

## **Appendix E**

### **Exelon Generation Company's Compliance Status and Consultation Correspondence**

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- 1 The list of licenses, permits, consultations, and other approvals obtained from Federal,
- 2 State, regional, and local authorities for Peach Bottom Units 2 and 3 is shown Table E-1.
- 3 Following Table E-1 are reproductions of consultation correspondence prepared and sent
- 4 during the evaluation process of the application for renewal of the operating licenses for Peach
- 5 Bottom Units 2 and 3.
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**Table E-1.** Federal, State, Local, and Regional Licenses, Permits, Consultations, and Other Approvals for Current Peach Bottom Units 2 and 3 Operation

Agency	Authority	Description	Number	Issue Date	Expiration Date	Remarks
NRC	10 CFR Part 50	Operating license, Peach Bottom Unit 2	DPR-44 (Unit 2)		August 8, 2013 (Unit 2)	Authorizes operation of Unit 2
NRC	10 CFR Part 50	Operating license, Peach Bottom Unit 3	DRP-56 (Unit 3)		July 2, 2014 (Unit 3)	Authorizes operation of Unit 3
FWS	Section 7 of the Endangered Species Act (16 USC 1536)	Consultation	NA	November 19, 2001		Requires a Federal agency to consult with FWS regarding whether a proposed action will affect endangered or threatened species
NMFS	Section 7 of the Endangered Species Act (16 USC 1536)	Consultation	NA	November 19, 2001		Operation during the renewal term
SRBC	Susquehanna Basin Compact (18 CFR 803)	Approval	Docket 19830506	May 12, 1985, no expiration date		Consumptive Use of Conowingo Pond water
PDEP	Storage Tank and Spill Prevention Act 32	Registration	187882	Issued annually		Storage tanks (gasoline, used oil, hazardous substances, unlisted materials)
PHMC	Section 106 of the National Historic Preservation Act (16 USC 470f)	Consultation		Letter from PHMC to PECO, December 14, 2000		The National Historic Preservation Act requires Federal agencies to take into account the effect of any undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places.
MDE	Section 307 of the Coastal Zone Management Act [16 USC 1456(c)(3)(A)]	Consistency determination	NA	Letter from MDE dated April 23, 2002		Consistency of license renewal with the Maryland Coastal Management.

Table E-1. (contd)

Agency	Authority	Description	Number	Issue Date	Expiration Date	Remarks
PDEP	Pennsylvania Clean Stream Law, as amended, 35 P.S. Section 691.1 et seq.	National Pollution Discharge Elimination System Permit and Section 401 certification			December 1, 2005	Permit for discharge of waste waters from cooling water, waste water settling basin, auxiliary boiler blowdown, sewage treatment plant, dredging rehandling basin, raw intake screen backwash water; and storm water outfall
PDEP	Pennsylvania Dam Safety and Encroachment Act (32 P.S. Section 693.1 et seq.), Clean Stream Law (35 P.S. Section 691.1 et seq.), Flood plain Management Act (32 P.S. Section 679.101 et seq.)	Permit	E36-693		December 31, 2010	Maintenance dredging of intake area
PDEP	Pennsylvania Safe Drinking Water Act	Permit	6791502	March 21, 1994, no expiration date		Public Water Supply permit
PDEP	Air Pollution Control Act P25 Pa. Code Chapter 127)	Air emissions permit	67-05020		February 29, 2004	Emissions from diesel emergency generators, miscellaneous diesel engines, and other miscellaneous units
DSHPO	Section 106 of the National Historic Preservation Act (16 USC 470f)	Consultation	NA	Letter from DSHPO to NRC dated October 29, 2001		Impact on sites listed or eligible for listing in the National Register of Historic Places
MHT	Section 106 of the National Historic Preservation Act (16 USC 470f)	Consultation	NA	Letter MHT to Exelon, September 22, 2000		Impact on sites listed or eligible for listing in the National Register of Historic Places

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Table E-1. (contd)

