



Combined License Application Review Levy Units 1 and 2

**Environmental Panel
July 28, 2016**

Endangered Species Act Consultation

- **In November 2008 NRC initiated consultation under Section 7 of the ESA with U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS)**

Endangered Species Act Consultation

- **NRC developed and submitted Biological Assessments:**
 - **NMFS concluded consultation with NRC**
 - **FWS indicated additional surveys may need to be completed before consultation is complete**

FWS Biological Opinion

- **FWS issued Biological Opinion (BO)**
- **Measures identified in the BO support the FWS conclusion that building and operating the LNP facility would not jeopardize the existence of the Florida scrub-jay or adversely affect other species**

Scope of BO

- **NRC staff contacted the FWS Jacksonville field office to confirm the conditions necessary to close Section 7 consultation:**
 - **Developed conditions that would meet the needs of both agencies**

NRC and FWS Coordination

- NRC and FWS coordinated to develop conditions based on the BO and incidental take statement to include in the EPP**
- EPP conditions support the NRC staff's conclusions in the final EIS**

LNP Alternative Sites

- **Staff concluded the site selection process was reasonable, consistent with NRC guidance, and identified sites among the best in region**
- **Two issues identified after the draft EIS**
 - **Highlands site water availability**
 - **Crystal River site practicability**

Highlands Site

- **South Florida Water Management District (SFWMD) commented that water was limited**
- **Staff concluded that this was consistent with MODERATE impact in the EIS**

Highlands Site

- **Highlands Site was retained:**
 - **Removal from the EIS would serve no useful purpose**
 - **SFWMD concern confirms the site is not preferable**
- **SFWMD later stated it may be possible to obtain water for another site in the area**

Crystal River Site

- **Adjacent to existing 5-unit site**
- **Applicant told the Corps of Engineers the site was not practicable under the Clean Water Act (CWA)**
 - **Business decision - high concentration of generation**
 - **Corps agreed**

Crystal River Site

- **Staff retained in EIS**
 - **Site rated well from environmental perspective**
 - **Still a viable site for new nuclear units**
 - **Different standards for CWA and NEPA**

Acronyms

- **BO – Biological Opinion**
- **CWA – Clean Water Act**
- **EIS– Environmental Impact Statement**
- **EPP – Environmental Protection Plan**

Acronyms

- **FWS – Fish & Wildlife Service**
- **LNP – Levy Nuclear Plant**
- **NEPA – National Environmental Policy Act**
- **NMFS – National Marine Fisheries Service**
- **SFWMD – South Florida Water Management District**