

**AGENDA
SITING BOARD
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AUGUST 11, 2009**

**Attachments to the items below can be viewed at the following link:
http://www.dep.state.fl.us/secretary/cab/public_notices.htm**

Item 1 Minutes

Submittal of the Minutes from the January 27, 2009 Cabinet Meeting.

(See Attachment 1, Pages 1-4)

RECOMMEND APPROVAL

Item 2 Progress Energy Florida, Inc. Final Order of Certification/Levy Nuclear Plant (PA08-51)

REQUEST: Consideration of an Order, to be executed by the Siting Board, adopting the Administrative Law Judge's Recommended Order recommending the Siting Board grant full and final certification to Progress Energy Florida, Inc., under Chapter 403, Part II, F.S., for the construction and operation of the Levy Nuclear Plant as well as associated facilities pursuant to sections 403.509 and 403.511(1), F.S.

COUNTY: Levy

APPLICANT: Progress Energy Florida, Inc. (PEF)

LOCATION: The Levy Nuclear Plant (LNP) will be located on a 3,105-acre site in unincorporated Levy County southwest of Gainesville and west of Ocala. Approximately 300 acres of the site will be occupied by the electrical generation and support structures.

STAFF REMARKS: On June 2, 2008, PEF submitted to the Department of Environmental Protection (DEP) a Site Certification Application (SCA) for certification of the LNP pursuant to the Florida Electrical Power Plant Siting Act, sections 403.501 through 403.518, F.S. The SCA proposes that LNP will consist of two 1,100 megawatt (MW) each (nominal capacity) nuclear powered units. These will be the first nuclear units approved in Florida since Governor Askew certified Florida Power & Light's St. Lucie 2 in 1976. Directly associated facilities to LNP include cooling water makeup and blowdown pipelines, cooling water intake structure, heavy haul road, and 179 miles of transmission lines.

The Florida Public Service Commission (PSC) issued Final Order No. PSC-08-0518-FOF-E1 approving the petition for Determination of Need for the project on August 12, 2008.

On December 18, 2008, PEF announced its intention to shut down the existing coal-fired units known as Crystal River 1 and 2 following the first re-fueling cycle of Levy Units 1 and 2. The approval of this certification by the Siting Board includes a requirement for the shutdown or repowering of those two Crystal River Units by December 31, 2020, assuming timely licensing, construction and commencement of commercial operation of Levy Units 1 and 2.

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Item 2, cont.

PEF directly notified approximately 10,000 commercial and residential property owners by mail of the LNP. Notices for the receipt of the application, Levy County's land use and zoning consistency determination, and the hearing before the Administrative Law Judge (ALJ) were timely published in both the Florida Administrative Weekly and applicable local counties' newspapers. Newspaper notices were published in 12 local newspapers announcing the certification hearing and public hearings for the counties potentially impacted by the power plant and the transmission line corridors. Six public hearings were held in the counties where the transmission line corridors and LNP locations are proposed. A total of 93 members of the public spoke at the hearings with approximately half in favor and half opposed.

The Board of Trustees granted PEF a nonexclusive easement over 27 acres of state-owned uplands within the Marjorie Harris Carr Florida Greenway on March 10, 2009. The easement is necessary for staging during construction and for delivery of major components of the LNP. Upon receipt of its federal license for LNP, PEF will grant to the Board of Trustees a non-exclusive perpetual 40-mile-long easement for public recreation.

Federal approvals/permits required prior to construction include National Pollutant Discharge Elimination System, Prevention of Significant Deterioration (PSD), U.S. Nuclear Regulatory Commission, and U.S. Army Corp of Engineers. PEF has received the PSD permit. All others are currently under review. Now subject to a recently announced 20 month delay, the plant was scheduled to commence operation in 2018.

The following reviewing agencies recommended approval of the proposed project: PSC, Department of Community Affairs, Southwest Florida Water Management District, St. Johns River Water Management District, Florida Fish and Wildlife Conservation Commission, Withlacoochee Regional Planning Council, Department of Transportation, Department of State Division of Historical Resources, East Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, Hernando County, Hillsborough County, Levy County, Polk County, Sumter County, Citrus County, and, Pinellas County. Recommended conditions of certification to minimize adverse impacts and to ensure compliance with local policies and applicable regulatory standards have been incorporated into the facility's proposed Conditions of Certification. The ALJ recommended that the Siting Board enter a Final Order approving PEF's LNP project.

(See Attachment 2, Pages 1-326)

RECOMMEND APPROVAL