Agency	Authority	Description	Number	Issue Date	Expiration Date	Remarks
PDER	Clean Water Act (33 USC Section 1251 et seq.), Pennsylvania Clean Streams Law (35 P.S. Section 691.1 et seq.)	Individual Discharge Permit	PA 0009733	November 3, 2000	December 1, 2005	Contains effluent limits for Peach Bottom Units 2 and 3 discharges to the Susquehanna River.
EPA and PDEP	Clean Water Act Section 401 (33 USC 1341)	Certification of compliance with state water quality standards	NPDES permit constitutes compliance			Discharges during license renewal term
DSHPO - Delaware State Historic Preservation Officer EPA - U.S. Environmental Protection Agency FWPCA - Federal Water Pollution Control Act (also known as the Clean Water Act) FWS - U.S. Fish and Wildlife Service MDE – Maryland Department of the Environment MHT - Maryland Historical Trust NMFS - National Marine Fisheries Service NPDES - National Pollutant Discharge Elimination System NA - Not applicable PDEP - Pennsylvania Department of Environmental Protection PDER – Pennsylvania Department of Environmental Resources PECO – PECO Energy PHMC - Pennsylvania Historical and Museum Commission SRBC – Susquehanna River Basin Commission						



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

January 17, 2002

Ms. Bonnie Crosby  
U.S. Fish and Wildlife Service  
Pennsylvania Field Office  
315 South Allen St., Suite 322  
State College, PA 16801-4850

**SUBJECT: PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3, LICENSE  
RENEWAL - "NO EFFECT" AND "NOT LIKELY TO ADVERSELY AFFECT"  
DETERMINATIONS FOR THREATENED AND ENDANGERED SPECIES**

Dear Ms. Crosby:

This is a request for your concurrence with conclusions which have been developed during the preparation of an environmental impact statement. The conclusions pertain to threatened and endangered species in the project area for the proposed license renewal of the Peach Bottom Atomic Power Station (PBAPS).

The U.S. Nuclear Regulatory Commission (NRC) is preparing a Supplemental Environmental Impact Statement (SEIS) for the proposed license renewal of the operating licenses for (PBAPS) Units 2 and 3, located in Peach Bottom Township, southeastern York County, PA. The current PBAPS licenses will expire in 2013 and 2014 for Units 2 and 3, respectively. The proposed license renewal would extend these operating licenses to 2033 and 2034. One factor considered within this SEIS is the potential for adverse impacts to federally listed endangered or threatened species that may result from continued operation of the facility for up to 20 additional years.

The PBAPS facility includes two boiling water reactors, a control building, a turbine building, and several other structures and facilities, including cooling water intake and discharge structures. The facilities are located on the west bank of the Susquehanna River, approximately 2 miles north of the Maryland/Pennsylvania border. The site is located approximately 8 miles upstream from Conowingo Dam and 6 miles downstream from Holtwood Dam. One transmission corridor is included in the analysis for the PBAPS SEIS. This 54 km (34 mile), 500kV transmission line crosses the Susquehanna River at the PBAPS site, enters Maryland near the village of Rock Springs, then traverses Cecil County, MD, and ends at the Keeney substation in northern Delaware, approximately 5 miles south of Newark, DE.

The licensee for PBAPS, Exelon Generation Company (Exelon), formerly PECO Energy Company (PECO), contacted the USFWS Pennsylvania Field Office concerning threatened and endangered species through a letter dated October 11, 2000, (PECO 2000). The Pennsylvania Field Office provided a response to PECO on October 18, 2000, (USFWS 2000a). The NRC staff contacted the USFWS Chesapeake Bay Field Office on October 11, 2001 (NRC 2001), and received a response dated November 19, 2001 (USFWS 2001). We have reviewed these letters, additional information provided by PECO, and information obtained through discussions with State wildlife biologists in Pennsylvania, Maryland and Delaware.

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Federally listed species potentially affected by the PBAPS license renewal include the American bald eagle (*Haliaeetus leucocephalus*) and the bog turtle (*Clemmys muhlenbergii*). An additional species, the swamp pink (*Heliconia bullata*) has also been reported from the vicinity of the project area. It is our understanding that one additional species, the Delmarva peninsula fox squirrel (*Sciurus niger cinereus*) may occur as experimental populations in Cecil County, MD and New Castle County, DE, but no natural populations are known from those counties (USFWS 1993) and it will therefore not be considered further.

The bald eagle is known to occur in York and Lancaster Counties, PA, Cecil County, MD, and New Castle County, DE. The Lower Susquehanna River is one of the most important areas for bald eagles in Pennsylvania. There are approximately 10 known nests on Conowingo Pond, 6 on the Maryland side of the border and 4 on the Pennsylvania side. The nests within Pennsylvania are all upstream of the PBAPS site, with the nearest located on Lower Bear Island, approximately 5 km (3 miles) upstream from the PBAPS site (Daniel Brauning, PA Department of Wildlife, personal communication, November 2001). The locations of the nests within Maryland were not precisely indicated, but the nearest nest would be at least 2 miles downstream from the PBAPS site (David Brinker, Maryland Department of Natural Resources, personal communication, November 2001).

