United States of America
Nuclear Regulatory Commission

Atomic Safety and Licensing Board

Before Administrative Judges:

Alex S. Karlin, Chair
Dr. Anthony J. Baratta
Dr. William M. Murphy

In the Matter of: PROGRESS ENERGY FLORIDA, INC. Combined License Application for Levy County Units 1 & 2	Dockets Numbers 52-029-COL and 52-030-COL December 28, 2010

Intervener's Reply to NRC Staff Answer: New Contention 12

In the above captioned proceeding, we review:

On November 15, 2010 the Ecology Party of Florida, the Green Party of Florida and Nuclear Information and Resource Service (Interveners) jointly filed a new contention (12) to which the NRC Staff has Answered (December 21, 2010); Interveners now reply. The November 15 date was established by a combination of negotiation (60 days from the publication of the Levy County Units 1 & 2 Draft Environmental Impact Statement for new contentions based on that document was part of the initial scheduling) and further extension was approved due to medical causes. This second extension applied only to matters pertaining to hydroecology. Contention 12 was filed timely in terms of this hybrid deadline insofar as Contention 12 is based on the DEIS and concerns hydroecological matters; in addition it is based on NEW information and was filed within 30 days of the event that created new information. Several of these points require additional clarification since apparently NRC staff do not understand the plain language of Contention 12. Interveners will also clarify that we did not understand certain terms of "art" that NRC Staff assert to have special meanings.

First it is necessary to “paint” the issues of Contention 12 since NRC Staff has clearly not understood the issues we are bringing. We shall do so briefly – and wish to emphasize that while the language of Contention 12 may assume a certain level of comprehension, all of information was contained in the original filing if the reader had any basic knowledge of the physical elements that are referred to.

At present time, the Cross Florida Barge Canal (CFBC) flows from East to West – except for the tidal action, when it obviously fluctuates in direction. Since the flow is from East to West, there is a considerable amount of water that does not originate from the Gulf of Mexico. The assertion that all the water that the Cooling Water Intake Structure (CWIS) would “consume” would come from the Gulf of Mexico is wrong. The CWIS will obviously pull water from the Gulf, and will thereby reverse the predominant direction of flow in the CFBC, but it will also continue to consume the fresh water that is in the canal now. Currently that fresh water reaches the coastal waters including the estuary of the lower Withlacoochee River – and in fact is a surrogate for part of the flow that part of the river does not receive due to the construction of the CFBC. The restoration of a direct flow pathway of waters from the Upper Withlacoochee to the Lower Withlacoochee, while prospective, and not part of this proposed Federal action – is a plan (not a proposal) that predates the proposed nuclear reactors, and would have enormous hydroecological impacts on both the lower river, and the biologically diverse estuary and coastal waters. The construction of the CWIS is in direct conflict with the implementation of the Withlacoochee River restoration plan. This is clearly a hydroecological issue for an Outstanding Water of Florida. It is true that the matter of the CWIS is not new. What is new, and could not have been anticipated prior to the publication of the DEIS is Staff’s approach to the assessment of alternate sites, which is greatly expanded over the ER, but nonetheless does not address these issues in terms of the incompatibility of the CWIS with the restoration plan. Interveners not only find that the matter of river restoration was not weighed in the assessment of the Levy site

as compared to other sites, but also note that NONE of the other sites would incur the very long-term delay of any prospect of implementing River restoration and that this LARGE impact should have been factored into the DEIS. The delay in river restoration would be for the term of the license, any license renewal and then whatever time through the decommissioning of the CWIS.

The admission of this contention for a hearing would certainly allow the development of the specific details of the river and estuary impacts and expert judgment in the matter. Interveners have perhaps erred in providing some of the relevant documents that we think could form a basis for that development; perhaps in future we should simply provide references.

The second element of Contention 12 turns on a new proposal that has recently been acted on – that could not have been reviewed in the DEIS because it happened on October 20, 2010, after the publication of the DEIS. We note again that Contention 12 is filed within 30 days of the NEW information. This proposal would rededicate the CFB canal (while not impinging on navigation) by creating an in-land head of 2 feet that would reduce the inflow of tidal salt water, for purposes of impounding the fresh water that flows into the canal for municipal supply. Even with the restoration of flow from the Upper Withlacoochee, directly to the Lower Withlacoochee, the springs along the CFBC will continue to supply fresh water to the canal basin. While NRC Staff may not view this as a "hydroecological" issue – we remind Staff that Homo sapiens and its environment is in fact the primary purpose for the National Environmental Policy Act process that it has implemented, and that a species' drinking water is a primary ecological issue.

In plain language: if the proposal is moved to the Crystal River Energy Center, both of these socially important, hydroecologically vital projects could proceed unhindered. The AP1000's would in fact be cooled with Gulf Water – rather than partially with Gulf Water; the

Withlacoochee River could be revived and the barge canal could serve an additional beneficial function.

Let it be noted that Interveners do not venture to endorse any site for the proposed reactors. Interveners hold a clear wish that this project will be withdrawn by the applicant altogether and not put on any site. Nonetheless, the transcript from the NRC's September 23, 2010 public meeting on the DEIS held during the evening in Crystal River (Attachment 1) clearly reflects a strong wish on the part of some of our Members, and their neighbors, that if the reactor project will be built, that it be an addition to the existing Crystal River Energy Center, rather than located on the proposed site in Levy County. See the comments of: Mr Hopkins (page 52, also invoking comments of Bette Burger at the afternoon meeting); Ms Foley (pages 65-67); Mr Jones (pages 75-77); Ms Sieling (page 94). Other speakers register concerns about the ground water impacts if the reactor is sited in Levy County and broad hydrological and hydroecological concerns.

It was NRC Staff's attack on the good reasons which form the basis for Interveners to bring matters late to the table, that caused sufficient reflection to remember hearing these voices at the public meeting in Crystal River, urging the reconsideration of the site selection. The NRC Staff's answer have caused Interveners to note that an additional good reason to venture into these large matters at this juncture: the local people are asking for this outcome. Whether the applicant or the Commission is willing to serve these voices (who are, by the way, more supportive of the project than the Interveners) remains to be seen; we, however, cannot turn away.

Whether one talks about "preferable" or "superior" the point of Contention 12 is that with respect impact to the human environment, the designated site is inferior – and the ways in which it is inferior should be weighed in the determination that is made under NEPA with respect

to viable alternatives: billions of gallons of drinking water and the restoration of a degraded river are priorities that NRC has an obligation not simply to "note" but rather to factor in to the outcome of its NEPA analysis – with whatever terms of trade it so chooses.

As for the newness of our action: as noted in the contention filing, the Withlacoochee Regional Water Supply Authority (WRWSA) met on October 20, 2010 and heard the proposal to create a freshwater impoundment in the CFBC. The minutes of that meeting are now available and attached here (Attachement 2) and state in part:

> Mr. Hubbell recommended to the Board to accept this project as a long-term (20 to 25 years) alternative water supply project to be studied for consideration and development in the future when other alternative water supply projects are further analyzed. (WRWSA Minutes from Oct 20, 2010 page 2)

As stated on page 3, the Board unanimously passed a motion to accept Mr. Hubbell's (Executive Director of the governor-appointed WRWSA) recommendation.

It is true that this action is prospective; so is Progress Energy's. The function of the National Environmental Policy Act is to ensure that major federal actions are fully informed. This action on October 20 is material: the approval of 52-029-COL and 52-030-COL on the proposed Levy site would preclude the implementation of this alternate water supply for ½ century; likely longer. We do not think that this action was "reasonably foreseeable" by NRC Staff; it is NEW. We find it to be a good reason to re-open the matter of where Progress Energy Florida would construct its proposed reactors. The existing Crystal River Energy Center (CREC) would remove the need to use water from the CFBC and would allow the restoration of the upper and lower Withlacoochee.

If the process of identifying alternative sites results only in a paper trail to support a "fete a compli" decision of the applicant, then Interveners have made a bad calculation as to the value of the time invested in this project. We do not judge the new generation of regulators be

so futile. We stand by our submission of Contention 12. We find that although it is a bit of a patchwork quilt, all of the relevant admissibility requirements have been met, an Contention 12 should be admitted for a full hearing.

Respectfully Submitted,

_____/s/_____

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on behalf of the Co-Interveners

December 28, 2010

ATTACHMENT 1
Transcript of Levy DEIS public meeting Sept 23, 2010
(evening)

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Levy Nuclear Plant Draft EIS
Public Meeting: Evening Session

Docket Number: 52-029, 52-030

Location: Crystal River, Florida

Date: Thursday, September 23, 2010

Work Order No.: NRC-443 Pages 1-112

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1 UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING

+ + + + +

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE

LEVY NUCLEAR PLANT UNITS 1 AND 2

COMBINED LICENSE APPLICATION

EVENING SESSION

+ + + + +

Thursday

September 23, 2010

+ + + + +

The meeting convened at the Plantation Inn, 9301 West Fort Island Trail, Crystal River, Florida, at 7:00 p.m.

BEFORE:

FRANCIS "CHIP" CAMERON, Facilitator

ROBERT SCHAAF, Presenter

GORDON "DON" HAMBRICK, Presenter

DOUGLAS BRUNER, Presenter

I N D E X

P R O C E E D I N G S

7:03 P.M.

MR. CAMERON: Good evening, everyone, and welcome to the public meeting. My name is Chip Cameron, and I'm going to serve as your facilitator for the meeting tonight. And in that role, I'm going to try to help you all to have a productive meeting.

Our topic tonight is the NRC, the Nuclear Regulatory Commission, and the Army Corps of Engineers environmental review of the license application that the NRC received from Progress Energy Florida to build two new nuclear power plants here in Levy County. And the environmental review that the NRC and the Corps of Engineers conducted is documented in a draft Environmental Impact Statement.

And I just wanted to talk a little about meeting process, so that you'll understand what to expect during the meeting tonight. And I'd like to tell you about the format for the meeting. I'll talk a little bit about some simple ground rules and then introduce the speakers from the NRC and the Corps of Engineers, who will be talking to you tonight.

In terms of the meeting format, it's a two-part format, or at least there's two segments to it. And the first segment is to give you information

on the environmental review process and also on what the findings are in the Draft Environmental Impact Statement. And we're going to have a couple of speakers from the NRC and one speaker from the Army Corps of Engineers to give you that background.

We'll have some time for questions after those presentations to make sure that we were clear about everything. And then we're going to go to the second segment of the meeting. And that's an opportunity for the NRC staff and the Army Corps of Engineers staff to listen to you, to what your concerns, your recommendations, your advice are -- advice is on these environmental review issues.

And if you want to talk to us about that tonight, if you could fill out a yellow card that's back at the desk, if you haven't already done so, and then we'll ask you to come up to this podium to speak to us.

The NRC staff is going to tell you about their written comment process. We're also taking written comments on these issues. But I want to assure you that anything that you say tonight will carry the same weight as a written comment, and you can feel free to amplify what you say tonight by sending in a written comment.

In terms of ground rules for the meeting, the first one is please wait until all the presentations are done before you ask questions. And that way we'll give you a complete picture of what's going on. And if you do have a question, to signal me and I'll bring you this. It used to be -- well, it was never a cordless microphone, but usually it's cordless. But I'll try to get this out to you. If not, I'll have to ask you to come closer to me and just introduce yourself and we'll try to answer your question for you.

If we can't get to all the questions before we have to go onto the comment period, the NRC staff and our expert consultant staff, they have the white name tags on, they will be glad to try to answer any questions that you have.

And the second ground rule, I would ask that only one person speak at a time. First of all, so that we can give our full attention to whomever has the floor at the moment. And secondly, so that Gretchen, our court reporter, our stenographer, will be able to get a clean transcript. She will know who is talking at the moment.

Third ground rule is, I would ask you to be concise in your comments so that we can make sure

that we can hear from everyone. Usually, we have a three to five minute guideline for speaking, because we might have 40 or 50 people that we need to hear from. We don't have anywhere near that tonight, so we can be a little bit flexible on the time.

So, I'll just start watching at the five minute point, and I may have to ask you to sum up, if you get into the, you know, the seven or eight minute range. Not that you have to take that much time. But if I do ask you to sum up, I apologize in advance because I know that you spent a lot of time preparing for these meetings.

And during the comment period, when you're talking to us from up there, the NRC and the Army Corps of Engineers staff, they're not going to be responding to things that you say. They're going to be listening to what you're saying. But they will document their response to your comments and any questions that you ask from up there when they prepare the Final Environmental Impact Statement.

And, finally, just please extend courtesy to everybody. You may hear opinions that are different from yours. But please respect the person who's giving those comments.

And let me go to introductions. And I'm

going to tell you a little bit about the background of each of these people, so you'll get a clear picture of what their areas of expertise are.

And we're going to start with Bob Schaaf. And Bob is the Chief of the Environmental Review Branch that's managing the review on this application from Progress Energy Florida, and that branch is in the Division of Site and Environmental Review in the Office of New Reactors at the NRC.

And Bob's been with the NRC for about 20 years and doing a lot of environmental reviews, not only for these new reactor applications, but also for the license applications that the NRC gets to renew the license for existing operating plants.

He's also been a project manager for operating reactors, and before he came to the NRC he was at the Charleston Nuclear -- or the Charleston Naval Shipyard, working on nuclear submarine overhaul. He has a Bachelor's Degree in Mechanical Engineering from Georgia Tech. Bob is going to give you an overview of the NRC responsibilities.

And then we're going to go to the Corps, U.S. Army Corps of Engineers, and we have Don Hambrick with us. And he's the Project Manager for the Corps of Engineers on their review aspects on this license

application. And he's been with Corps for a number of years and I always forget the number, but --

MR. HAMBRICK: Twenty-four.

MR. CAMERON: Twenty-four. Twenty-four years. And he's the Senior Project Manager with them and he's in the Northern Permits Section of the Jacksonville District of the Corps of Engineers. He's a biologist. His Bachelor's Degree is in Chemistry and Biology, and he has a Master of Science Degree from Louisiana State University. He's going to tell you about the Corps review so that you can understand that.

