



Serial: NPD-LNP-COC-2010-004

April 29, 2010

Mr. Michael P. Halpin, P.E.
Program Administrator
Office of Siting Coordination
Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Re: Progress Energy Florida
Levy Nuclear Project Units 1 and 2; PA 08-51
Petition for Modification of Certification

Dear Mr. Halpin:

Pursuant to Section 403.516(1)(c), Florida Statutes, and Rule 62-17.211(1)(b), Florida Administrative Code, please accept this letter and attachments hereto as a petition for modification of the certification for the Progress Energy Florida (PEF) Levy Nuclear Units 1 and 2 Project (LNP or Project). The requested modification involves changes to the currently-certified corridor for the heavy haul road, cooling water makeup pipelines and the wastewater/blowdown pipelines to be constructed between the LNP site, in Levy County, Florida, and the PEF Crystal River Energy Complex (CREC) in Citrus County, Florida. Two figures showing the currently certified corridor compared to the proposed modified corridor are attached hereto in Attachment A. This modification is requested to provide greater flexibility to minimize impacts to wetlands and other natural resources by locating the final rights-of-way (ROWs) within uplands or lower quality land uses. In addition, the proposed wider corridor provides an opportunity to further minimize disruption of recreational activities along the Cross Florida Barge Canal (CFBC) and to reduce the use of state-owned lands along the CFBC. The final ROW widths within the corridor will remain the same. While PEF thinks this requested modification of certification would not require any revisions to the existing conditions of certification for the LNP, the existing conditions of certification would benefit from an additional condition related to post-certification review of final impacts to wetlands and other surface waters of the State at the LNP site and along the non-transmission linear facilities such as the pipelines and site access roads. Such a condition would be similar to existing Condition XXXVIII that applies to such review for impacts by electrical transmission lines to wetlands and other surface waters. A proposed condition to this effect is attached to this petition as Attachment B. PEF requests that this proposed additional condition or a similar condition be imposed as part of any final order approving this requested modification.

Progress Energy Florida, Inc.
P.O. Box 14042
St. Petersburg, FL 33733

By way of background the Governor and Cabinet, acting as the Siting Board, issued a final order certifying the LNP on August 26, 2009. That order approved the construction and operation of a 2200 megawatt nuclear generating facility to be located in Levy County, Florida. The certification also approved several associated facilities including a corridor that would contain a heavy haul road between the LNP site and County Road (CR) 40, the cooling water makeup pipelines between the LNP site and the CFBC, and the blowdown pipelines between the LNP site and the existing CREC site in Citrus County, Florida.

The certified corridor, shown in Attachment A is approximately 13 miles long and 0.25 mile wide. As described in sections 4.10.1 and 4.10.2 of the original Site Certification Application (SCA), this certified corridor travels south from the LNP site to the CFBC then turns westerly paralleling each side of the CFBC and then turns south along the western side of an existing PEF electrical transmission line before entering the CREC Site.

The proposed modification (see Attachment A) involves a widening of the corridor in certain locations from the existing width of 0.25 mile to up to 1 mile in width. The certified corridor between the LNP site and CFBC is expanded to 1 mile in width, over lands largely owned by PEF. West of the US 19 bridge, the corridor is expanded up to 1 mile in width to encompass privately-held lands south of the CFBC and east of the existing PEF electrical transmission line before entering the CREC site.

Attachment C of this request contains revisions to SCA text associated with this modification shown in track changes. Attachment D contains the replacement pages and figures for inclusion in the revised SCA.

It is not expected that the proposed modification of this corridor will result in any greater adverse environmental effects than would occur within the existing certified corridor for the heavy haul road and water pipeline facilities. The length of the entire corridor will remain at approximately 13 miles, but its width in certain places will increase 0.75 miles, for a total width of up to 1 mile, as described above. While the width of the corridor will increase in some locations, the final rights-of-way for each of the facilities within the corridor, as identified in the original SCA, will not increase as a result of this modification. The final right-of-way (ROW) for the heavy haul road within the “common corridor” will remain at 150 feet. The separate make-up and blowdown pipeline ROWs within the “common corridor” will remain at 150 feet. The width of the blowdown pipeline ROW (which will include an access roadway) along the CFBC and into the CREC discharge canal will remain at 120 feet or less.

In addition, the size of and the construction methods for the heavy haul road and the cooling water make-up and blowdown pipelines will remain the same as described in SCA sections 4.10.1.2.1, 4.10.1.3, 4.10.2.2.1 and 4.10.2.3. Collocation of these facilities

in the common corridor minimizes the total area of impact while providing efficient site access for roads and water supply.

