

April 27, 2012

Dr. Sydney Bacchus  
Applied Environmental Services  
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SUBJECT: RESPONSE TO LETTER PROVIDING ADDITIONAL INFORMATION AND  
REQUEST TO SUPPLEMENT THE DRAFT ENVIRONMENTAL IMPACT  
STATEMENT FOR THE LEVY NUCLEAR POWER PLANT UNITS 1 AND 2  
COMBINED LICENSE APPLICATION

Dear Dr. Bacchus:

The U.S. Nuclear Regulatory Commission (NRC) received your letter dated March 12, 2012, that provides information for the Levy Nuclear Plant (LNP) project and states that a supplemental Draft Environmental Impact Statement (DEIS) is required. The NRC staff has reviewed the letter as well as the information provided as appendices to the letter. In addition, the staff reviewed your comments on the DEIS submitted to the NRC on October 26, 2010 and on November 27, 2010, as referenced in your letter.

The staff appreciates the comments that were provided on the DEIS. The comments and responses to those comments are provided in Appendix E of the enclosed Final Environmental Impact Statement (FEIS) for the LNP project, and where appropriate the comment responses identify the sections where changes have been made for the FEIS. In a number of instances, the staff concluded that the DEIS adequately addressed the issue raised in a comment. The staff has concluded that the Levy EIS does comply with the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and Essential Fish Habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act ("Magnuson-Stevens Act"). Additionally, the U.S. Army Corps of Engineers (USACE) will make its final permitting evaluation and determinations in its Record of Decision pursuant to its statutory authority and regulatory responsibilities under NEPA, the Clean Water Act, the 404(b)(1) Guidelines, the USACE's Public Interest Review, and other applicable laws and regulatory requirements.

Your letter includes a "New Peer-Reviewed Journal Publication" which you have identified as having relevant findings. The NRC staff reviewed the publication titled, "Geospatial analysis of depression wetlands near Peace River watershed phosphate mines", and has concluded that the current analysis in the FEIS is sufficient for evaluating the LNP site. In addition, Progress Energy Florida, Inc. is currently developing a wetlands monitoring plan for the LNP site as required by the State of Florida Conditions of Certification in order to protect ecological resources.

Your letter asserts that, "The DEIS failed to confirm the location of the extensive fill and raw materials required for the LNP project; ...and that a supplemental DEIS must be prepared to evaluate the adverse environmental impacts from the actual site of raw materials for the proposed LNP project." In addition, the letter asserts that, "If the proposed Tarmac mine proposed to be excavated 2 miles west of the proposed LNP project will be the source of the raw materials for the concrete and other aggregate materials needed to construct the proposed LNP project, the 2011 publication referenced above provides additional support that the proposed mine, in combination with..." other factors "... would contribute to significant adverse cumulative impacts on-site and surrounding the proposed project and mine." The letter also discusses other facets of the project leading to cumulative impacts.

The Tarmac mine and LNP are not connected actions. Concrete and aggregate for the project is widely available, can be bought on the open market from permitted facilities, and can be obtained from multiple sources. Therefore, it is not necessary to identify the source of the raw materials. Although the Tarmac mine is not identified as a source of fill material for the LNP, it is used in the Levy EIS as a surrogate for the analysis of groundwater impacts from mining.

Regarding the comment that, "No minimum flows and levels have been established for the aquifer system"; the NRC staff used information that was available for its analysis to evaluate the aquifer system. This comment has been previously presented, it is not considered new information, and the characteristics of the aquifer system have been addressed in the EIS.

Your letter states that, "On October 18, 2011 a new project by OLSC Land Ventures, LLC was approved in the impact zone of the LNP project," and information was provided for the Adena Springs Ranch project. The NRC staff contacted the St. Johns River Water Management District (SJRWMD) on March 20, 2012 to obtain information about the Adena Springs Ranch project. The information received by the NRC indicates that the application for the consumptive use permit was received by the SJRWMD on December 2, 2011, but it has not yet been approved. The proposed wellfield for the project is approximately 45 miles from the LNP site, which is over 2 times the established geographic area of interest used by the staff for the groundwater analysis in the EIS. Your letter also states that the same company owns another 36,000 acres in Levy County for the operation where additional water withdrawals would occur according to a report by Fred Hiers, dated February 23, 2012 (Ocala.com). While the ranch may own additional property in Levy County, according to the SJRWMD, the application for the consumptive use permit for the proposed Adena Springs Ranch project is specific to the property in Marion County.

The NRC staff appreciates your comments on the LNP project. However, the staff has determined that the information provided was not significant new information bearing on the impacts analyzed in the DEIS. Therefore, in accordance with 10 CFR 51.72, a supplement to the DEIS is unnecessary.

Dr. Bacchus

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If you have any questions or comments regarding this matter please contact Mr. Douglas Bruner, the NRC environmental project manager, at 301-415-2730, or via e-mail to [Douglas.Bruner@nrc.gov](mailto:Douglas.Bruner@nrc.gov).

Docket Nos.: 52-029 and 52-030

cc: See next page

Sincerely,

**/RA – A. Hsia for/**

William Burton, Chief  
Environmental Projects Branch 1  
Division of New Reactor Licensing  
Office of New Reactors

Docket Nos.: 52-029 and 52-030

cc: See next page

Dr. Bacchus

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If you have any questions or comments regarding this matter please contact Mr. Douglas Bruner, the NRC environmental project manager, at 301-415-2730, or via e-mail to [Douglas.Bruner@nrc.gov](mailto:Douglas.Bruner@nrc.gov).

Docket Nos.: 52-029 and 52-030

cc: See next page

Sincerely,

**/RA – A. Hsia for/**

William Burton, Chief  
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Docket Nos.: 52-029 and 52-030

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(Revised 03/15/2012)

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