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US NRC
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Attn: Rulemakings and Adjudication Staff

February 1, 2012 (4:35 pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

From:

Dan Hilliard
16551 W. River Rd
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Subject: Public Input re: Progress Energy, Plants 1&2, Levy County, FL Application and Proceedings of the ASLB

The enclosed disc is a copy of a submittal to NRC for the Draft EIS Proceeding for the subject application and was submitted to the DEIS process on 9-23-10 during hearings held by the NRC. I wish to submit this information to record for proceedings by the Atomic Safety and Licensing Board and have provided copy by mail to the Chairman.

The information on the disc is organized by alphabetical sequence with text found in item 'A' etc. It was submitted on behalf of W.A.R. Inc., but having received no response from NRC on any of the concerns addressed within, there is no way to know whether they have been addressed or analyzed. It is therefore requested these concerns be reviewed by the ALSB.

There are two additional concerns not addressed in the included documents which need clarification.

1) The Cross Florida Barge Canal (CFBC) shore line is well vegetated with scrub, grasses and trees. The upper segment of the Lower Withlacoochee River is heavily forested. The entire region is within coastal flood zones that will be affected by Category 4 and 5 tropical storms, with storm surges projected to heights approaching +30' MSL. There are numerous residential and industrial developments to the west and north of the CWIS site as proposed in the CFBC and it is not unreasonable to conclude that the canal will be substantially choked with debris in the aftermath of such an event.

How will Progress Energy maintain cooling water supply to reactors 1 & 2 of the proposed plant in such circumstances?

2) It appears that the state of Florida has violated **USC Title 16, Chapter 1, Subchapter CV, section 460 tt (b)(2)(3)(4) and (c)(1) Cross Florida Barge Canal**, in approving the site location of the CWIS. Further, it is not clear NRC has recognized this or examined this as an apparent inconsistency with Federal Code, to wit:

Template = SECY-038

DS 03

(b) Transfer of project lands

Notwithstanding any other provision of law, the Secretary is, subject to the provisions of subsections (d) and (e) of this section, directed to transfer to the State all lands and interests in lands acquired by the Secretary and facilities completed for the project in subsection (a) of this section, without consideration, if the State agrees to each of the following:

(1) The State shall agree to hold the United States harmless from all claims arising from or through the operations of the lands and facilities conveyed by the United States.

(2) The State shall agree to preserve and maintain a greenway corridor which shall be open to the public for compatible recreation and conservation activities and which shall be continuous, except for areas referred to in subparagraphs (A) and (C) of this paragraph, along the project route over lands acquired by the Secretary or by the State or State Canal Authority, or lands acquired along the project route in the future by the State or State Canal Authority, to the maximum width possible, as determined in the management plan to be developed by the State for former project lands. Such greenway corridor shall not be less than 300 yards wide, except for the following areas:

(A) Any area of the project corridor where, as of November 28, 1990, no land is owned by the State or State Canal Authority.

(B) Any area of the project corridor where, as of November 28, 1990, the land owned by the State or State Canal Authority is less than 300 yards wide.

(C) Any area of the project corridor where a road or bridge crosses the project corridor.

(3) Consistent with paragraph (2) of this subsection, the State shall create a State park or conservation/recreation area in the lands and interests in lands acquired for the project lying between the Atlantic Ocean and the western boundaries of sections 20 and 29, township 15 south, range 23 east.

(4) The State shall agree, consistent with paragraphs (2), (5) and (6) of this subsection, to preserve, enhance, interpret, and manage the water and related land resources of the area containing cultural, fish and wildlife, scenic, and recreational values in the remaining lands and interests in land acquired for the project, lying west of sections 20 and 29, township 15 south, range 23 east, as determined by the State, for the benefit and enjoyment of present and future generations of people and the development of outdoor recreation.

(c) Enforcement

(1) Remedies and jurisdiction

The United States is directed to vigorously enforce the agreement referred to in subsections (a) and (b) of this section in the courts of the United States and shall be entitled to any remedies in equity or law, including, without limitation, injunctive relief. The court, in issuing any final order in any suit brought pursuant to this subsection, may, in its discretion, award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party. The United States district courts shall have original and exclusive jurisdiction of any action under this subsection.