The lower Susquehanna River is also a very important wintering area for bald eagles. In Maryland, there are usually between 25 and 30 eagles that winter in the vicinity of Conowingo Dam (David Brinker, personal communication), while in Pennsylvania there are usually between 10 and 20 wintering eagles on Conowingo pond (Brauning and Peebles 2001). In especially cold periods, as many as 15 to 20 eagles have been reported to congregate near the PBAPS discharge canal because it may be the only non-frozen portion of the river (Daniel Brauning, personal communication, corroborated by PECO Energy personnel).

The presence of the PBAPS does not appear to adversely affect the local bald eagle population, and there are indications that the nesting eagle population on the lower Susquehanna may be approaching saturation (PGC 2001). The PBAPS facility has been operating at this location since the early to mid 1970's. Since that time the eagle population has increased dramatically in the vicinity of Conowingo Pond, as it has throughout Pennsylvania. The NRC staff therefore concludes that continued operation of the PBAPS facility for an additional 20 years beyond the current license terms is not likely to adversely affect bald eagles. During especially cold periods, the operation of the plants may have a beneficial effect, because the warm discharge water may be the only available foraging area.

Bog turtles are known to occur in York and Lancaster Counties, PA, Cecil County, MD, and in New Castle County, DE (USFWS 1997). There is no suitable habitat at the PBAPS site itself. However, the Peach Bottom-to-Keeney transmission corridor traverses several streams and wetlands. PECO commissioned a "Phase 1" bog turtle habitat survey (Tetra Tech 2000) along the entire length of the transmission corridor following procedures described in USFWS 2000b. Four of the five stream crossings identified during the survey were incised channels through upland habitats, with no adjacent wetlands present. These channels are rocky, with no muck substrate. Therefore, these areas lack the criteria (hydrology, substrate, and vegetation) identified by USFWS 2000b for suitable bog turtle habitat. The fifth site supports a small wetland (< 0.04 ha [0.1 acre]) with at least one low area of mucky soil and a few wetland plants such as jewelweed (*Impatiens* sp.), skunk cabbage (*Symplocarpus foetidus*), and rushes

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(*Juncus* sp.). However, most of the area is covered by a dense stand of mile-a-minute weed (*Polygonum perfoliatum*). Additionally, the hydrology of the site does not meet bog turtle habitat criteria. The marsh does not appear to be spring fed, but is instead a depressional area with no evidence of shallow rivulets or other features described in USFWS 2000b. Therefore, it is concluded that there is no suitable bog turtle habitat within the Keeney transmission corridor. Based on the results of this survey, the NRC staff concludes that continued operation of PBAPS for an additional 20 years will have no effect on bog turtles.

The swamp pink is a perennial, rhizomatous member of the lily family (Liliaceae). New Jersey supports the greatest number of populations, but populations also are found in Delaware, Maryland, and further south in Virginia, North and South Carolina, and Georgia (USFWS 1991). In Maryland, all known populations appear to occur within freshwater seepage areas along streams (USFWS 1991). All the known populations within Cecil County occur along the fall line between the coastal plain and piedmont ecological regions (David Brinker, personal communication) which lie several miles south of the Peach Bottom-to-Keeney transmission line. All the transmission line corridors within Cecil County have been surveyed on several occasions by the Maryland Department of Natural Resources. These surveys identified two locations along the Keeney line with rare or unusual plant species (the Richardsmere and Rock Springs Natural Areas), but did not identify any occurrences of the swamp pink within the Keeney transmission corridor (MDNR 1998). In Delaware, the swamp pink is known from southwestern New Castle County, but not from the project area in the northwestern part of the county (Bill McAvoy, Delaware Natural Heritage Program, personal communication). Therefore, the NRC staff concludes that the continued operation of PBAPS for an additional 20 year license term will have no effect on the swamp pink.

Based on these considerations, the NRC staff has concluded that renewal of the PBAPS operating licenses for an additional 20 years beyond the current license terms will have either no effect (swamp pink and bog turtle) or is not likely to adversely affect (bald eagle) listed species in the vicinity of the PBAPS site or the associated transmission corridor. The NRC staff requests your written concurrence with these conclusions, if appropriate, for inclusion in the SEIS currently under preparation.

Thank you for your consideration of this request. If there are any questions, please contact me by telephone at (301) 415-1444 or by email at [dxw@nrc.gov](mailto:dxw@nrc.gov).

