.1, Page F-28, Line 1: DEIS statement about size of inlet area needing to be larger than 106.1 ft<sup>2</sup> references CH2MHILL 316(b) study. This information is not found in that source. Later, the same statement is referenced to PEF 2008a which is LNP 1 and 2 SCA volumes 1 through 9. References inconsistent and not accurate in regard to CH2MHILL 2009c.
71. Essential Fish Habitat Assessment, Section 4.2.2: There is no section 4.2.2 between 4.2.1 and 4.2.3 in Appendix F.

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72. Essential Fish Habitat Assessment, Section 5.1.6, Page F-38, Line 28: DEIS statement inconsistent with TMEM-087 (Aquatic sampling) which it references. DEIS says Lane snapper were observed at all 3 CFBC stations. TMEM-087 only lists Lane snapper as being caught at CFBC station 3.
  
73. Biological Assessment, Section 3.2.1, Page F-71, Line 30: DEIS statement about CFBC Station 1 "but still has appreciable numbers of sediment-dwelling invertebrates" is inconsistent with data from TMEM-087, which it references, that indicates very low numbers of sediment-dwelling invertebrates.
  
74. Biological Assessment, Section 3.2.3, Page F-73, Line 27: DEIS statement inconsistent with TMEM-087 (Aquatic Sampling). DEIS statement says Silver Perch were notably absent from CREC stations. TMEM-087 indicates Silver perch were caught cast netting at CREC stations.
  
75. Biological Assessment, Section 5.0, Page F-155, starting at Line 32: With regard to the piping plover – it should be noted that although the transmission line crosses portions of Hillsborough and Pinellas counties, they are miles away from the designated critical habitat areas.