While more total wetlands are located within the new wider corridor than the narrower certified corridor, the actual wetland impacts within the final ROWs are not expected to be greater than within the currently-certified corridor. On the contrary, the wider corridor will provide PEF with more flexibility to avoid wetland impacts when the final ROWs are identified within the modified corridor. For example, the proposed expanded corridor segment from the CFBC to CREC is widened eastward of an existing PEF transmission line. The existing transmission line ROW is adjacent to higher quality wetlands which possibly can be avoided by locating the final blowdown pipeline ROW in this area farther to the east and within previously disturbed areas. Pursuant to existing Condition of Certification XXIV, PEF will continue to be required to provide mitigation for impacts to wetlands.

No additional known threatened or endangered species or species of special concern are found within the wider, modified corridor than are found within the existing certified corridor. Existing Condition of Certification XXIX.A.1 requires listed-species surveys to be conducted before clearing and construction of the certified facilities including roads and pipelines.

There are no known archaeological or historic sites within the proposed wider corridor. No impacts to designated landmarks will occur within the proposed wider corridor. The existing Conditions of Certification require PEF to report any discovery of historical artifacts to the Department of Environmental Protection and Florida Department of State, Division of Historical Resources (Condition of Certification XXVI.A). Any discoveries of historic resources will therefore be identified, avoided or otherwise addressed prior to or during construction.

Existing land uses within the wider corridor are similar to land uses found within the existing corridor. As shown in Attachment A, the FLUCCS Level II land use information is similar within both the existing certified corridor and the proposed modified, wider corridor. The cooling water blowdown pipelines within the proposed wider corridor will continue to have minimal adverse impact to land uses in the area. Existing human uses along the blowdown pipeline corridor, both as certified and as proposed to be modified, include a dirt trail/road and a Marine Patrol Station along the CFBC. The proposed modification will not cause any additional impact at these locations.

Construction and operation of the blowdown pipeline within the proposed modified corridor along the CFBC will not have any greater impact on the recreational use of the CFBC than the certified corridor. The proposed new corridor for the blowdown pipeline segment along the CFBC will actually be slightly shorter than the existing corridor segment, further minimizing any impacts to recreational uses of the canal from construction and operation of the blowdown pipeline. In addition, the

proposed wider corridor provides the ability for all or a portion of the blowdown pipeline ROW to be located outside of the state-owned property in this area, providing an opportunity to further minimize disruption of recreational activities along the CFBC and to reduce the use of state-owned lands.

For the reasons described above, PEF is seeking a modification of the certified corridor for the heavy haul road, make-up pipelines, and blowdown pipelines for the LNP. Construction and operation of the heavy haul road and the pipelines within the proposed modified corridor can be undertaken consistent and in compliance with the existing applicable conditions of certification. The proposed modification is not anticipated to cause additional environmental impacts. However, PEF proposes a condition of certification to provide for post-certification review of the impacts to wetlands and other surface waters of the state for the LNP site and the non-transmission linear facilities shown in Attachment B. PEF is willing to consider other reasonable conditions related to this proposed modification of the certified corridor.

PEF requests that the Department of Environmental Protection issue a final order modifying the certification for the LNP as requested herein. PEF requests that such order be issued following appropriate review of this request by the reviewing agencies, consistent with Section 403.516, Florida Statutes and Rule 62-17.211(1)(b), Florida Administrative Code. Per consultation with the Department of Environmental Protection Office of Siting Coordination (SCO), PEF has provided a hard copy of this petition for modification to SCO and electronic copies to all parties listed below.

A check in the amount of \$10,000 has been submitted with this petition for modification pursuant to Rule 62-17.293(1)(c)a., Florida Administrative Code. Should you have any questions regarding this matter or require additional information, please contact Jamie Hunter at 727-820-5764 (or at John.Hunter@pgnmail.com).

Sincerely,

Original signed by Robert Kitchen

Robert Kitchen
Manager - Nuclear Plant Licensing
Progress Energy

Attachments

Attachment A: Pipeline Corridor Comparison Overlays
Attachment B: Suggested New Condition of Certification
Attachment C: SCA Text Changes Shown in Track Changes
Attachment D: Replacement SCA Pages and Figures
check

cc: Toni Sturtevant, DEP OGC
Lea Crandall, DEP Agency Clerk
Douglas S. Roberts, HGS
Richard Tschantz, Hillsborough EPC
Kent L. Weissinger, Hernando County
Derrill L. McAteer, Sumter County
Marti Moore, SWFWMD
Michael Duclos, Polk County
Matthew G. Davis, DCA
Sanford Minkoff, Lake County
Thomas J. Trask, City of Oldsmar
Marva M. Taylor, Hillsborough County
Anne Bast Brown, Levy County
Kealy A. West, SJRWMD
Peter Aare, Citrus County
Harold A. Horne, City of Dunnellon
Janice McLean, City of Tampa
Thomas L. Wright, Marion County
Kelly Samek, FWC
Jewel White-Cole, Pinellas County
Kimberly Clark Menchion, DOT
Jerri A. Blair, City of Wildwood
E. Leon Jacobs, Jr., SACE