



**Applied  
Environmental  
Services, LLC**

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April 26, 2012

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<http://www.federalregister.gov/articles/2010/08/13/2010-20005/notice-of-availability-of-the-draft-environmental-impact-statement-for-the-combined-licenses-for>

Re: Third Supplemental Comments on Draft Environmental Impact Statement (DEIS) of Proposed Combined Licenses for Levy Nuclear Plant Units 1 and 2, Docket Nos. 52-029 and NRC-2008-0558  
Project No. SAJ-208-00490 (IP-GAH)  
**New Information - Supplemental DEIS Required**

Dear Project Managers Hambrick and Bruner:

On March 12, 2012, I submitted my second supplemental comments on the Draft Environmental Impact Statement (DEIS) for the proposed Combined Licenses for Levy Nuclear Plant Units 1 and 2 (“LNP” and “project”) referenced above. My preliminary comments on the DEIS were submitted on October 26, 2010 and my initial supplemental comments on the DEIS for the proposed project were submitted on November 27, 2010. My comments describe the myriad grave inadequacies of the LNP DEIS and failure to comply with the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act (CWA), the Essential Fish Habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act (“Magnuson-Stevens Act”) and other federal requirements.

That supplemental comment letter confirmed that although my comments were not comprehensive, they were sufficient to justify the necessity for a supplemental DEIS, pursuant to 40 C.F.R. § 1502.9(c)(1) & (2). To date, no supplemental DEIS has been released, however significant new information relevant to environmental concerns and bearing on the proposed project and its impacts has been released since my last supplemental comment letter. That new information is summarized below.

**A. Environmental Relevance of More Detailed Seismic Analysis**

1. A letter dated March 15, 2012 was sent by the Nuclear Regulatory Commission (“NRC”) staff to Progress Energy Florida (“PEF”) as a request for additional information (“RAI”) to support the licensing process. The letter, number 108, directs PEF to:

Evaluate the seismic hazards at your site against current NRC requirements and guidance, and, if necessary, update the design basis and structures systems and components important to safety to

protect against the updated hazards (seismic portion only - of detailed Recommendation 2.1 - Enclosure 7 of SECY-12-0025).

2. In my professional opinion, the additional information that PEF will submit in response to this RAI regarding seismic hazards alone, regardless of whether changes in the design and structures are made, will be significant in evaluating the environmental impacts of the proposed project. This new seismic information will be relevant to environmental impacts regarding wetlands, water quantity and water quality and coastal ecosystems including habitat, as addressed in my 4/9/12 affidavit to the Atomic Safety and Licensing Board (“ASLB”), which is incorporated herein as **Exhibit A**.

3. Note that “Contention 4A” referenced in that affidavit addresses adverse impacts to wetlands, water quantity and water quality but does not encompass all of the adverse environmental impacts of the proposed project, including impacts related to the additional seismic information that PEF has been directed to submit in the RAI.

4. Please also note that during a pre-hearing conference call with the ASLB on March 29, 2012, staff announced that the agencies intend to release the final EIS **before** PEF provides the additional information requested in the RAI. Clearly that action would result in a grossly deficient final EIS.

5. Releasing a supplemental DEIS with the additional information produced in response to the RAI and the other critical information referenced in my previous supplemental comment letters, prior to the preparation of the final EIS would not delay the project based on PEF’s admissions that they are in no rush to break ground. On page 12, line 22-page 13, line 7 of the Transcript of the ACRS 589<sup>th</sup> Meeting on December 1, 2011, PEF stated (emphasis added in bold):

...in April of 2010 we modified that contract to change the in-service dates for the first unit to 2021 and the second unit to 2022. The planned in-service date of 2021 for that first unit supports our generation needs in Florida. **And the time line extension will allow Progress Energy to complete the licensing process and benefit from the construction experience of other companies that have already begun construction of new nuclear plants.**

6. **Therefore, a supplemental DEIS is required with the additional information responsive to the RAI for public comment and for your agencies to take a hard look at how that information affects the extensive adverse off-site and cumulative impacts described above, as required by federal law.**