And then we're going to go to the real substantive part of the presentation and go to Doug Bruner, who's right here, who is with the NRC and he's the Project Manager on the Environmental Review of this license application. He is in Bob Schaaf's branch. And Doug has been with the NRC for three years. He's been working on environmental reviews for new reactors.

And before that, he was with the Army Corps of Engineers, working as an Environmental Specialist and a Geologist. And in his work with the Army Corps of Engineers, he spent some time in Iraq working on the Iraqi electricity program. And he was

also in Afghanistan on construction projects for the Afghanistan National Police Force. He has a Bachelor's in Geology from the University of Southern Maine and he has a Master's Degree in Engineering Geology from Purdue University.

And just let me introduce a couple of people briefly so that you know who they are. We have Scott Flanders here. And Scott is the -- he's the Division Director of the Division of Site and Environmental Reviews in the Office of New Reactors, and that's where Bob's environmental review branch is.

We have our Safety Project Manager. You'll hear about the two parts to the NRC review and that's Brian Anderson, the Safety Project Manager.

I don't know if -- is Roger here, our resident? Okay, Roger's not here now. But we have a number of NRC staff in various disciplines; radiation, safety, emergency planning here tonight so that we can try to answer all of your questions.

And I just want to make one little note on the Army Corps of Engineers and the NRC to make sure that you know what that relationship is like. There's two federal agencies involved here, two decisions. The NRC's decision on whether to grant the license to Progress Energy Florida and the Army Corps decision on

whether to grant the permit for the work that Progress needs to do.

There's one Environmental Impact Statement that's going to provide support for each agency's decision under the National Environmental Policy Act.

NRC is the lead agency because that's the broader decision, whether to license the plant. And the Corps of Engineers is a cooperating agency. They have the very important job of deciding whether to issue a permit for the work that's going to be done in wetlands and navigable waters. And Don's going to tell you more about that.

Each of these agencies has a public participation process. This public meeting on the Draft Environmental Impact Statement is the traditional -- part of the traditional NRC public participation process.

The Corps of Engineers public participation process involves what's called a public hearing. Now, that public hearing is being satisfied by this NRC public meeting tonight.

And with that, I'll let everybody get to the substance of tonight's discussion and turn it over to Bob.

MR. SCHAAF: And thanks, Chip. As Chip

said, my name's Bob Schaaf. I'm Chief of one of the branches responsible for Environmental Reviews for proposed new nuclear power plants. I would like to welcome everyone to this meeting about our environmental of Progress Energy's application to construct and operate two new nuclear power units at the Levy County site.

I'd also like to take a moment to thank you all for coming out. Public participation is an important part of our environmental review process and so we appreciate your attendance. We do find that local communities are often aware of issues that can help us in completing our review.

First, I'll take just a few moments to go over the purposes of tonight's meeting. I'll begin with a few words about the mission of the Nuclear Regulatory Commission. Then, as Chip mentioned, Don will discuss the Corps role in the environmental review and in -- and their permit decision.

You'll hear Don describe, as Chip mentioned, you'll hear Don describe tonight's meeting as a public hearing for the Corps' purposes. The Corps hearing is distinct from the NRC's formal licensing hearing process.

Today's meeting is not part of that formal

hearing process for the NRC. Rather, we are here to gather comments for consideration in completing our environmental review.

Following these introductory remarks, Doug, the Project Manager for the environmental review of the Levy County application, will describe the review process, preliminary findings, and ways that public comments may be provided on the Environmental Impact Statement.

And most importantly, as Chip mentioned, we're here tonight to receive your comments on the Draft Environmental Impact Statement. After our presentations, you'll have the opportunity to provide comments. And as was mentioned, the meeting is being transcribed so that we can accurately capture your comments and reflect on them.

So, now I'd like to provide a brief background on the Nuclear Regulatory Commission. The NRC was created by Congress in 1974 and began operations at the beginning of 1975 to provide independent oversight of civilian uses of nuclear materials, including the generation of electricity in nuclear power plants. Our mission is to protect public health and safety, promote common defense and security, and protect the environment. The NRC is not

a proponent of any project. We do not propose, build, or operate any nuclear facilities.

In this case, Progress Energy Florida has proposed to construct and operate two new nuclear power units on the Levy County site. Our responsibility is to ensure that this facility can be constructed and operated safely and securely and in a manner that protects the environment from radioactive materials. We must make those determinations before we decide whether to issue the requested licenses.

That concludes my introductory remarks. Again, I would like to express my thanks to everyone for coming out and joining us tonight.

MR. HAMBRICK: Good evening, everybody. As Chip said, my name is Don Hambrick. I am a Senior Project Manager with the Army Corps of Engineers Jacksonville District in the Regulatory Division. I work for our North Permits Branch, which covers the northern two-thirds of Florida and includes four sections with offices in Pensacola, Panama City, Jacksonville, Gainesville, and Cocoa. I personally am stationed out of Panama City.

The Corps of Engineers Jacksonville District, as co-sponsor with the NRC of this public hearing, welcomes you and encourages your

participation by the submittal of your written or spoken comments during this public hearing, or submittal of written comments that you may send directly to the NRC.

Review of your comments are an important part of the Corps' evaluation of the proposed construction of Progress Energy Florida's Levy Nuclear Power Plant Units 1 and 2. And it includes the upgrade or construction of approximately 180 miles of transmission lines. Next slide.

Now, a lot of people say, why is the Corps of Engineers involved in projects like this? And, of course, it's because of various Federal Statutes and Regulations.

The Corps of Engineers, we also refer to ourselves at USACE, is the Federal agency responsible for administrating Section 404 of the Clean Water Act and Section 10 of the River and Harbors Act of 1899. The Corps regulates the discharge of dredge and fill material into all jurisdictional waters of the United States, including wetlands.

And we also regulate dredging and the construction of structures in, over, or under all navigable waters, including wetlands located within those navigable waters.

Corps permit decisions are federal actions and must comply with the National Environmental Policy Act, commonly called NEPA.

We are also charged to review projects through -- when they involve the discharge of dredged or fill material into waters of the United States, that they comply with the requirements of the Section 404(b)(1) Guidelines. We also are charged for all the projects for review to determine whether or not that project is contrary to the public interest. That's called our public interest review.

But be aware, the standard is not that we have to find that the project is in the public interest. The standard is that the project is not contrary to the public interest. And the next slide.

The Nuclear Regulatory Commission is the lead agency in the preparation of the Environmental Impact Statement under NEPA, and as already been mentioned, the Corps is the cooperating agency in the preparation of the Environmental Impact Statement.

The Corps evaluation decision whether to issue a Department of Army permit, will be documented in a separate Record of Decision, which we will refer to as ROD, and also is combined with our statement of findings, no earlier than 30 days after issuance of

the Final EIS. The ROD will reference information in the FEIS and present any additional information required by the Corps to support the permit decision.

Under our regulations, the Corps is neither a proponent nor opponent of any project undergoing our regulatory review. The Corps has not made a decision as to whether or not a permit will be issued. The solicitation and review of the comments provided in response to the DEIS are part of our evaluation of this project. Okay. The next slide.

This is just a general overview of what the Corps is regulating, what we are being asked to permit. As far as on the actual project site itself, at the reactor site, including the associated structure, such as administration building, parking lots, roads, switch yards, et cetera, about 312 -- no excuse me, 372 acres of fill material -- 372 acres of wetlands would be impacted.

Associated with the transmission lines, an additional approximately 319 acres of wetlands would be impacted.

For the blowdown pipelines that would carry the cooling water and discharge it from Levy down to the Crystal River Energy Complex a distance of about 13 miles, approximately 30 acres of wetlands

would be impacted.

Then, at the Cross-Florida Barge Canal, PEF proposes to construct the boats -- excuse me, a barge slip and boat ramp in order to transport large components of the facility up to the site. And approximately 1.1 acres of wetlands and open waters would be impacted by that.

We will also be evaluating for whether or not to issue a permit for structures in navigable waters, which would include the cooling water intake structure at the Cross-Florida Barge Canal and the cooling water discharge structure at the Crystal River Energy Complex. Okay. Next slide.

Under our regulations, the Corps will not provide responses during this hearing to your comments. All oral testimony will be recorded and a transcript prepared by the NRC. Comments, as I said before, may also be submitted in writing through the end of the DEIS comment period to the NRC, which is October 27th.

All received comments will become part of the official record for the project and will be addressed by the Corps with the NRC in the Final EIS or separately by the Corps in its combined Record of Decision and Statement of Findings.

At the bottom, the last two bullets, the third one provides there our permit application number. That's how we reference this project, SAJ-2008-00490(IP). That stands for Individual Permit and that's the type of permit that we're evaluating for, and my initials. And then my name, e-mail, and phone number.

And you're free to contact me if you have any questions in regard to the actual process that we're going through in the evaluation. Your opportunity, again, to comment on the merits and concerns of the project are afforded through this public hearing, plus the comments you can submit up through October 27th.

If you do have any comments in regard to the Corps permitting process this evening, I'll be happy to answer them after the public hearing or after this meeting.

I do want to offer my thanks to the NRC and to their consultants with the Pacific Northwest National Labs and Information Systems Laboratories for all of the hard work, and it really has been a lot of work that went into the preparation of the DEIS, the work that will be continuing on through the development of the Final EIS, and for putting on this

workshop and meeting. Thank you.

MR. CAMERON: Thank you, Don. We're going to hear from Doug Bruner right now.

MR. BRUNER: Thank you, Chip. Again, my name is Doug Bruner. And I would like to thank everybody for coming out here and giving us your feedback on the Draft Environmental Impact Statement.

It's interesting how quickly time passes. It's been almost two years ago since we were last here seeking your input for the Draft Environmental Impact Statement. This evening, I would like to provide a brief overview of the environmental review process, as well as the environmental review.

In July 2008, Progress Energy submitted an application to the NRC for combined licenses for the Levy project. The combined licenses, if granted, would be authorization to construct and operate two new nuclear units on the Levy site.

For the Levy combined license application, the NRC is conducting two reviews at the same time, a safety review and an environmental review. And this evening I will be discussing the environmental review.

Oh, we're on the wrong slide. There you go. The product of our environmental review is the Environmental Impact Statement and it's called an EIS.

The staff began its review of Progress Energy's application for combined licenses for the Levy site in October of 2008, which included the review of the applicant's environmental report that was included as part of the application.

The staff conducted site audits, visits to alternative sites, and interacted with local officials, and State and other federal agencies, as well as Native American tribes.

The staff gathered information through scoping to help us determine which issues should be considered in the review. We also requested additional information from Progress Energy.

All of this information was used to prepare the Draft Environmental Impact Statement, which was published this past August, last month.

As a member of the team, the Corps has been on site visits and has actively participated in agency interactions and technical reviews in developing the EIS. Next slide, please.

This slide is an overview of NRC's environmental review process. This step-wise approach is how we meet our responsibilities under the National Environmental Policy Act. We are currently in the comment period stage for the Draft Environmental

Impact Statement, which is the fourth bullet down.

Previously, the NRC and Corps were seeking your input for the EIS during the scoping period. And your comments were presented in a Scoping Summary Report which was published in May of 2009. It is also included as Appendix D to the Environmental Impact Statement for those comments that were within scope of the environmental review.

To assist us in our review, the NRC and Corps are currently seeking public comments on the Draft Environmental Impact Statement. The 75-day comment period on the Draft EIS began on August 13 and will remain open until October 27th.

Once the comment period is over, the staff will start processing all of comments that were received on the Draft Environmental Impact Statement. That includes anything that you would like to share with us this evening.

Based on the comments that we receive, we will adjust our analysis as needed and finalize the Environmental Impact Statement.

The target date for issuing the draft -- for issuing the Final Environmental Impact Statement is July of 2011. The comments and responses on the Draft Environmental Impact Statement will be included

as an Appendix in the Final Environmental Impact Statement. Next slide.

To prepare the EIS, we have assembled a team with backgrounds in the necessary scientific and technical disciplines. The NRC has contracted with Pacific Northwest National Labs, as well as Information Systems Laboratories to assist us in preparing the Environmental Impact Statement.

The NRC team, which includes the PNNL and ISL contractors, is comprised of a wide range of experts knowledgeable in environmental issues and in nuclear power plants.

As mentioned before, the Corps has also provided technical expertise in developing the EIS. This slide shows most of the resource areas that were considered in the EIS, and many of these staff experts are here this evening to receive your comments.

The NRC would like to provide time for you to present comments this evening; therefore, I will be discussing the results of the analysis of some of these resource areas depicted here. But before I do that -- next slide, please.

This slide depicts how the impacts to the environment are categorized in the Environmental Impact Statement. The NRC has established three

impact category levels; small, moderate, and large, to help explain the effects of the project in consistent terms for each of the resource areas.

As the team was developing its analysis, the team members would ask, is the effect minor, which would be a small effect. Does the effect noticeably alter important attributes of the resource, which would be a moderate effect. Or, does the effect destabilize important attributes of the resource, which would be a large effect.

So, throughout the Environmental Impact Statement for each of the technical areas, like the ones we saw in the previous slide, the team would develop its analysis and then assign a level of significance of small, moderate, or large. Next slide, please.

Now we'll get into a little more detail about some of the technical areas. First, is water resources. Our evaluation considered groundwater and surface water, both the use and quality of these two resources.

Groundwater will be used during the building of Units 1 and 2, for controlling dust, mixing concrete, for soil compaction, and other construction uses. Later, during operation of the

plant, groundwater will be used for drinking, sanitation, fire protection, and cooling of smaller plant components.

The primary source of water to be used during operation is surface water, which will be used to cool Units 1 and 2. The source for surface water is the Cross-Florida Barge Canal, which is directly connected to the Gulf of Mexico.

Water being discharged from the plant will be directed to the existing Crystal River Energy Complex and discharged. Progress Energy would be required to comply with all State and federal permits for groundwater withdrawals and discharges to the Gulf of Mexico.

Therefore, the review team determined that the impacts of building and operation of Units 1 and 2 on the use and quality of groundwater and surface water would be small. Next slide, please.

