

August 11, 2016

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)
)
DUKE ENERGY FLORIDA, LLC) Docket Nos. 52-029 and 52-030
)
(Levy Nuclear Plant, Units 1 and 2))

NRC STAFF RESPONSE TO COMMISSION POST-HEARING QUESTION

Pursuant to the "Order (Transmitting Post-Hearing Question)" of August 4, 2016, the staff of the U.S. Nuclear Regulatory Commission hereby files its response to the post-hearing question issued by the Commission relating to the Staff's environmental review. The Staff marked this exhibit as NRC-014.

The Staff consulted with counsel for Duke Energy Florida, LLC regarding this response, and counsel stated that Duke has no objection to admitting the Staff's response as an exhibit.

Respectfully submitted,

/Signed (electronically) by/

Kevin C. Roach
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(201) 521-2078
Kevin.Roach@nrc.gov

Dated at Jersey City, New Jersey,
this 11th day of August 2016

ATTACHMENT

NRC STAFF RESPONSE TO COMMISSION POST-HEARING QUESTION

1. In response to Pre-hearing Question 55 regarding the Environmental Protection Agency's (EPA) comments on the Draft Environmental Impact Statement (DEIS), the Staff noted that impacts to wetlands were EPA's primary concern. EPA noted that there may be a need for "changes to the current site layout or application of mitigation measures that could reduce the environmental impacts."

The Staff stated that the NRC and the U.S. Army Corps of Engineers worked with the EPA to identify further reductions of such wetland impacts and these have been incorporated into the Final Environmental Impact Statement (FEIS). However, the Staff noted that the FEIS actually reported somewhat greater wetland impacts on the Levy Nuclear Plant (LNP) site (approximately 450 acres versus approximately 403 acres in the DEIS) but stated that this was reflective of the fact that the FEIS used more accurate wetland delineation data than was used for the DEIS.

Section 4.3.1.8 of the FEIS states, "Although wetlands would be avoided to the extent possible, the proposed LNP project is estimated to affect approximately 668 ac of wetlands." However, during the uncontested hearing, the Staff was asked to confirm that there was indeed a reduction in impact to wetlands realized from the work done between the DEIS and FEIS. In response the Staff stated that "the total wetland impacts from the draft to the final environment impact statement is actually 690 acres" Tr. at 127, lines 16-18.

Please clarify for the record the extent of wetlands that are expected to be impacted by the proposed LNP project.

Staff Response: The EIS review team comprising the NRC Staff and the U.S. Army Corps of Engineers (USACE) estimated that building the proposed Levy Nuclear Project (LNP) would impact approximately 668 acres of wetlands (Final EIS Section 4.3.1.8 at 4-40). This estimate encompasses potential impacts to wetlands on the LNP site as well as from associated offsite support facilities. The total figure of 668 acres includes approximately 450 acres of wetland impacts on the LNP site (Final EIS Section 4.3.1.1 at 4-32). The remainder of the wetland impacts (approximately 218 acres) are attributable to building various **offsite** facilities needed to support the LNP reactors, including pipelines, electric transmission lines, a heavy haul road, and a barge facility. These associated **offsite** facilities would be built on property owned by the applicant directly south of the LNP site and within various rights-of-way owned or controlled by the applicant.

As explained in the response to Pre-Hearing Question Number 55, the wetland impact acreage reported in the Final EIS was greater than that presented in the Draft EIS because the applicant

subsequently provided more precise wetland mapping data for the LNP site. In particular, the **onsite** wetland impacts in the Draft EIS were estimated using published land cover maps for the LNP site, while the Final EIS estimated **onsite** wetland impacts using field data in the form of a wetland delineation provided by the applicant. The wetland delineation field data provided a more precise estimate of **onsite** wetland impacts. (The Final EIS continued to estimate wetland impacts for **offsite** facilities using published mapping data.) After issuance of the Final EIS, which reported approximately 668 acres of wetland impacts, the USACE continued to work with the applicant to more precisely quantify wetland impacts for purposes of completing the review for a permit under Section 404 of the Clean Water Act. Total **onsite** and **offsite** wetland impacts authorized by USACE in the December 2015 Section 404 permit increased by 22 acres, from the 668 acres requested in the permit application to 690 acres. The Staff considered the potential significance of the more precise wetland impacts information as part of its review of new and potentially significant information. The Staff concluded that the changes are not significant and are consistent with the Staff's conclusion in the FEIS that impacts to terrestrial resources (including wetlands) would be MODERATE.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)
)
DUKE ENERGY FLORIDA, LLC) Docket Nos. 52-029 and 52-030
)
(Levy Nuclear Plant, Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that the document entitled NRC STAFF RESPONSE TO COMMISSION POST-HEARING QUESTION, dated August 11, 2016, has been filed through the E-Filing system this 11th day of August, 2016.

/Signed (electronically) by/

Kevin C. Roach
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(201) 521-2078
Kevin.Roach@nrc.gov

Dated at Jersey City, New Jersey,
this 11th day of August 2016