#### **B. Levy County State Park Springs Turn Brown/Reverse Flow**

1. Since I submitted my last supplemental comment letter to you the flow in springs in Levy County state parks has been reduced so significantly that some springs have turned brown and reduced flow. See the article titled “Fade to Brown,” incorporated herein as **Exhibit B1**, and the following link for “Code Blue Emergency Fanning Springs” regarding these critical problems in Manatee Spring State Park and Fanning Spring State Park: [http://www.youtube.com/watch?v=QoLhS3\\_-Lgc&context=C447c2f6ADvjVQa1PpcFNee\\_CgsSDr\\_aP3t5GRxJGB8hikPPhGgoY%3D](http://www.youtube.com/watch?v=QoLhS3_-Lgc&context=C447c2f6ADvjVQa1PpcFNee_CgsSDr_aP3t5GRxJGB8hikPPhGgoY%3D)

2. Also since I submitted my last supplemental comment letter to you several private residential wells have gone dry immediately west of the proposed LNP project site and in the vicinity of the proposed Tarmac/King aggregate mine that would supply the raw materials for the proposed LNP project.

3. In my professional opinion, the article in Exhibit B incorrectly attributes this serious problem to “drought” while the eye-witness testimony provided at the link above correctly attributes the problem to excessive removal of water from the ecosystem. In addition to removal via groundwater pumping, this depletion of groundwater occurs from the precise types of excavations required for the project, including proposed excavation for stormwater pits and the proposed Tarmac/King aggregate mine west of the project that would supply the raw materials for the proposed LNP project.

4. These incidents are clear indicators of the water crisis that Levy County is facing **without** the additional depletion of groundwater and surfacewater permitted for the proposed LNP project and the further aquifer depletions that would result from the proposed Tarmac/King mine.

5. This water crisis is not confined to the county that PEF has selected as the site of the proposed LNP project. The water crisis is widespread and increasing in severity. The global water crisis has been addressed by

Maude Barlow, first Senior Advisor on water issues for the United Nations and author of “Blue Gold” and “Blue Covenant: The Global Water Crisis.” She summarizes our water crisis in, “Not a Drop to Drink,” which is incorporated herein in transcript form as **Exhibit B2**. On page 2 of her transcript she asks the critical question:

**Why are we talking energy only? Why aren't we talking about our dwindling water supplies?**

6. Based on these clear signals of the water crises in Levy County and world-wide, **a supplemental DEIS is required for your agencies to take a hard look at the obvious lack of water available for the proposed LNP project and alternatives that do NOT require water use in Levy County, such as roof-top solar panels and “decoupling” rate structures to induce serious energy conservation without requiring construction of a new power plant.**

**C. Wildfires in Vicinity of Proposed Project Caused by Aquifer Depletion**

1. In my professional opinion, the water crisis described above also is the cause of the destructive wildfires that have occurred in Levy County last April through June and this year since my last supplemental comment letter was submitted. The wildfires last year were located in Goethe State Forest, in the vicinity of existing mines north of the proposed LNP project site. According to the Florida Division of Forestry, that destructive wildfire burned 3,124 acres. The extent of that destructive wildfire is shown in **Exhibit C1**, which is incorporated herein. A brief description of the human impacts of that destructive wildfire is provided in **Exhibit C2**, which is incorporated herein. My opinion is based, in part, on an inspection of that area that I conducted after submitting my last supplemental comments to you. The map of the most recent fire is not available yet. **Therefore, a supplemental DEIS is required for your agencies to take a hard look at all of these cumulative impacts.**

Thank you for the opportunity to provide additional supplemental comments regarding the grossly deficient DEIS.

Sincerely,



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Exhibits:

- A. 4/9/12 Environmental relevance of more detailed seismic analysis
- B1. 4/5/12 Fade to Brown/Code Blue Emergency Fanning Springs
- B2. 1/27/12 Not a Drop to Drink
- C1. 6/9/11 Levy State Forest Wildfire Badlands map
- C2. 6/13/11 Road closures near two North Florida wildfires

cc:

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Proposed Levy Nuclear Plant Units 1 and 2, Project No. SAJ-208-00490 (IP-GAH)  
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