Next, is ecological resources. Our team evaluated the terrestrial impacts on local wildlife that either live on the Levy site and the surrounding area or in nearby water bodies. The evaluation covered many species. Some examples are the Loggerhead Turtle, the Gulf Sturgeon, and Wood Stork.

The NRC staff, along with the Corps, is

consulting with other agencies, such as the Florida Department of Environmental Protection, the U.S. Fish and Wildlife Service, and the National Marine Fishery Service, on impacts to ecological resources.

The review team concluded that the terrestrial impacts from building Units 1 and 2 would be moderate, primarily due to the loss of wetlands habitat, and small to moderate during operation because of the range of possible impacts to wetlands from groundwater withdrawal. Impacts on the aquatic ecosystems are considered small for both building and operation. Next slide, please.

As part of the NRC staff's analysis, we evaluated potential doses to workers during construction, doses to members of the public and plant workers during operation, and doses received by wildlife.

The NRC's regulation limit the whole body dose to a member of the public to around 5 to 10 millirem per year from a nuclear power plant. The EPA standard is 25 millirem per year for the entire fuel cycle.

Radiation exposure is a very well-studied health risk. To put the above radiation exposures into perspective, the average dose to an individual in

the United States from natural background, such as cosmic radiation, naturally occurring radioactive material in the soil, and building materials, is around 300 millirem per year.

The NRC's regulated limit is less than ten percent of the total of natural background. The impacts on all three groups: doses to members of the public, plant workers and wildlife would be small, since Progress Energy must continue to comply with stringent NRC and EPA regulations. Next slide, please.

Socioeconomics and environmental justice. It's about people. The socioeconomics review encompasses many different things, such as local economy, taxes, housing, education, traffic and transportation, populations, infrastructure, and community services.

The adverse socioeconomic impacts range from small to moderate for the building phase of Units 1 and 2. The moderate adverse impacts are primarily in Levy and Marion Counties due to the impacts on public services and schools. There would be a moderate impact associated with traffic in Levy County. Additionally, a moderate aesthetic impact is expected from transmission lines and corridors.

On the other hand, there is a beneficial impact from taxes that range from small to moderate during construction, and small to large during operation, particularly in Levy County.

The environmental justice review focuses on low income and minority populations to understand if they would be unevenly and adversely affected by the proposed action. During our review, we did identify several minority and low-income census blocks, but did not find any evidence that minority or low income populations would be affected disproportionately by construction and operation of the new plant. Next slide, please.

An important part of the environmental review under the National Environmental Policy Act is the evaluation of cumulative impacts. In Chapter 7, the team evaluated the impacts of Units 1 and 2, in addition to other proposed and existing activities in the review area, such as the existing Crystal River Energy Complex, the proposed Tarmac King Road Limestone Mine, and the expansion of the Suncoast Parkway.

So, as an example, surface water quality. In Chapters 4 and 5, the team determined that the impacts on surface water quality from the building and

operation of Units 1 and 2 would be small.

However, in Chapter 7, when those construction and operation impacts are added to the impacts from other past, present, and reasonably foreseeable future development activities, the impact on surface water quality would be categorized as moderate.

Overall, the cumulative adverse impacts ranged from small to moderate, with the exception of the generally beneficial impact from taxes, which would range from small adverse to large beneficial. Next slide, please.

As part of our review, the team needs to make a determination of whether or not there is a need for additional power from the licensee. For proposed Units 1 and 2, the area evaluated was Progress Energy's service territory.

The Commission has acknowledged the State's primary role in assessing their need for power-generating facilities. For this reason, the NRC staff's review was targeted at determining whether the Florida Public Service Commission's order was adequate. Based on this review, and that it meets the four criteria listed in the second bullet here on the slide, the staff gives deference to the FPSC's

conclusion that the power produced by the proposed new units would be needed. You can read more about the power analysis in Chapter 8 of the Environmental Impact Statement. Next slide, please.

Alternatives is often referred to as the heart of NEPA. In Chapter 9, the staff evaluated alternative energy sources, alternative sites, and alternative system designs, as well as the no-action alternative.

In our alternative energy analysis, the review team evaluated generation of baseload power, which is continuously produced 24/7. For baseload, we examined sources such as coal and natural gas, and a combination of energy sources, such as natural gas, solar, wind, biomass, and additional conservation and demand side management programs. The review team determined that none of the feasible base load energies would be environmentally preferable.

The review team compared the proposed Levy site to four other alternative sites in Florida, including the site adjacent to the Crystal River Energy Complex. The NRC staff determined that none of the alternative sites would be environmentally preferable to the Levy site.

And lastly, the review team determined no

alternative cooling system would be environmentally preferable to the proposed design. Next slide.

In Chapter 10 of the EIS, the NRC staff makes a preliminary recommendation to the Commission. This recommendation is based on the mostly small environmental impacts, mitigation measures, and the NRC staff's conclusion that no alternative site or baseload -- or alternative baseload energy source would be environmentally preferable.

Based on the results of the environmental review, the preliminary recommendation to the NRC Commission is that the combined licenses for Levy Units 1 and 2 be issued. The recommendation is considered preliminary until we evaluate your comments on the Draft Environmental Impact Statement.

This preliminary recommendation is for the environmental review only. As mentioned earlier in this presentation, there are two concurrent reviews. One is the environmental review and one is the safety review.

The safety review is ongoing and is anticipated to be completed in July 2011, with issuance of the Final Safety Evaluation Report. The Final Safety Evaluation Report will present the results of the staff's safety review.

If you don't already have a copy of the Draft Environmental Impact Statement, there are hard copies in the lobby, as well as CDs, or you can call me, using the number on this screen, to request a copy. My contact information is provided on this slide.

There is also a toll free number that you can call and that's -- and if you can approach me later after this meeting and I'll give you that number, as well. But it's 1-800-368-5642. That's 1-800-368-5642. And it would be the same extension on my number, 2730. You could also find it online at the website presented on this slide, or you can find them in the Reference section of the four libraries -- the four local libraries listed here on this slide. Next slide, please.

As Bob stated earlier this evening, the main purpose of this meeting is to listen to and gather your comments on the environmental review. Many of you have already signed up to speak during this meeting; however, if you are not comfortable speaking in front of large crowds or if you need to leave early, there are forms on the table at the back of the room. And you can write comments and mail it into us or hand it to an NRC staffer, or you can type

it and submit it electronically.

We also know that some of you have come here to collect information at this time; however, if you think of something later and would like to submit comments to us, there are other ways to do that, as you can see on the slide, as well. You can e-mail them to the NRC, you can submit them online, you can mail them or you can fax them.

And please note, as we had mentioned earlier, this is a 75-day review. It began on September 13 and it ends on October -- it remains open until October 27th.

And with that, I conclude my presentation. I appreciate your time and look forward to hearing your comments. Thank you.

MR. CAMERON: Thank you, Doug. We've gotten a pretty good overview of the process and some of the findings and preliminary recommendation in the Draft Environmental Impact Statement.

Can we clear up anything about the review process for you or anything that you heard in the presentation? Is there any questions?

Yes, Barbara, right?

MS. SIELING: Yep.

MR. CAMERON: Barbara, could you -- would

you --

MS. SIELING: I've got a big mouth. I may not need that.

MR. CAMERON: Well, I'm not going to comment on that, but --

MS. SIELING: That's good. It's better for you.

I'm still confused, and I've talked to quite a few people and the one question that I still haven't gotten cleared up is like everyone's contradicting themselves, and it has to do with why it's not going on the old site.

I talked to people before the meeting and they say that, well, we can't tell you why Florida -- or Progress Energy chose to have it here instead of over on the current site, the nuclear plant. But then here I hear them saying that it was because you guys determined that that the site wasn't better than this site. And so I'm still confused on that.

MR. CAMERON: Okay. And let's see if we can help you with that. And I think that partially it's a question of timing also, in terms of the license applicant's business decision versus the NRC's evaluation of alternatives. And Bob, are you going to do this one?

MR. SCHAAF: Yeah. Let me see if I can take a stab at this.

MR. CAMERON: Okay.

MR. SCHAAF: Basically, it is Progress Energy's business decision to propose where they want to site the facility.

Applicants provide an application, a request to the NRC, and we basically have two options. We can tell them, yes, here's your permit, or, no, that's not an appropriate location.

As part of the environmental review, we look at the potential alternatives, including the alternative site analysis. And we look for, are there any other sites that are, what we call, potentially environmentally preferable to the proposed site.

And if we were to find one, which we determined might be environmentally preferable, we would go the additional step of then evaluating, is that other site obviously superior. In other words, it's so much better that we really shouldn't grant the applicant's request.

In this case, in evaluating the alternative sites, the decision of the review team was that none of those sites met the environmentally preferable threshold. And --

MS. SIELING: (Inaudible.)

MR. CAMERON: Barbara, Barbara. We need to -- Barbara, we need to get you on the transcript. I'm going to ask you to do one follow-up question, if this still isn't clear to you. And then I'm going to ask the staff to talk to Barbara after the meeting to see if they can explain it.

But, do you have a follow-up question based on what Bob said?

MS. SIELING: Yes. It's basically the same thing. I'm being told that it was -- you're now, in the conversation we had, was that it was Progress Energy's choice to go here. But when the other gentleman, whichever one it was, was speaking, he said that you all had already determined that there wasn't one that was better.

MR. CAMERON: Well, let's -- let's --

MS. SIELING: How is that?

MR. CAMERON: Let's focus not on what the other gentleman was saying, but on what Bob -- on what -- on what --

MS. SIELING: Well, like what he said is just as important.

MR. CAMERON: Bob -- well, Bob is trying to clear this up for you. The first decision that was

made, as I understand what Bob's saying, the first decision that's made in any of these new reactor applications, is that the company, the license applicant, is going to come in with an application that has a site specified on it. That's their decision. And there could be many reasons why they chose that site.

NRC has nothing to do with what is in that license application, as far as the site is concerned. But, once the NRC gets the application with that site in it, then they have to do their environmental review of that site.

As part of that environmental review, the NRC looks to see whether there is any site that is obviously superior from an environmental point of view. NRC did that analysis and said they could not find that none of those sites were environmentally preferable.

MS. SIELING: Why?

MR. CAMERON: Okay. Now, that's a fair question and if you want to just address that, Bob.

MR. SCHAAF: Well, I guess, you know, I'm not prepared to go into all of the details of the evaluation. I mean, that's all spelled out in the Draft Environmental Impact Statement. And if there is

some logic there that -- that you have a question or concern about, we would certainly welcome comments regarding that, for us to take and consider, you know, did -- did we miss something in our evaluation of -- of that alternative site analysis.

MR. CAMERON: Okay. Thank you. Yes?

MS. FOLEY: I have a question regarding the way this hurts --

MR. CAMERON: Could you -- I'm sorry. Could you use this, please? And introduce yourself, please.

MS FOLEY: My name is Beth Foley. And I'm just curious about -- so, the Nuclear Regulatory Commission is a government agency, right? And we, the taxpayers, pay for your -- and you did the study, not Progress Energy. So, we paid for this study, not Progress Energy. I guess that I was just confused. I thought it was Progress Energy that --

MR. SCHAAF: Two studies.

MR. CAMERON: Right. Actually the analysis is initially provided by the applicant.

MS. FOLEY: Okay. Then I'm back on track.

MR. CAMERON: They do as part of their decision on where to request.

MS. FOLEY: You look at then carefully and

say, is this okay or not.

MR. SCHAAF: Right. We evaluate their analysis, do independent analysis, and come to our conclusion regarding whether there is an obviously superior site.

MR. CAMERON: So, the applicant submits what they call an environmental report. And then the NRC uses that, plus its own independent analysis to prepare the Environmental Impact Statement. And that's the government document that we're talking about tonight, the Environmental Impact Statement.

MS. FOLEY: But you're using those that Progress Energy's information? Or you --

MR. CAMERON: We have to -- again, I'm sorry. This is awkward, I know, but we have to get you on the transcript, so --

MS. FOLEY: So, are you using scientists that are your scientists or Progress Energy selects the scientists or -- I guess I'm just a little confused, because I really thought it was Progress Energy's study that you were evaluating and reviewing, really reviewing. But that's not really the case. It's --

MR. CAMERON: Well, no. It is the case.

MS. FOLEY: That is the case?

MR. CAMERON: Then does someone want to -- I shouldn't be explaining this as the facilitator, because I might get it wrong, too.

MR. MASNIK: I'm Mike Masnik. The licensee, in their environmental report -- part of it has to do with alternatives. And they do an analysis in which they use a series of criteria to identify some alternative sites. Okay. They use their own scientists, their own consultants to produce this document, which looks at the area -- the service area and comes up with some alternatives.

We then take that as part of our review and look to see if the -- the way in which they identified the site was a reasonable and thorough and comprehensive manner. And then we also independently review each of the sites, looking at what we call reconnaissance level data. So it's a review of what's submitted to us, plus additional work on the part of our contractors and our scientific personnel to look at various components related to those particular sites.

MR. CAMERON: Okay.

MR. MASNIK: Maybe we can talk afterwards and I can give you a little bit more information on that.

MS. FOLEY: Well, we the taxpayer aren't paying from the ground up. You did get a lot of information --

MR. MASNIK: Oh yes.

MS. FOLEY: -- from the Progress Energy.

MR. CAMERON: Beth, Beth, I'm going to repeat this again. We need to get you on the transcript. So, that means you need to speak into this thing.

MS. FOLEY: I guess unless I understand where the money is, I don't understand things. And if Progress Energy paid for most of this, or did they?

MR. CAMERON: You keep -- you keep saying "this." Progress Energy --

MS. FOLEY: The Draft Environmental Impact Statement is what I meant.

MR. CAMERON: The Draft Environmental Impact Statement -- does anybody -- dare we go into the fee business? But I can explain that, but Scott, why don't you -- why don't you just try to give Beth an idea of how this works.

MR. FLANDERS: Let me just take a minute.

MR. CAMERON: Okay.

MR. FLANDERS: I don't want to get into the fee aspect of it.

But simply put, if you look at our regulation in 10 CFR Part 51, the applicant is required to submit an environmental report. An environmental report is a technical analysis product that they generate that examines what they believe the environmental impacts would be from their proposed action. And their proposed action is to build, construct, and operate a nuclear power plant at a particular location.