Paragraph (A) and (C) do not appear relevant in exception to this provision. The CWIS structure will be of significant size and due to the critical nature of cooling water supply will be secured

by fencing, guards or both. This action will abridge paragraph 2 of the Code and may be in violation of other sections as indicated above by bold and/or underlined text.

Your attention to these concerns is appreciated and if there are any questions regarding this submittal to record you may reach me via the contact information below. Copy with electronic signature facsimile is included on the disc provided.

Sincerely,

A handwritten signature in cursive script that reads "Dan Hilliard".

Dan Hilliard
352/447-5434
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Documents included in package ML102810027 submitted by Dan Hilliard in 2010

Accession Number	Document Date	Title
ML102800375	09/23/2010	Transcript from the Levy Nuclear Plant DEIS Public Meeting: Afternoon Session. Pages 1 - 110.
ML102800378	09/23/2010	Transcript from the Levy Nuclear Plant DEIS Public Meeting: Evening Session. Pages 1 - 112.
ML102810030	10/08/2010	Attachment A: NRC DEIS Hearing.
ML102810032	10/08/2010	Attachment B: Site-Specific Information in Support of Establishing Numeric Nutrient Criteria in Suwannee Estuary/Suwannee Sound/Cedar Keys, Waccasassa Bay, and Withlacoochee Bay.
ML102810045	10/08/2010	Attachment C: Species-Specific Distribution and Habitat Characteristics of Shark Nurseries in Gulf of Mexico Waters off Peninsular Florida and Texas.
ML102810410	10/08/2010	Proposed Research/Management Plan for Crystal River Manatees Vols. 1 - 3.
ML102810424	10/08/2010	Attachment E: Withlacoochee CFBC and Estuaries.
ML102810427	10/08/2010	Attachment G: Florida Fish and Wildlife Conservation Commission: Wildlife 2060.
ML102810431	10/08/2010	Attachment H: Memorandum to Mark Hammond from Marty Kelly - Subject: Flows on the Lower Withlacoochee River.
ML102810437	10/08/2010	Attachment I: 17 Nov Springs CFBC; Barge Canal Springs.
ML102810438	10/08/2010	Attachment F: Waccasassa Bay Preserve State Park Unit Management Plan.
ML102810441	10/08/2010	Attachment K: Water Quality Data.
ML102810442	10/08/2010	Attachment L: Coastal Currents in the Northern Gulf of Mexico.
ML102810445	10/08/2010	Attachment L (contd): Coastal Currents in the Northern Gulf of Mexico.
ML102810447	10/08/2010	Attachment M: Tarmac King Road, Limestone Mine - Levy County, Florida.
ML102810448	10/08/2010	Attachment N: Cross Florida Greenway: Watershed Evaluation - Evaluation of Alternative Flow Scenarios.
ML102810453	10/08/2010	Attachment O: West Terminus Cross-Florida Greenway Assessment Work Orders 1 and 2.
ML102810461	10/08/2010	Attachment P: 2010 Regional Water Supply Plan.
ML102810473	10/08/2010	Attachment Q: An Alternative Water Source for the Northern Planning Area.
ML102810494	10/08/2010	Submission by Dan Hilliard.
ML102810504	10/08/2010	E-mail from Mark Hammond to Dan Hilliard - Re: USGS Withlacoochee River Flows.
ML102810511	10/08/2010	Submission by Betty Berger.
ML102810519	10/08/2010	Submission by Emily Casey.
ML102810521	10/08/2010	Submission by Charles J. Smith and Ellen Avery-Smith.
ML102810525	10/08/2010	Submission by Beth Foley.
ML102860155	10/08/2010	Attachment C: Species-Specific Distribution and Habitat Characteristics of Shark Nurseries

Documents included in package ML102810027 submitted by Dan Hilliard in 2010

			in Gulf of Mexico Waters off Peninsular Florida and Texas.
	ML102860837	10/08/2010	Submission by Norman Hopkins and David Hopkins.
	ML102861142	10/08/2010	Attachment K: Map of Sample Sites.
	ML102861193	10/08/2010	Attachment J: Thermal Imaging of the Waccasassa Bay Preserve: Image Acquisition and Processing.
	ML102930368	10/20/2010	A Percent-of-Flow Approach for Managing Reductions of Freshwater Inflows from Unimpounded Rivers to Southwest Florida Estuaries [Not in Package ML102810027]