When they come in with their application, they have done, through their own business process and other evaluations, have picked a particular location. They submit the application to us. So, that's their scientific work and analysis that's done.

We get that scientific work and analysis and that's a starting point for us. We take that information in and we have scientists and experts. We reference some of our contractors that we have and we analyze that information in their particular areas of expertise.

Also collect other information by going to the site and examining the site and the environment, and also through their own knowledge and understanding of the various technical subject matter. They have information from other journals and research

documents, et cetera. And those references are identified in the Environmental Impact Statement. All that information that they use.

And they take all that information in and they analyze it. And they make a judgment as to what the Nuclear Regulatory Commission believes would be the environmental impacts associated with the proposed action.

So, that's how the entire process works. And that process is the same process that's done when you go through the alternate site review. The applicant has a process that they use, which we ask them to describe, how they come to and arrive at the site that they selected. And then we analyze that.

And as part of that analysis, we look at other sites that filter through our process that -- to compare whether or not there is a site that is -- would be what one would consider environmentally preferable. And what we mean by "environmentally preferable" is, if you look at all the environmental impacts, whether it be water or ecology or radiological impacts in terms of impacts to the public, all those things, historic properties, all those activities.

And, you look at them all and you compare

them from one site to the next, as Mike said, using reconnaissance level information, which includes our scientists go into these alternate sites and looking through and making sure that we have a good understanding of the site, as well as not just solely relying on the information that's submitted.

And take that all in, and then we make some evaluations; is there a site that is really environmentally preferable, where all the impacts were much less than what was proposed.

If we see something like that, then the next question is, is it so much better, such that if the license or the request shouldn't be granted for the proposed site.

So, that's the process that we use. So, we do our own scientific work. It's not solely relied on by the applicants.

And I think -- I guess in the interests, maybe we can have further discussions.

MS. FOLEY: One quick question. Have you ever changed a site?

MR. FLANDERS: Have we ever changed a site?

MS. FOLEY: Have you ever made a change to a site and said, no, no, no, this is not good?

MR. CAMERON: Okay. I hear someone speaking.

And it's Beth. Beth. And this is going to be the last one.

MS. FOLEY: Real quick question. Have you ever changed the site?

MR. CAMERON: Okay. The question, I think you understand it, is when we did -- do the environmental alternate site review, have we ever found one that's been environmentally superior? Michael? Mike Masnik.

MR. MASNIK: When we had a flurry of applications back in `70s, there were several instances in which the site was actually changed from the preferred site, from the applicant's preferred site. So, the answer to your question is, yes.

MR. CAMERON: Okay. And Beth are you going to be -- can you stay till the end of the meeting?

MS. FOLEY: Yes.

MR. CAMERON: Okay. Well, I think we'll talk to you -- staff will talk to you more about this if you have any questions. And of course, that goes for Barbara too.

And let's -- we have four questions here

and then I think we're going to have to -- we're going to go to comment and let's see how much rope I have.

UNIDENTIFIED SPEAKER: That's it.

MR. CAMERON: Okay. Why don't you go first and then we'll go there, and then we'll go to you and then we'll go to Mr. Hopkins.

MR. JONES: I'm hopefully a quick -- my name is Art Jones. I live here in Crystal River. And I hopefully have a quick, easy question for somebody.

As I was learning from the slides we have over -- a total of over 720 acres of fresh water wetlands that will be destroyed and lost at the Levy County site. And I was wondering, how many acres of fresh water wetlands would be lost at the in Crystal River site if the new power plant was built there?

MR. CAMERON: Okay. Peyton, can you -- can you do this for us? This is Peyton Doub with the NRC.

MR. DOUB: I'm Peyton Doub. I am the terrestrial ecologist and wetland scientist on the NRC staff and the one responsible for reviewing the analyses in those fields, you know, in the Draft EIS.

To answer your question, we do provide wetland impact acreage data for the alternative sites in Chapter 9 of the DEIS. The level of detail that we

collect for the alternative sites is based on public information and brief reconnaissance, whereas for the Levy site, it was more detailed of site specific data collection. But we did use published wetland maps and other sources of published data to quantify wetland impacts at the alternative sites, enough to a degree that we could determine whether or not any of those sites is -- could potentially be environmentally superior and obviously -- were environmentally preferable and obviously superior to the Levy site.

One thing to bear in mind about the Crystal River site is that even though there is the existing nuclear power plant there, the land that would be used at that site for developing the new units, is, at the present time, supporting natural vegetation over -- over most of that land.

So, that even though the Levy site is greenfield and Crystal River is not. Most of the land that would be impacted at Crystal River does, at the present time, support natural habitats, including wetlands.

So, it's not like the Crystal River site, were it used, everything would be built in an area that had previously been disturbed.

Once again, I'll refer you to Chapter 9 of

the Draft EIS for more detailed quantitative data.

MR. CAMERON: Okay. Thanks, Peyton. Could you come up here, please? And just introduce yourself to us, please.

MS. CASEY: Emily Casey, and I just have two questions. I believe it was you. You said something I couldn't really understand what you had -- the complete sentence.

You said something about the -- if it was reliable, based on cognitive blank data -- or cognizance blank data? I couldn't understand the content.

MR. DOUB: Reconnaissance.

MS. CASEY: Could you explain that, please? Because I didn't understand at all what you said.

MR. DOUB: Reconnaissance level data. It's a term of mine that we use. And basically, it means data that's readily available. We don't necessarily require a 10-year study to collect data on alternative sites. But data that's readily available in the literature other published reports.

MS. CASEY: Okay. I just couldn't understand it.

MR. DOUB: Sorry.

MR. CAMERON: And another one?

MS. CASEY: The other question was partially answered by the gentleman there.

What I was wanting to ask you is, if there was there more scientific data on the alternative sites, and even more than what was explained in the Draft Review that we could get a hold of and look at.

MR. CAMERON: So, is there, for example, references that were given in the Draft Review?

MS. CASEY: Right.

MR. CAMERON: Peyton?

MR. DOUB: The analysis of potential impacts to terrestrial ecology and wetlands in Chapter 9 was based on the best available data that we had at our hands, both provided by the applicant in the ER and that we could obtain from published sources and general reconnaissance, just like Mike Masnik previously explained.

However, we did not actually require the applicant to go out and do detailed, long-term field studies for the alternative sites. That, we believe, would not be necessary for the purposes of determining whether or not we have an environmentally preferable site or an obviously superior site.

MS. CASEY: All that's in --

MR. CAMERON: And -- yeah. Are the references listed?

MR. DOUB: Yes. There are references listed in the reference section for Chapter 9.

MS. CASEY: Thank you.

MR. CAMERON: Thank you. Yes?

MR. HOPKINS: Good afternoon. My name is Norman Hopkins.

My understanding is that the scoping period which -- upon which the Environmental Impact Statements are based, was concluded in December of 2008. I believe that to be true.

More information is being developed continually by these sort of meetings and other meetings, which qualify information which was considered to determine whether there was an alternative site which we -- which would be as good as or better as -- or better than.

Is there a mechanism which continually updates the comparison between the chosen site by PEF and any of the alternative sites?

MR. CAMERON: Thank you, Norman. Doug, do you want to try that?

MR. BRUNER: I think Andy would be the best one to answer that one.

MR. CAMERON: Okay.

MR. BRUNER: It falls under new and significant information.

MR. CAMERON: Oh, good. All right. Well, thank you, Doug. Andy? This is Andy Kugler.

MR. KUGLER: In terms of a continuous process, I'd have to say, no. The environmental review process is not completed yet. So, information that we're provided in these meetings or that come to us in any other comments we receive in writing on the draft, we will consider before we issue the Final Environmental Impact Statement.

So, up until that point, if there's new information that we're provided with, we can consider that information. But I don't know of anybody who has any process in place where there's some sort of a continuous search and update for environmental impacts. Because, really, if you look at National Environmental Policy Act it's not set up that way. It's to reach a certain point and reach a decision on an action.

So, I think -- does that -- hopefully that answers your question.

MR. CAMERON: Okay.

MR. HOPKINS: If I could just follow that.

If a decision is taken based upon the more detailed and thorough case which is put forward by the applicant, then the odds are that any other competing site would always fall short and it will be an automatic decision process that would result in going with the applicant, if there was no mechanism for assessing alternative sites.

Now, we've had today, this afternoon and this evening, a considerable opinion expressed that it would be better -- and I'm thinking particularly about the testimony from Betty Berger -- that it would be better placed, for all sorts of reasons, at the Crystal River site.

Now, the odds are stacked in favor of Levy, but it may be quite wrong, because of what happens in the interim and also, as Betty explained, there were many other factors arguing in favor of Crystal River.

MR. CAMERON: And we'll count that as a comment.

MR. HOPKINS: Oh, sorry.

MR. CAMERON: Okay. That's all right.

MR. HOPKINS: Well, I could have another question.

MR. CAMERON: Let me get to this young

lady behind you. And if you could just please introduce yourself.

MS. RICE: Yes. Thank you. My name is Darden Rice. Mr. Schaaf, just a quick clarification.

The rejection of the alternative sites was based on environmental standards or on business standards? Because I've heard you use the phrase business considerations went into the rejection of the practicable alternative sites as well.

MR. SCHAAF: Well, in the applicant's decision on their request, it is a business decision on their part. But our evaluation is strictly on -- of the environmental criteria and assessment of the environmental impacts at the proposed site against the -- our assessment of the environmental impacts at the alternative sites.

MS. RICE: So, you took the applicant's considerations about business factors into consideration in you recommendation?

MR. SCHAAF: No. It's strictly environmental -- environmental factors in reaching a decision on environmental -- on environmental preference.

MS. RICE: Okay. Thank you.

MR. CAMERON: Okay. Norman, please make

this quick. We're going to have to get to comments. So, you have one more question. Let's go.

MR. HOPKINS: This concerns used fuel rods and how frequently and how many are changed. And they're frequent termed "spent fuel."

Is it true that the rods, once they've been used in a reactor, are in fact more radioactive after they've been used than when they were put in?

MR. CAMERON: Brian or Richard? Who's -- Richard? Richard Emch.

MR. EMCH: I'll take a stab at it and then if Brian needs to follow-up.

My name is Richard Emch. I'm the Senior Health Physicist for the Nuclear Regulatory Commission.

Okay. Just a few bits of information. They go through about three cycles in the reactor from where they're new. Three cycles later is usually where they're replaced. At that point, the amount of usable Uranium 235 has diminished. It's been used up. It's to the point where it's not economically viable for them to use it anymore.

Okay. Now then, of course, as you know, you could actually put your hand on fresh fuel. You could put your hand right up on the cladding. It's

not hot. There's no big dose rate coming off of it. All right.

Once you put it inside the reactor and it starts going -- and it makes electric -- it makes heat by fission, okay. Now, the fission causes -- with each fission you get about two fission products. In other words, two atoms are created that are radioactive. Okay. And so, yes, at the end of life it is much more, to use your terminology, radioactive. I would simply say it has a much higher dose rate at the end of active -- at the end of its life, yes.

MR. CAMERON: Thank you, Richard. And thank you for those questions. We are going to go to the comment part of the meeting at this point and --

UNIDENTIFIED SPEAKER: One more question.

MR. CAMERON: Okay. Please introduce yourself.

MS. LOTT: My name is Phyllis Lott. I'm at 31 Magnolia Avenue in Yankeetown. I understand that when we're up there to make our comment, they won't respond, so just make our comments.

My question is, is there a place to store all this -- this tons of toxic nuclear waste that this plant will produce? I mean, I know that President Obama has ordered Yucca Mountain to be closed at the

end of this month. There are other places in Maine and other storage sites throughout the country, and right now everybody's in a battle royale of not taking any more nuclear waste products, not storing anymore.

So, my question is, is this site set up for the storage of all this tons of nuclear waste, because it will be quite expensive, I understand, to do that. You just can't build a shed and put stuff in there. So, what are they prepared to do this?

MR. CAMERON: Okay. Thank you. Thank you, Phyllis. A good question. And does someone want to explain to Phyllis what the on-site storage is and put the whole thing in context? Thank you, Richard.

MR. EMCH: Hi. This is Richard Emch again, Senior Health Physicist with Nuclear Regulatory Commission.

I'm going to break your question into two parts: One that I am going to call high level waste and spent fuel, and then the other part I'm going to talk about is what we generally refer to as low level waste.

Okay. And let me start with the high level waste. Yucca Mountain had been the Administration and DOE's path forward. Their plan for what we were going to do with high level waste and

spent fuel. Okay. You've already heard all the news, just like we have, about what the Administration has decided, what the Congress has decided to do, what DOE has decided. I would also add in, and probably not everybody reads about it, but there's all kinds of legal machinations going on. So, this was the plan. Okay. That plan appears to no longer be viable. Okay.

And so, right now, and for the foreseeable future, nuclear power plants will be storing spent fuel either in their spent fuel pool or in what we call "dry cask storage." It's large concrete canisters that they maintain control of. After about five years, the fuel can't melt itself anymore and they put it in these canisters. Okay.

Now let's switch to the -- because the only game in town, if you will, was Yucca Mountain. And that game doesn't seem to be viable right now. Okay.

So, DOE, the Administration is going to have to come up with another plan. I don't know what that plan. Okay. I don't think anybody does.

Okay. Let's talk about low level waste for just a moment now. Okay. Low level waste, there were some places in the United States that accepted

various kinds, and you'll hear people talk about Type A, Type B, Type C. All it means is the concentrations of radioactive material in the waste. Most of the waste produced by nuclear power plants in the United States is Type A, and a little bit of it is higher B's and C's, et cetera. Okay.

There are waste repositories, like Barnwell, that are sort of in the act of closing down. There are new ones that are being developed in other places. There's a place in Utah that takes certain kind of waste. There's a place in Texas that is, as best I understand it, getting licensed to take certain kinds of waste. But it's a business. Okay. And where there's a business need, somebody's going to come -- is going to come up and fill it. They're going to develop new places to put it.

In the meantime, until all that gets taken care of, they do have -- the facility, the AP-1000 design has storage capacity built into it for these lower level wastes. And it is a relatively simple matter for them to install additional storage -- additional temporary storage capacity. In fact, a lot of the nuclear power plants in the United States have already done it. If they need to, that's probably at this point what they will do.

MR. CAMERON: Great. Thank you very much. Thanks for that question, Phyllis.

We're going to go to public comment now. And we're going to hear from both Beth Foley and Phyllis Lott.

And in a minute we're going to start off with -- usually people would like to know about what the rationale division of the company is and why they're going forward with this.

And our first speaker is going to be John Elnitsky, who is right here, who is the Vice President of New Generation Projects and Programs for Progress Energy Florida.

And then we'll go to Beth Foley and then we'll go to Phyllis Lott as our next speakers after that. And then we'll continue on.

MR. ELNITSKY: Well, thank you, Chip. And good evening. As Chip mentioned, my name is John Elnitsky and I'm Progress Energy's Vice President for New Generation Programs and Projects. And I appreciate the chance to speak with all of you and thanks for being here this evening.

This is a very complex subject, but I'd like to talk just about three simple points regarding our plans to operate two new state-of-the-art plants

at Levy County.

First, I want to talk about our continued focus on safety. Secondly, our continued commitment to engage with the citizens of Florida. And third, our dedication to the long term energy and economic security of Florida.

So, let's start with what's most important first and that's focus on safety. Progress Energy Florida is committed to providing safe and reliable energy for our 1.6 million customers in Florida. And we plan to do that every hour of every day.

Planning for the region's future electricity needs is a responsibility the company takes very seriously. Our most important commitment, though, is to safety. The safety of our customers and our employees.

We have worked hard to achieve an outstanding safety and environmental stewardship record at our nearby Crystal River Nuclear Plant, and that performance will continue with our operations of the nuclear facility in Levy County.

Second, I'd like to talk about our continued involvement with the local community and the citizens of Florida. This new nuclear project isn't only about energy, it's really about people. The 1.6

million families and business people we serve, who count on us each and every day to make sure that when they flip that light switch on, the electricity is there to support it. And that needs to happen, whether the wind's blowing or whether the sun's not shining.

Progress Energy Florida has been working with community leaders and property owners since late 2006, when we first announced our plans to build the proposed Levy County nuclear power project and the associated 200 miles or so of transmission cables and transmission lines that go with it.

Since we started this process four years ago, we have remained committed to seeking community input and encouraging public discourse like you hear this evening.

In an effort to provide a meaningful dialogue, the company used an innovative, first-of-a-kind public outreach process that we called the Community Partnership for Energy Planning. This process helped Progress Energy gather input and recommendations from local governments and communities.

We also helped create the Levy Neighbors Group to give most up-to-date information to our

neighbors who live closest to the site of our proposed plant.

About 5,000 property owners and community leaders attended 22 open houses across 10 counties as we narrowed our choices for locating transmission lines.

More than 40 other community informational meetings were held across our region. And based on the feedback from those meetings, more than 90 percent of the preferred corridors for transmission lines are located along, or adjacent to existing lines, thereby minimizing the project's impact on the community and the environment.

We are committed to being open throughout and during this process, as we continue to seek public input and move forward with this important project.

The Levy plant will play an important role for our community, as well. At the peak of construction, we will employ over 3,000 on the site at Levy County. The plant itself, when it comes into operation, will create 800 permanent, good-paying jobs in our community.

Probably more significant than that is the benefit to community service that these jobs will create as employees forge partnerships with their

local communities. For example, in Crystal River alone, our employees have chartered schools, founded churches, created Little League teams and contributed countless hours to non-profit agencies and community causes. Our employees live and work here and we care deeply about our communities.

Finally, let me address the importance of the Levy nuclear project to the long term economic and energy security of Florida. Florida is the nation's fourth most populous State, but we rank third nationally in overall energy consumption. To properly address the long term energy needs of our State, we must have long term planning and long range solutions.

Progress Energy is able to meet the energy needs today because of the careful planning that went on in this State decades ago. Just as we need to make investment in other infrastructure projects in our State, whether it's roads or schools, we need to plan ahead for what we will need for energy supply in the future that is reliable as it is today.

Now, energy efficiency and renewable energy sources are a vital part of our overall strategy. But they alone cannot supply all of the expected energy demand. That is why Progress Energy Florida is planning on additional power plants and

transmission infrastructure to provide sufficient and reliable electrical service to our customers.

The Levy plant will also play a vital role in our strategy to serve Florida's energy future. This is a future that includes carbon-free generation, 24 hours a day, 7 days a week, the same way our customers use their electricity.

By building fuel diversity and long term fuel cost savings into our plans, Progress Energy Florida is helping ensure the long term economic competitiveness and viability of Florida. In short, the Levy nuclear project will help ensure the right balance of reliable, environmentally-responsible and cost-effective power tomorrow.

So, I said I would talk about three things; our focus and commitment to safety, our continued involvement with the community, and our dedication to the long term energy and economic security of Florida.

Energy for today and energy security for tomorrow, that's our pledge. And I'd like to invite you all to take the opportunity to meet the professionals from Progress Energy that are here this evening. I get to come up here and be the mouthpiece, but they're the ones that do all the hard work. So,

talk to them afterward. Get your questions answered. That's why we're here.

On behalf of the over 4,000 employees of Progress Energy Florida, I'd like to thank you for your time here this evening, and I'd like to thank the NRC and the Army Corps of Engineers for their on-going support of energy security for both the State of Florida and our nation. Thank you very much.

MR. CAMERON: Okay. Thank you. Thank you, Don. Beth? This is Beth Foley. Then we're going to go to Phyllis Lott. And we're going to go to Mark Klutho next after that.

MS. FOLEY: My question is what about salt drift and the nuclear -- Levy Nuclear Plant site is located about ten miles inland and in the middle of a fresh water wetland. Yet, the cooling tower source will be salt water. Is that not working?

MR. CAMERON: Oh, it is. I just was going to put it down a little bit.

MS. FOLEY: This freshwater wetland is a recharge area for the drinking water for the people who are living in the surrounding area since the upper Floridan aquifer is at ground level in this particular area of Florida.

Despite this unique location, the

introduction of salt, via drift from the nuclear plant cooling towers to the environment, approximately 31 pounds of salt daily or 6.72 million pounds over the 60-year life of the plant, is only assigned a small impact in Progress Energy's -- and I've given Progress Energy credit -- I'm not sure if I'm supposed to do the Nuclear Regulatory Commission credit -- Draft Environmental Impact Study. So, regardless of whose study -- it's your study, I guess? Okay.

When addressing the effect of salt drift in the Levy Nuclear Plant Draft Environmental Impact Study, vegetation comparisons with Crystal River's nuclear plant, that is located on the Gulf of Mexico, are made, the results of salt drift at this plant should not be equated with two nuclear plants located ten miles inland in the middle of an aquifer recharge wetland.

A search for other U.S. nuclear plants located inland using salt water for their cooling towers resulted in none.

That's my other question. Are there any that use salt water that are located ten miles inland?

Because of the unique circumstances of the Levy Nuclear Plants 1 and 2 location, scientific modeling must be arduously done to assure that

drinking water and personal property and nearby conservation areas will not be adversely affected by the unnatural spreading of approximately 3,360 tons of salt by the cooling towers drift over a period of 60 years.

The necessary modeling has not been done in the apples and oranges comparison used in the NRC Environmental Impact Study, and is completely inadequate.

MR. CAMERON: Okay. Thank you. Thank you, Beth.

And I know the NRC staff people will talk to you after the meeting about that, as well as the other issue.

Phyllis, are you ready? This is Phyllis Lott, correct?

MS. LOTT: Yes.

MR. CAMERON: Yes, please.

MS. LOTT: My name is Phyllis Lott, and I have a home at 31 Magnolia Avenue in Yankeetown. I think the bottom line here, from what I understood, is there actually is no plan in place to store this nuclear waste.

Places -- you're right. It is a business to set up facilities to store this. Places like Utah,

Texas, Maine, and other places are closing down their facilities, and the citizens in that area are fighting -- I've looked at all these places online and there is a battle royale going on amongst the elected officials and citizens and they do not want any more nuclear waste stored in their areas.

We do know that Yucca Mountain is closing, and that was the main place that you had mentioned that you were going to store this. So, I don't understand why we're going to spend billions of dollars building a facility and we don't have any permanent place to store the nuclear waste. You cannot leave it in those containers for any length of time.

So, I'm very much concerned, because I don't believe, when we were talking about building this plant, that we thought this was going to be a problem. Now I think it is a major problem, and before we spend all this money building something, we must have some place to store this nuclear waste. It would be ridiculous to build this, and what are we going to do with all that toxic chemicals that are there, and rods and other things?

I would like to say I own about 400 acres also next to where Progress Energy is going to be

built, or the proposed site. The land, when it was bought, was kept secretly. No one knew about it until the deal was closed. And then we found out that it was bought by Progress Energy to build a nuclear power plant.

And then they come in and say, well, we want your feedback. Well, at that point it was a little too late, once they spend millions of dollars buying up all this property.

Unfortunately, I'm afraid at this point. All the meetings I've been to and all the different programs I've attended listening to all of this, I'm afraid once that land was purchased and it was a done deal, that this will amount to nothing.

And that's -- that upsets me, because we had a developer who had come in, the land that I own, and was going to build upscale homes, a beautiful neighborhood, and homes in the 250 to $500,000 price range. And once he found out Progress Energy had purchased this land for this nuclear power plant, they pulled the contract that we had signed with them off.

So, I have a lot of reasons for not wanting this plant built. But one of the ones that I brought up tonight is, we cannot spend billions of dollars on something and have absolutely no place to

put this toxic nuclear waste. Thank you.

MR. CAMERON: And thank you, Phyllis. And this is Mark Klutho coming up. Then we're going to go to Art Jones, Ellen Avery-Smith, and Mary Olson.

MR. KLUTHO: Mark Klutho, Largo, Florida. I'm here from a unique perspective. Here's form -- Army Form DA-3180. I was on a nuclear weapons assembly team back in 1970. And here's the book, Non-Nuclear Futures: The Case for an Ethical Energy Strategy, copyright 1975.

And when you came in tonight, you saw a beautiful rendering out there of what the new nuclear plants were going to look like. Well, the original renderings that were in the newspaper from the utility, they were -- the plants were surrounded by some crown shaft palms. Well, the rendering changed after I made note of this at the Pinellas County Commission meetings.

And my point here is, perception and reality. I spoke with a couple of people, the experts I guess they're called, from regressive energy out there. And they didn't know what a T12 light bulb was, what an imaging specular reflector was. But yet, we're told we need nuclear power.

And it's supposedly safe? But if you go

to Vegas and you talk to the odds makers, and you want to place a bet about whether or not there's going to be a nuclear catastrophe, it's 50 percent, one in two, that this might happen.

And I put this to regressive energy. If it is so safe, then you need to demand that they take that Price-Anderson Act off the books. Why do we need that after all these years? I mean, I'm a child of the '50s and I remember that it was supposed to be too cheap to meter.

And then, what was in the New York Times just months ago? That plant over in Finland, 50 percent over cost, and they won't give a completion date. And this is supposed to be the blueprint for what's coming here. Oh, things are smelly in Denmark.

And then, right outside here, regressive energy has this Looking at Power in a New Light: A Balanced Solution for the Future. Energy Efficiency First. Well, here is this National Geographic, Repowering the Planet, Energy for Tomorrow. And Amory Lovins is interviewed here. He's the author of this book, Non-Nuclear Futures: The Case for an Ethical Energy Strategy. And he says -- he's interviewed, you popularized the term megawatt. What are megawatts and why should we care about them? Megawatts are watts

saved by more efficient use. It's enormously cheaper, probably eight times cheaper on average, to save electricity than to make it. And nuclear power, as he states in the Rocky Mountain Institute Newsletter here, is the most expensive way to make electricity. New nuclear reactors, same old story.

And it's really funny, because I hear from the Nuclear Regulatory Commission that conservation and efficiency are the same thing. No, they're not. They're not synonymous.

Now, see, you people can't reasonably be making a determination on something like these plants when you think that conservation and efficiency mean the same thing. I mean, we're in deep doo-doo here. This is -- this is really bad. Look at all the incandescent bulbs here.

When I went to that last hearing over there at the training center, where they're learning to work at the nuke plants, what does regressive energy have burning? T12 bulbs. Archaic, obsolete bulbs.

And they say we need nuclear power. Well, guess what? They aren't paying for that. The ratepayer pays for this. And then they add on their 12 percent.

And we hear that it's not environmentally friendly or favorable with the conservation, when you meant to say efficiency. Again, using -- transposing these two words? I mean, this whole gathering here is nothing but a farce.

See, the problem is, if you read the U.S. Today a couple of days ago, there was an article, and it was about the economy coming out of the recession. And it said, the energy States, these couple few energy States are leading the way out of the recession. No, no, it's not that at all. That's what's causing the recession.

The U.S.A., less than 5 percent of the world's population, and it's using 25 percent of the world's energy. And the majority is feeding these few and there never will be a vitality as long as there is that equation. It isn't ever going to be that those few will ever be able to throw it all back to the majority.

It is a sad situation, like today when we have light bulbs that can't be right, but you say you need the technology of nuclear power and you still have the Price-Anderson Act on the books.

MR. CAMERON: Mark, that's a great summary. I'm going to have to ask you to finish up.

MR. KLUTHO: Yeah, well --

MR. CAMERON: Thank you.

MR. KLUTHO: Again, it's the fox guarding the hen house here. Oh yeah, here's -- here is one more thing. Regressive energy saying they're green. That's like Alfred E. painting the Hummer green. That's regressive energy going green.

MR. CAMERON: Okay. And Art Jones. Now, Art. Okay, this is Art Jones.

MR. JONES: Hello everybody. Yes, I'm Art Jones. I live here in Crystal River and I've been following this for a long time. And I went up to the PSC and spoke up there. And I'm going to speak here again and hopefully make a difference, because if you don't speak out and if you don't at least try, then you'll never know.

I believe that the Levy site is a bad location to build a power plant for many reasons. And some of them have already been spoken here tonight, because it is right in the middle of fresh water wetlands. It's right in the middle of the recharge zone for our beautiful springs here in Florida.

And fresh water is so precious on this planet. It's so precious here to our people here in Florida. And it's only really 1 percent of the water

on the planet is fresh water and drinkable. So, I really think we need to protect it.

And when I asked that question, you know, we're going to lose 720 acres of fresh water wetlands and how many acres would we lose out at the Crystal River site, I think they kind of dodged my answer.

I was expecting, you know, a number of acres of fresh water wetlands that would be impacted, and I think the answer would have been that it would have been zero. There are no fresh water wetlands out there right on the Gulf Coast. Those are salt water marshes.

So, it makes sense to me that the plant, if it has to be built, should be built out at that site.

So, I think that, you know, that -- how can anybody possibly say that the Levy site does not have environmental impacts that should stop the NRC from issuing the license for that location. Of course, that site would have a very bad environmental impact on many areas, you know, pumping over a million gallons a day out of the aquifer there is -- that's a million gallons less coming out of our springs.

And it's been shown that it feeds two spring sheds. And then just right next to that

location is the whole Rainbow River spring shed and estuary, one of the most beautiful spring-fed rivers, I think, in the world. So, I think that really needs to be protected.

And I was a little concerned to hear about salt water drift -- or, yes, salt drift in the atmosphere coming from these plants. You don't want that near the Rainbow River. You don't want that inland. Let's put it back out on the coast.

And God forbid there ever is an accident and there's a radioactive leak. At least we've got a 50 percent chance that the winds may be blowing out to the open water and not inland where the people and plants and fresh water is. So, I think from a safety concern, it would make more sense to put it out in Crystal River.

I don't think you can chop down a forest and not kill all the trees. And you're going to kill everything else that used to live there. So, it just makes more sense to put it out at Crystal River.

Sure, you're going to lose some more of the salt water wetlands, but, you know, I'd rather -- you know, the salt water is a little bit more abundant than our fresh water.

So, I think that really, if it has to be

built, if they have to build another power plant, it really needs to go out there at the Crystal River site. Thank you.

MR. CAMERON: Thank you, Art. Thank you very much. Ellen Avery-Smith? And then we'll go Mary Olson. This is Ellen Avery Smith. There's a team.

MS. SMITH: There is a team.

MR. CAMERON: Okay.

MS. SMITH: We work best that way. I am Ellen Avery-Smith and I'm an attorney with a firm called Rogers Towers, and I practice environmental law.

This is my client, Charles Smith, so I'd like to let him give you some preliminary remarks. Then I'm going to follow up with the legal disclaimer part.

MR. SMITH: My name is Charles Smith and I'm here this evening representing Robinson Estates, a family-owned corporation. We own the 5,700-plus acre tract immediately to the east of the proposed LNP site.

With more than two miles of contiguous border with the LNP site on our west and some three and a half miles of contiguous border with the Goethe National Forest to our north, we have definite

concerns regarding the proposed plans for this facility, primarily due to the ambiguity of the plant itself and the uncertain effect of the plant upon our property.

In early July 2008, having received no communication of any kind from anyone regarding the proposed plant, we contacted and arranged a meeting with a Progress Energy corporate officer. He indicated some concern and confusion, since he said that the company had already conducted extensive negotiations with someone who claimed to be Chuck Smith and had the right to negotiate for the corporation.

At two breakfast meetings, he indicated to us that the company had considerable interest in our property, both as a route for a proposed rail line and, more importantly, as the site for wetland mitigation associated with the future nuclear plant construction.

He arranged for the real estate group to contact us. This was the first notice that our corporation received from anyone regarding the project and their interest in our property.

Apparently, other previous information and notices were delivered to someone other than -- to

some other source and were never forwarded to our attention.

We continue to have bi-weekly phone conversations with Progress Energy regarding their interest in the property. We were even advised that their interest in the use of their own property and the Goethe State Forest had been discarded as possible alternatives.

This was not surprising, as the Goethe Forest is already a protected public property, and the use of their own property would hinder their construction efforts. We, therefore, had no reason to comment on the plan or express any concerns regarding possible negative effects to our property.

On May 18th, 2010, during one of our telephone conversations with Progress Energy, the worm turned. We were informed that they would not have -- they would have no need for the Robinson property, as they were now planning to use their own property and the Goethe State Forest for wetland mitigation purposes.

We are not objecting to the need for the nuclear plants. We are asking for assurances from the NRC and the Corps of Engineers that the new mitigation plan, if accepted, will not have any adverse effect on

the value or on the usage of our property for future development.

In addition, we would be seeking assurances that the Progress Energy plan would not adversely affect current water flow onto or through the Robinson tract, as a result of alteration and changes made to the Goethe State Forest.

We currently have a hunting club leasing our property. Our immediate concern is that there will be no adverse restrictions on the use of this property for this purpose.

On a longer term basis, we are seeking assurances that there will be no adverse affect on the property for future residential and commercial development.

Finally, it seems that it would be a shame that the effect of the proposed plan would necessarily create a situation which would result in the loss of a large, protected habitat, which could enable wildlife movement through the Goethe State Forest all the way to the Withlacoochee River, with the accompanying ecological advantage which would result, as well. Few areas of this size and magnitude still exist in Florida. And acceptance of this plan would necessarily result in the impossibility of this unique

benefit.

MR. CAMERON: Okay. Thank you, Mr. Smith. Mrs. Ellen Avery-Smith.

MS. SMITH: Not related, surprisingly.

Just to give you a little bit of background about Mr. Smith's comments. He and his family -- when you look at the environmental mitigation report that was produced by Progress Energy in January of 2009, Mr. Smith's property is referred to as the Robinson property, or the Robinson Estate.

And so, when he was referring to his discussions with Progress Energy, he was talking to them over a period of two years about purchasing that 5,700 acre tract which lies immediately to the east of the Progress Energy site, as part of the wetland mitigation for the impacts on the Progress Energy site.

He also owns a number of parcels surrounding the property. And so, he was -- during the State of Florida's review process under the Siting Act, he did not participate in commenting on the wetland mitigation plan produced by Progress Energy because he was speaking to them about purchasing his property. He thought everything was fine.

And then Progress Energy, in April of

2010, changed that proposed mitigation plan that eliminated the Robinson Tract from consideration as wetland mitigation for the impacts on the site.

And so, that's why we're here today, because this is our only venue to voice his concerns about potential environmental and other impacts to his property.

So, with that in mind, I'd like to start with talking about your Draft Environmental Impact Statement, starting with the wetland mitigation.

As I said, the original Mitigation Plan dated January 2009, Progress Energy proposed 764 acres of wetland impacts, which resulted at a functional loss under UMAM, or the Uniform Mitigation Assessment Methodology, which is the recognized method in the State of Florida under law, of 411 units.

The revised Plan, which is dated April 23rd, 2010 -- I have a copy here. In that, Progress Energy proposed 722 acres of wetland impacts, with the resulting functional loss of 289 UMAM units. So, that was a reduction of 41 acres of proposed wetland impacts, which is a 5.5 percent reduction. But the proposed mitigation went down 121.7 units, which is almost 30 percent.

So, we're questioning the UMAM scores that

are presented in the April 23rd, 2010 Mitigation Plan. I will not bore you with the details of that. But, I think that scientific judgment is required by the rule, by Florida law, and we ask that you use that.

Also, point you to page (ii) of the Revised Mitigation Plan. And it does say it focuses on enhancing and restoring ecological functions to large areas of wetland habitat and supporting uplands. It provides landscape level ecosystem benefits that exceed the value that would accrue if similar mitigation activities were to occur on a piecemeal, localized basis, without considering the values that come from improving large blocks of habitat and habitat corridors.

And we question whether this Plan actually achieves that. Because if you look at page 1-11 of that Plan, it specifically calls for mitigation to be provided in the Goethe State Forest. The Goethe State Forest is publicly owned land. And, so, we question why the State of Florida and why the U.S. Army Corps of Engineers would allow Progress Energy to swap mitigation out to provide that mitigation on lands that are already publicly-owned and therefore protected, instead of buying privately-owned properties and protecting larger areas of watershed,

larger ecosystems, larger wildlife habitat.

Also, the proposed on-site mitigation, which has been heavily increased, talks about a UMAM lift of 180.6 wetland UMAM lift units and 145 upland UMAM lift units. And so, I'm curious as to why uplands are being counted, because I don't see that -- it says rehabilitation and enhancement and preservation as the action. I don't see any wetland creation that's listed. And so, again, why are you giving credit under UMAM for upland rehabilitation and not wetland creation in those areas?

We would just, in summary, invite you to take a closer look at this, this report, because it does not provide adequate mitigation to offset the impacts. And it certainly is not equal to some of the other wetland mitigation alternatives that were provided in the January of 2009 report.

Going onto other ecological impacts. Someone mentioned earlier the effects of the salt from this being dispersed from the plant. And I'm speaking, when I talk about these, specifically the impacts on the Robinson tract property, which is the largest, most heavily impacted property out there.

I also want to question the wildlife corridors. If you've got preservation on the -- or

wetland mitigation on the Progress Energy site and then in the Goethe State Forest, the Robinson Estate property lies in between those two. So, Progress Energy is relying on the Robinson Estate property remaining undeveloped in order to provide that wildlife corridor. The same could be said for the flow of water and similar ecological attributes.

Also, we question whether or not the drainage pattern would be the same. Pre-development runoff should be equal to post-development runoff. And also the groundwater usage, will the pumping of water on the Progress Energy site draw down the wetlands and have other negative attributes on the Robinson Estate property?

Going to safety concerns. Again, as Mr. Smith said, there is a hunting camp that hunts on the Robinson Estate property. We hope that that will not -- that activity will not be preempted or in any way minimized by the activities, especially the shooting range, on the Progress Energy site that's proposed.

Also, the storage of the spent fuel will occur close to the Robinson Estate property. We hope that you will take those kinds of issues into consideration.

The Robinson family also owns 28 acres

near the heavy-haul route. We would like you to take into consideration what revisions Progress Energy is making to ensure adequate legal access to Highway 40 from that property.

What safety concerns are going to be impacted or how is that property going to be impacted by the use of that heavy-haul route?

And again, when -- and the main concern also is, is there a diminution in value of either the 5,700 acres or this 28 acres by Progress Energy's location next door and its, what will amount to an assumption that the Robinson Estate property will not be developed, and hopefully that will not occur.

MR. CAMERON: And Ellen, I'm going to have to ask you to finish up. And I hope that you can memorialize this in writing, also.

MS. SMITH: We will do that. So, I just ask you to wrap up -- you presented a slide about how impacts are quantified during your presentation. And I would argue today that the impacts to the Robinson Estate property from this project are going to be large. And we're talking about environmental and safety, as I've outlined. We will give you some additional comments in writing. And we appreciate your protecting Mr. Smith and his family's value.

MR. CAMERON: Okay. Thank you. Thank you both. Mary Olson? And then we're going to go to Barbara, Barbara Seiling. And Mike Seymour. This is Mary Olson.

MS. OLSON: My name is Mary Olson. I'm the Director of the Southeast Office of Nuclear Information and Resource Service. I live in Asheville, North Carolina. But I'm here tonight because we have members here in the Levy and Citrus Counties, and we also have status as a party to this licensing process.

Combined with the Green Party of Florida and the Ecology Party of Florida, we submitted a petition to intervene two years ago, just about, at the time that the opportunity to join in the licensing process was made available by the federal regulator. We offered 12 key issues and of the 12 issues, 3 were admitted by the Atomic Safety and Licensing Board.

We've heard a lot about water tonight and I'm pleased to hear the level of concern in this community about the water. That is one of the large, substantial issues that we have pending, on hydroecology, both surface water and groundwater.

I want to mention a couple of quick things tonight. The other two contentions are on waste. And

the Nuclear Regulatory Commission will receive comments in writing from us on these areas. I'm not going to say much about them tonight.

But I do want to indicate that -- I think it's page 15, where the water resources are discussed in the handout. The regulator finds that the impacts would be small. And our contention states that we believe the impacts will be large. And so, we're still in the process, and the hearing is not due for another year, but in the process of building the case on these issues.

And I'd like to make myself available this evening or after this evening. I'll give anyone my contact information. I'm more than happy to speak to anybody here about what it means to be an intervener and what this process is about. And I encourage you to ask questions of everybody.

Okay. That said, I do want to say a couple of things about waste, because I think that the earlier comments were spot on. There is no place to send any of the waste that would be generated at this proposed site at this time.

And in fact, in the last month the Nuclear Regulatory Commission has issued a new ruling saying that their basis of confidence for approving a new

reactor, whether it be in Levy County or anywhere else, is that the high level nuclear waste, the irradiated fuel rods that were described to us this evening -- and just so you know, technical analysis says that on average they're 6 million times more radioactive than the uranium that's put in, and it does give a lethal exposure if unshielded and in less than 30 seconds. So, this is a very tricky material.

I'm not saying that Progress Energy or anyone else is handling it in an unsafe manner, but the fact is that the regulator has determined that the basis for issuing a license to make more of this stuff is that it can be stored where it is generated for up to 120 years.

So, this community has a right to know that (a) I cannot bring this issue in the licensing process as an intervener because it is considered generic and so, therefore, not subject to litigation at the level of the license, and (b) you haven't really been given disclosure, have you, that you're signing up for 120 levels of high level nuclear waste storage, unless a new option becomes available.

So, I want to use my time tonight to talk about the things I can't bring in intervention, because this is a different opportunity to comment.

So, the so-called low level waste we are litigating on. And I'll simply that, again, the comment was spot on. The communities in this country are standing up and saying no, we don't want to be dumps. The dumps that are there have been closed, except for there very few exceptions. Utah is an exception.

There are dumps that are taking waste from specific states, like South Carolina's still taking from Connecticut, New Jersey, and South Carolina only. But that's what's forcing every reactor in the United States to either store or ship to a temporary location their so-called low level waste.

And the same would be true of Levy after two years of storage that's in the AP-1000 design, if it's the average level of production of waste, which it may or may not be in the first year -- second year.

So, the whole issue of waste is very rife for our consideration, for discussion, for local action, because this is a community that has a right to say whether it is going to be the next so-called low level waste dump for Progress Energy, if it is going to be the next so-called high level waste dump for Progress Energy. Those need to be really considered at the local level.

Okay. I'm about done with what I'm going to say. As I said, we will, of course, be giving written comments pertaining to the Draft Environmental Impact Statement.

One last -- two quick comments that I want to tag on. One has to do with jobs. I've been spending a lot of time on the phone with people all over the country for the last 20 years, because I've had my job for 20 years. We work with a lot of people in reactor communities. Our membership is in all 50 States, but a disproportionate number of members in reactor communities.

And one thing I hear over and over again was that the job thing just didn't work out. And there's a woman in Texas who's actually figured out why. The reason is, is because most of the long term jobs that would come with these new reactors won't be hired locally, maybe a few. But most of those workers for the long term positions, not the construction jobs, but the other ones, will be hired from out of the area.

But they're not monks. They're not single individuals. They will come with a spouse. And because they're technically skilled positions, they -- many of them will be mature individuals with teenage

and older children. And so you get one worker, but you get two to three potentially -- at least one, two, or three work seekers. And so, incredibly, the unemployment rate goes up in new reactor communities, not down.

So, I wanted to bring that out. And finally, I'm not allowed to attack NRC regulations in the process of intervening on a license. And I understand that because, you know, we're there to be sure the process is done right. And since the process is based on the regulations, okay, we're not going to attack them in that process.

But I'm here to tell you that page 17 of the handout is entirely misleading. This little pie chart about radiation. Just imagine for a moment that there's 104 operating nuclear reactors, and then there's about a dozen nuclear weapon sites, and then there's all their support industries, the laundries, and the waste processors, and there's some incinerators. But probably there's on the order of, you know, a few hundred nuclear facilities. And yet, they're showing up at a tenth of a percent. That is one one-thousandth of all the radiation.

That means that the averaging is pretty amazing when they give these numbers, because people

who live in these areas are getting a lot of radiation, okay? Because the radiation standards are so permissive.

When I was a child, we argued about 1 in a million people, was that acceptable for an industrial operation to kill one in a million? Then we got to Superfunding. It was 1 in 100,000, and in really complex clean-up situations, it goes up to 1 in 10,000.

NRC admitted in 1990 that their own standards -- and I'm taking the nicest, prettiest, little, tightest number, 100 millirem a year, results in 3.5 fatal cancers per 1,000 people exposed. What does that mean? It means, if we're talking about men, that there's there 1 in every 286 people. Not 1 in a million, not 1 in 10,000. But one in every 286 allowable deaths from the radiation standards that this industry is regulated under. I can't attack that in intervention, but I can disclose it to you.

And then, finally, I can tell you that women are more vulnerable. Why? Because we have more vulnerable tissue, because our reproductive organs are larger. We get one and a half times the rate. That goes down to 1 in 191. You start talking about children and unborn children and the numbers are like

1 in 10.

And this is perfect performance with no accidents. This is what our federal regulator allows.

So, for those who are concerned about the local impacts, you have a right to know this. And I traveled down here to say this, and I thank you for listening.

MR. CAMERON: Thank you.

MS. OLSON: I invite you again to get my contact information if you want to know more about intervention.

MR. CAMERON: Thank you, Mary. And Barbara? And then Mike Seymour and Emily Casey. And then Mr. Hopkins. This is Barbara Seiling.

MS. SIELING: Well, my t-shirt says what I feel about most corporations. Not -- the government isn't real high above that.

After all these questions I asked about this, not understanding and they give me this book. And the only difference between the Levy County and the Crystal River -- and I did have questions about that I'll ask later -- is that transportation to Levy County would be small to moderate, whereas it would be small to Crystal River. So, I still don't think I've gotten my answer. That was something added on.

And I was also curious about how they will be transporting the uranium and how many houses it will go by to get there.

With water being the most important yet limited resource, I am appalled at the lackadaisical attitude I see towards these wetlands. Florida has suffered from water shortages for years, even decades. And now the destruction of our needed wetlands and the effect on our aquifers is unacceptable.

I also understand -- and I understand a little bit more now since the last couple of people talked, that part of Goethe State Park is going to be involved in the construction or at least the water flow.

I live in Alachua County, barely, and part of Goethe State Park is up there, too. And, so, I went online when I first moved up there and found that Goethe State Park and most of Goethe State Park has foxtail squirrels, gopher turtles, and other endangered or protected animals in the park. And I'm wondering if -- not that I wouldn't trust a corporation and that I would ever think they would do something like make sure they are all eliminated before the actual other people go out and check it. But with gopher turtles, I didn't think there was a

way around them, so they would have to have been removed.

I talked to a gentleman from Progressive Energy earlier and I -- and a woman, and instead of spending -- they talk about alternative energy and instead of spending all their money on building a nuclear power plant, why don't they build it in their backyard? Number one. But if they spent that money towards helping everybody get alternative energy like solar or wind power that they are now supplying energy to, maybe there wouldn't be a need for a second nuclear site.

I'm originally from St. Petersburg. We've always had water problems. And it really scares me that at times -- at the end of the -- at the lower end of the beaches, south end of the beaches, you could turn on a water spigot, there would be hopefully a drop or two coming out. And now you're talking about covering up a way to redo our -- refill our aquifers.

I live in an area called Watermelon Pond. When I went to put in an ag well -- for anyone who doesn't know what that is, it's a well so you can feed -- have water for your animals - cows, horses, et cetera. EPA calls me because, guess what? Part of the property goes into -- actually has contact with

Watermelon Pond.

So, the EPA's calling me because, being part of SWFWMD and it's all State property, they want to come out and examine to see where I'm going to put my well -- not my septic, my well -- to make sure it's not going to impact the property. Of course, I already had a well, so I didn't -- they said, oh, never mind then.

But here we are trying to -- and I'm talking about a well. And EPA's in my -- coming to me. I had to make sure my septic tank wasn't too close. I had to make sure my property wasn't too -- my house wasn't too close.

And here we are talking about putting a potential catastrophe waiting to happen on our -- on our water -- our whole water flow and the most important resource that we have. And I just don't understand.

And then, of course, I figured I'd better say this, otherwise, you would have cut me off in the beginning. And as far as the Army Corps of Engineers, I'm just wondering, is this the same group of people who designed the levies in New Orleans, Rodman Dam, and rerouted the rivers going into the Everglades that's caused a lot of the problems down there? Just

a thought.

I think that pretty well covers everything I have to say.

MR. CAMERON: Okay. Thank you. Mike Seymour and then Emily Casey and Norman Hopkins.

MR. SEYMOUR: My name's Mike Seymour and I'm a general contractor. I live in the Crystal River area. I've been working with Mr. Smith on his property for probably about two, two and a half years. At one point in time, we were going to develop the property ourselves into higher-end residential homes and try to do a pretty unique type community there.

What I'd like to start out with telling you guys about, if I can, is our first introduction to Progress Energy. At first, we fought them because, like the young lady there, we wanted to develop our land, Mr. Smith's land. I had put a lot of time and my own money into the plans for that piece of property.

And we came here to the Plantation and we heard Progress Energy giving their speech. And we brought in our environmentalist; Ellen spoke at that particular meeting. And we were -- we were upset. You know, we had plans for the property ourselves.

Later on, we were contacted by Danny

Roderick, who we came to know very well. We've had several meetings here with Danny Roderick and discussing the plans of Progress Energy. And one of the things that I got to know about Danny, in talking to him, his goals here seem to be so much different than what I have seen here lately from Progress Energy.

Danny's goals seemed to be creating a project that the community would be proud of. Something that he did not want to -- of course, he was expense cautious about what he was doing, but he was also -- and this is just my opinion of Danny. He might have had a different view. But I'm just talking as a businessman and our relationship with Danny.

He seemed to be more in tune to what the community as a whole would be proud of out there. Something that would create jobs for Levy County, Citrus County, and benefit the surrounding properties by, you know, what his outlook was for the piece of property.

That all changed when Danny left. He's no longer with Progress Energy. But one of the things that he was always very concerned about was, in the development of the property to make sure from the feeling that we had with him, that the surrounding

lands were as protected as they possibly could be. He knew that they were going to have an impact. He was willing to talk to us about how it would impact our property; how it would impact the Goethe State Forest; how it would impact the surrounding neighbors' properties. We're not finding any of that from the contacts we've had with Progress Energy.

I was involved in these bi-weekly conference calls with Progress Energy, and I can tell you right now, had we thought at any point in time that they weren't going to use our property for their mitigation plans, we would have been raising red flags along the whole path of the process of permitting. Because we had the team in place to do it and we could have raised a lot of red flags at that point in time.

We took them at their word, insofar as they were going to be buying the property, or at least a sizeable portion of it, and it was our understanding, based on what Danny was telling us, that their goal was to preserve as much of that land because of the land that they would be impacting. They would be creating an access to wildlife from the Goethe State Forest to the Withlacoochee.

Even some of the State plans were to purchase that property to be able to put it back into

the public domain, to where they could create benefits for the water sheds of both the Withlacoochee and sorry, I can't pronounce the other water shed that's in that area, the Warkusi (ph) water shed. But anyway, they both joined up in that particular area and if I'm not mistaken, the boundary is almost through that Robinson tract and goes up through the Goethe State Forest.

And so, I do know that that was high on the State's list, to try to preserve that particular corridor in that area. And by purchasing that 5,700 acres, they would have been able to maintain that, and they would have been able to spread the impact of what they're doing on their property over a wider piece of property, and it would not have had the same effects as it's going to have now in that particular area.

And the only couple of things that I'd point out. In the first January 15th or 13th, 2009 Mitigation Plan -- and I don't know how many of you had the time -- the chance to read that or look at it, but I would suggest that you get a copy of it and look at it, because it's drastic in the way that they've changed from the 2009 to the April 2010 Mitigation Plan.

And I have personally spoken to the DEP

and the representatives of the DEP, and I can tell you right now that the comment that they made to me was they were surprised that that tract of land was pulled out, because they didn't even know it.

And I do know this sitting board -- I'm sorry -- the siting board, when they were reviewing all of these documents also, they were basing their opinion on that particular 2009 Wetlands Mitigation Plan. And, so, any discussions that would have been taking place between the public, or anybody else at that time, would have been based on the 2009 Mitigation Plan.

And in that Plan, where they're talking about their own piece of property, it says, because much of the LNP site is proposed for development, infrastructure, transmission corridors, security buffers, and potential future development, there are few areas available for mitigation.

And now you look at it and pretty much the whole site is being cut up with -- with, you know, a little bit of mitigation up on the northern boundary. The bulk of the mitigation is going to cut off all of the flow of wildlife from the Goethe State Forest to the Robinson tract, down to the Withlacoochee River. It is situated over on the southeastern corridor and

it's going to be completely blocked off by the heavy-haul road.

So, there's a -- if you really want to look at what I think Danny would have been proud of, or the community would have been proud of, is to look at the alternative sites that they had, and the alternative plans that they had in the 2009 Mitigation Plan versus the 2010 Mitigation Plan that they're planning on using now. Thank you.

MR. CAMERON: Okay. Thank you, Mike, for those comments. Emily? Emily Casey still here? Oh, I'm sorry. Is that Emily? And then we're going to go to Norman Hopkins.

MS. CASEY: Good evening. My name is Emily Casey. I live in Citrus County, but I grew up in Levy County and it's just some place that I want to protect. And what I'm going to do right now is just make a short address to water concerns, for the most part.

I want to submit the Chronicle on September 19th, is what we've all been talking about -- Water Matters. It really sums up the importance of water in this area, so I just want to put this into the record.

And I want to talk about the uniqueness of

this area. The proposed site in Levy County, as I have said, is extremely unique greenfield and really cannot be compared to other wetland areas throughout the northern Tampa Bay.

In the groundwater modeling portion of the section written in support of Progress Energy's water use program application, it stated that -- and I'm quoting here: SWFWMD presumes an adverse impact to a wetland if the long term median water level falls below the minimum wetland level. The District has assigned the elevations to sentinel wetlands. The District states, -- and the district is SWFWMD -- that it can't extrapolate levels from wetlands that haven't had official levels set by similar wetlands in close proximity."

Okay. It means they can make an average.

And then you go ahead down a little ways and you read that: A minimum wetland level is at 1.8 feet below normal pool and with a one-to-one relationship. And it states that: The methodology works at areas -- in other areas, that there are no sentinel wetlands or published minimum wetland levels in Levy County.

So, the data -- my statement is that the data that was used is based on estimations from other

areas.

And as I said before, this is a unique area. As you have heard all night, people have addressed concerns about the wetland impact. And it is really unique because two -- surface water that flows between two water management districts and into two separate rivers, both the Waccasassa and the Withlacoochee.

The site is located south and west of two separate potential high levels (sic). This would result in both the Floridan aquifer water being consumed from both the west and the east of this site.

And what that ultimately would mean, that water that would flow, and should flow from the south -- to the south and/or to the west and/or to the north -- and the reason why I state it that way is because it's at kind of a confluence of the waters. And then it flows in many different directions; some flows north, some flows toward the Gulf, some flows towards the Withlacoochee River. You really can't predict at what point it's going to flow in which direction.

Anyway, so I've said that they will not be available to other users or the environment, since there is a 1.85 million gallons per day projected to be withdrawn.

And surface waters flow either, as I said, into the two rivers or sheet floods flow to the Gulf, and, the Gulf is also a very pristine estuary area and the Big Bend seagrass beds.

Personally, I have observed water flowing from a high water lake that exists at the northeast corner of Progress Energy's property, flows under 19, and in a very short distance, it's flowing northwest and it goes into many swallets straight down into the aquifer.

So, my question from there is, what will the quality of this water be in 10, 20 years? And also, what will the quantity of this water be? Or will there be any water?

Then, the water that flows into these swallets are most likely the water that feeds into the springs that are there. These two springs happen to be two out of the five known springs -- and I'd like to stress "known" because it is what we know, but there's kind of assumed that there's much more out there that is not known.

Anyway, two out of the five springs provide the fresh water into the Waccasassa Bay/River area. The Waccasassa Bay River has already experienced a dramatic decline in the amount of water

that flows from there. So, what will happen in 10, 20 years? These are just questions.

What I'm proposing is, that due to many features -- and these are only a few that this area has, is not a place that can be compared to other places.

And I ask you to understand that the environmental impacts are not going to be small. They are going to large to the water and to the people that live around there and to the environment, in general. And not only would be large, it would be devastating. Thank you.

MR. CAMERON: Okay. Thank you, Emily. And Mr. Hopkins? Norman Hopkins.

MR. HOPKINS: Good evening, ladies and gentlemen. My name is Norman Hopkins and I live in Citrus County, and I run a foundation dedicated to teaching environmental science.

I have a confession to make. And that is that I can, after the years of research that I've done into sources of energy for the purpose of constructing a comprehensive of the energy situation in America today and putting it on the website that we maintain for teaching, leaves me without any confidence at all that a case could be made for nuclear energy anywhere

in the world. It just cannot be made.

The most important factor is the sheer overwhelming cost of the capital expenditure and the burden that it places on the capital resources, even of this nation. Plus, the cost of kilowatt hour from nuclear energy under any circumstances is a significant multiple of any other form and a very significant multiple of the cost that we pay for kilowatt hour today.

However, this meeting is to consider the environmental input -- Environmental Impact Statement and having said that, just remember it, I can't justify having a nuclear energy source, a new one, anywhere in the world today.

Why I'm standing up here is to talk about water. And it is a scarce resource. We need to husband that scarce resource. We need to look after our wetlands for the job that they do to preserve the water which is in the aquifers of this country.

And, furthermore, I've already referred to the fact that the Environmental Impact Statement that has been published, and which we've reviewed, was based upon scoping data collected up till December 2008.

Since then, a research study has been

completed to find out how the water and where it travels to in the aquifer. There are artesian flows which are natural to balance the pressure within the aquifer, a confined aquifer, that is -- an artesian aquifer. But when those flows -- and it's quite true that they flow from west to east across the -- sorry -- from east to west across the LNP site, immediately to the west of that site is what is a fracture which will divert the water to the south.

And the reason that I am concerned about that -- and it is not mentioned in the Environmental Impact Statement draft -- is that the consequence of that, ignoring the fact that it flows towards the south, means that the whole of the Crystal River Kings Bay complex, as an impacted environment, is omitted from the Environmental Impact Statement.

I have submitted a paper on this to the NRC and I've already given a copy of that paper to a representative of the NRC here today. I will be submitting a written report to the NRC.

And, we cannot afford to lose the waters of Crystal River Kings Bay, which today contribute something like $20 million a year to the local economy.

So, they're important to those of us who

live and dwell in Crystal River or in Citrus County, and we can't afford to lose that water resource.

Furthermore, just one sentence. And that is, that the flows underground are complex. And there is every likelihood that, as I spoke this afternoon about the accumulation of radionuclides in groundwater from a plant in Levy County, as described in the Environmental Impact Statement, will most likely influence the wells from which the domestic water supply is taken for 135,000 households in Citrus County.

Thank you very much.

MR. CAMERON: Thank you, Mr. Hopkins. Mr. Hopkins was our final speaker. And I'm going to ask Scott Flanders, as our senior official, to close the meeting out for us. Scott?

MR. FLANDERS: First, I want to thank everyone for coming and attending the meeting tonight and providing excellent comments. We find the comments very useful. We intend to take all of the information back and consider it as we work toward finalizing the Environmental Impact Statement.

Again, as Doug mentioned earlier in his presentation, the comment period does not close until October 27th, so certainly all the comments you

provided here, we will certainly take into account.

If there's other information, as you continue to review the document, digest some of the comments that you heard from some of the other individuals and want to provide additional comments, the comment period, again, does not close until October 27th. So, there's an opportunity to also provide additional comments, as well.

And as we said earlier today, as an independent regulatory agency, our job is to ensure that we fully consider the environmental impacts of what's being proposed and make sure that we clearly and accurately provide that information for public review and for decision makers. And that's what we intend to do.

So, we're going to take those comments that we received today, analyze them closely, factor them in. It's always a benefit to us to come to the community and hear information and the perspective from the community. Oftentimes, we find information that we weren't aware of and we need to take that into account, as well. We certainly will do that in this case.

So, in conclusion, I would, on behalf of the Army Corps of Engineers and the Nuclear Regulatory

Commission, I want to thank you for attending this evening. And that concludes our meeting. Thank you.

(At 9:34 p.m., meeting concluded.)

ATTACHMENT 2
Minutes from October 20, 2010 meeting of the
Withlacoochee Regional Water Supply Authority

WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY

Board Meeting Package

November 17, 2010
4:30 p.m.

Meeting Location:

SWFWMD Headquarters
Governing Board Meeting Room
2379 Broad Street (US 41 South)
Brooksville, Florida 34604-6899

WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY
BOARD OF DIRECTORS MEETING MINUTES
October 20, 2010

TIME: 4:30 p.m.
PLACE: Withlacoochee Regional Planning Council
1241 SW 10th Street (SR 200)
Ocala, Florida 34471-0323

The numbers preceding the items listed below correspond with the published agenda.

1. Call to Order

Chairman Richard Hoffman called the Withlacoochee Regional Water Supply Authority (WRWSA) meeting to order at 4:35 p.m. and asked for a roll call.

2. Roll Call

Mr. Jack Sullivan, Executive Director, called the roll and a quorum was declared present.

MEMBERS PRESENT
Richard Hoffman, Chairman, Sumter County Commissioner
Barbara Fitos, Vice-Chairman, Marion County Commissioner
Rose Rocco, Treasurer, Hernando County Commissioner
Mike Amsden, Marion County Commissioner
Dennis Damato, Citrus County Commissioner
Christine Dobkowski, Belleview City Commissioner
Stan McClain, Marion County Commissioner
Mary S. Rich, Ocala City Councilwoman

MEMBERS ABSENT
Jim Adkins, Hernando County Commissioner
Gary Bartell, Citrus County Commissioner
Joe Bernardini, Brooksville City Councilman
John Druzbick, Hernando County Commissioner
Ken Hinkle, Inverness City Councilman
Randy Mask, Sumter County Commissioner
John Priester, Ocala City Councilman
David Russell, Hernando County Commissioner
Dale Swain, Bushnell City Councilman
Winn Webb, Citrus County Commissioner

3. Introductions and Announcements

Mr. Sullivan introduced others in the audience.

OTHERS PRESENT
Jack Sullivan, WRWSA Executive Director
Larry Haag, WRWSA Attorney
Diane Salz, WRWSA Legislative Liaison
Alys Brockway, Hernando County Utilities
Kim Dinkins, Marion County
Al Grubman, TOO FAR
Dan Hilliard, Withlacoochee Area Residents, Inc.
Peter Hubbell, Water Resource Associates
Cara Martin, SWFWMD
James Morgan, Citrus County
Darrell Muse, City of Ocala
Joseph Quinn, SWFWMD
Richard Radacky, City of Brooksville
Peter Rocco, Hernando County Citizen
Tahla Paige, Recording Secretary

4. Presentation of Plaque of Appreciation to Commissioner Gary Bartell
Chairman Hoffman announced that Mr. Bartell could not attend today's meeting. By consensus of the board, it was agreed to present Mr. Bartell with his plaque at the November meeting.

5. Approval of Minutes of September 15, 2010 Meeting
A copy of the minutes was provided in the board packet for review.

Following consideration, **a motion was made by Ms. Rocco to approve the minutes for the September 15, 2010 meeting. The motion was seconded by Mr. McClain and carried unanimously.**

6. Report on Use of CFBC as a Water Supply
Mr. Sullivan stated the board packet included a memorandum outlining a proposal by Mr. Dan Hilliard, Withlacoochee Area Residents, Inc., to use the Cross Florida Barge Canal (CFBC) as an alternative water supply. Mr. Hubbell reviewed the idea, which included installation of a structure to help prevent saltwater intrusion and create a fresh water reservoir six miles downstream of the Inglis Lock. He stated competition for the use of the Lower Withlacoochee River included planned withdrawals from the CFBC by Progress Energy for the Levy County Nuclear Power Plant, potential restoration projects developed by Southwest Florida Water Management District (SWFWMD), and development of Minimum Flows and Levels (MFLs) for the Lower Withlacoochee River by SWFWMD. In conclusion, Mr. Hubbell stated the project was an interesting proposal; however, it would require an in-depth level of analysis to determine the viability of the project. He said one concern was the low level of water quality. Mr. Hubbell recommended to the Board to accept this project as a long-term (20 to 25 years) alternative water supply project to be studied for consideration and development in the future when other alternative water supply projects are further analyzed. Mr. Damato agreed there were various issues with the project

Mr. Hilliard felt the assessment by Mr. Hubbell was correct. However, he noted the water was not wasted (fresh water going into saltwater) as the Lower Withlacoochee River feeds a vibrant estuary. Mr. Hilliard also noted current studies showed a new bridge on US Highway 19 over the river as part of the expense for the project, which he felt was an unnecessary expense. Discussion continued on the water quality of the river, location of the project, the intensive study needed for the project, and future growth's affect on water demand.

Mr. Sullivan's recommendation was to accept the Withlacoochee Area Residents, Inc. proposal as a potential alternative water supply (AWS) project for consideration as a long-term water supply project along with the other AWS projects approved in the WRWSA's Water Supply Master Plan. It is also recommended that further analysis of the project not take place until the time in which these long-term AWS projects are further analyzed for consideration and development in the future.

Following consideration, **a motion was made by Mr. McClain to approve the recommendation of the Executive Director on this project. The motion was seconded by Ms. Rocco and carried unanimously.**

7. Executive Director's Report

a. Bills to be Paid

Mr. Sullivan provided a handout to the Board detailing October 2010 bills, which totaled $70,112.93. Mr. Sullivan requested the Board approve the payment of those bills.

Following consideration, **a motion was made by Ms. Fitos to approve payment of the October 2010 bills totaling $70,112.93. The motion was seconded by Mr. McClain and carried unanimously.**

b. 2010-11 Board Meeting Schedule

Mr. Sullivan presented the upcoming year's meeting schedule for approval.

Following consideration, **a motion was made by Ms. Rocco to approve the 2010-11 meeting schedule as presented. The motion was seconded by Mr. McClain and carried unanimously.**

c. Report on Progress re: FERC Inglis Hydropower Application

Mr. Sullivan stated he had contacted Paul Williams, SWFWMD to discuss the issues of concern to both the Authority and SWFWMD. Pete Hubbell had also called Inglis Hydropower, LLC to schedule a meeting to discuss the project, and he hoped to conclude the meetings and have staff recommendations to present at the November WRWSA Board meeting.

d. Follow-up on Recommendations of FEMA re: Oil Damage from Hurricanes

Mr. Sullivan included in the board packet the website address to review FEMA's Public Assistance Debris Management Guide and a copy of the letter he wrote to EPA requesting information on how a major storm or hurricane may affect the spread of oil

inland. Mr. Sullivan stated he would report back to the WRWSA Board as soon as he received a response.

e. Correspondence

Mr. Sullivan reviewed a memorandum from Dr. Martin Kelly, Minimum Flows and Levels Program Director, Resource Projects Department, SWFWMD, on the establishment of MFLs. Mr. Sullivan plans to request that Dr. Kelly give a presentation at the next WRWSA meeting.

This item was presented for the Board's information; no action was required.

f. News Articles

Mr. Sullivan provided news articles on water supply issues relating to areas both regional and statewide.

This item was presented for the Board's information; no action was required.

8. Legislative Update

Ms. Diane Salz stated there are currently various legislative members making campaign promises to repeal portions of the current SB 550. After the General Election, there will be new committee members and committee chairs. She stated there is a movement to change water law again. Ms. Salz expects to see a lot of activity in the upcoming month and plans to have a more extensive report next month. She gave a brief review of the proposed changes to the SWFWMD's Water Shortage Plan. Ms. Salz asked the Board if she should ask Lois Sorensen, SWFWMD, to speak at the next meeting on the changes. The WRWSA board agreed they would like the presentation. Ms. Salz stated the EPA announced a short extension for the Florida Nutrients Inland Water Rule until November.

Mr. Damato expressed his concern for the provision in SB 550 requiring septic tanks inspections and cost incurred by property owners. Mr. Damato asked Ms. Salz to find out how many Counties currently have a septic tank inspection program upon sale of a residential structure.

9. Attorney's Report

Mr. Haag stated he did not have any additional items to report to the WRWSA.

10. Other Business

None.

11. Public Comment

Mr. Richard Radacky, City of Brooksville, asked if the WRWSA Board knew what the use is for the 24" or 36" pipes being installed in the Progress Energy right-of-way in Citrus County. Mr. Damato stated it was a massive project to import natural gas from Alabama to Miami, Florida. Mr. Radacky expressed his concerns on the pipe work crossing the Withlacoochee River and possible effects to the ecosystem.

12. Next Meeting Time and Location

Next meeting is scheduled for November 17, 2010 at 4:30 p.m., at the Southwest Florida Water Management District Headquarters, Governing Board Room, 2379 Broad Street (US 41 South), Brooksville, FL 34604.

13. Adjournment

Chairman Hoffman announced there was no further business or discussion to come before the Board and adjourned the meeting at 5:20 p.m.

_____

Richard Hoffman, Chairman

_____

Jackson E. Sullivan, Executive Director

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Alex S. Karlin, Chairman
Dr. Anthony J. Baratta
Dr. William M. Murphy

In the Matter of PROGRESS ENERGY FLORIDA, INC. (Combined License Application for Levy County Nuclear Power Plant, Units 1 and 2)	Docket No. 52-029-COL, 52-030-COL ASLBP No. 09-879-04-COL-BD01 December 28, 2010

Certificate of Service

I hereby certify that copies of the Interveners Reply to NRC Staff Answer to Amended Contention 4 have been served on the following persons by Electronic Information Exchange on this 28th Day of December, 2010:

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/Signed (electronically) by/

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