Sincerely,  
**Original Signed By: LLWheeler**  
Louis L. Wheeler, Sr. Environmental Project Mgr.  
Environmental Section  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Enclosure: List of References



## References

- Brauning, D.W. and B. Peebles. 2001. Bald Eagle Research and Management, Bald Eagle Breeding and Wintering Surveys. Project Annual Job Report. Pennsylvania Game Commission, March, 2001.
- Maryland Department of Natural Resources, 1998. Ecologically significant areas in Cecil County. Sites newly identified or updated in 1998. Report to the Coastal Zone Management Division, Maryland, Department of Natural Resources, December 1998.
- PECO Energy Company, 2000. Peach Bottom Atomic Power Station, Units 2 and 3 License Renewal: Request for information on threatened and endangered species. Letter from Mr. James A. Hutton, PECO, to Mr. Michael McCarthy, USFWS, October 11, 2000.
- Pennsylvania Game Commission. 2001. "Bald Eagles Continue Their Impressive Comeback." Pennsylvania Game Commission News Release #48-01, June 26, 2001.
- Tetra Tech NUS, Inc. 2000. Bog Turtle Habitat Survey along the Keeney Transmission Corridor. Prepared for PECO Energy Company, Kennett Square, PA.
- U.S. Fish and Wildlife Service, 1991. Swamp Pink (*Helonias bullata*) Recovery Plan. Newton Corner, MA, 56 pp.
- U.S. Fish and Wildlife Service, 1993. Delmarva Fox Squirrel (*Sciurus niger cinereus*) Recovery Pla, Second Revision. Hadley, MA, 104 pp.
- U.S. Fish and Wildlife Service, 1997. "Endangered and Threatened Wildlife and Plants: Final Rule" to list the northern population of the bog turtle as threatened and the southern population at threatened due to similarity of appearance. Federal Register Vol. 62, No. 213, November 4, 1997.
- U.S. Fish and Wildlife Service, 2000a. Letter from Mr. David Densmore, USFWS to Mr. James Hutton, PECO Energy, October 18, 2000.
- U.S. Fish and Wildlife Service, 2000b. Guidelines for Bog Turtle Surveys. Pennsylvania Filed Office, State College, PA, August 30, 2000, Revision.
- NRC, 2001. Letter to Mr. John Wolfin, U.S. Fish and Wildlife Service requesting information on endangered or threatened spreies in the Peach Bottom license renewal project area, October 11, 2001.
- U.S. Fish and Wildlife Service, 2001. Letter to Ms. Cynthia A. Carpenter, NRC, responding to October 11, 2001, request for information on the presence of endangered or threatened species in the Peach Bottom license renewal project area, November 19, 2001.



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Pennsylvania Field Office  
315 South Allen Street, Suite 322  
State College, Pennsylvania 16801-4850



April 17, 2002

Duke Wheeler  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Dear Mr. Wheeler:

This responds to your letter of March 13, 2002, requesting our review of the Peach Bottom Atomic Power Station, Units 2 and 3, license renewal - "No Effect" and "Not Likely to Adversely Affect" determinations, located in York County, Pennsylvania. The Power Station is located within the range of two federally listed species, the threatened bald eagle (*Haliaeetus leucocephalus*) and bog turtle (*Clemmys muhlenbergii*). The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of endangered and threatened species.

#### Bald Eagle

Bald eagles typically occur in the vicinity of aquatic ecosystems; they frequent lakes, reservoirs, large rivers (e.g., Delaware River, Juniata River, Susquehanna River), and wetland systems. Their nests are usually built in large trees within two miles of these features. Because eagles are vulnerable to human disturbance, particularly during the nesting season, nests are often located in relatively remote forested areas.

The Fish and Wildlife Service proposed to remove the bald eagle from the federal *List of Endangered and Threatened Wildlife* on July 6, 1999 (*Federal Register*, Vol. 64, No. 128), but final action on that proposal has not been taken. The bald eagle, therefore, continues to be listed under the Endangered Species Act. Any changes in the regulatory status of the bald eagle can be monitored by accessing the Service's web site ([www.fws.gov](http://www.fws.gov)).

The bald eagle population in Pennsylvania has increased substantially from the three nest sites found in the State from 1963 through 1980. In 2001, 53 eagle nests were documented. Because bald eagles are continuing to recover and expand their breeding range in Pennsylvania, new eagle nests may be found in previously undocumented locations.

The Pennsylvania Game Commission has determined that the project is in the vicinity of 10 eagle nests on the Lower Susquehanna. In Pennsylvania, the closest nest site is located three miles upstream. Downstream of the project (Maryland), the closest eagle nest is approximately two miles away. Because of the distance between the project and the known eagle nests, continued

operation of the power plant is not likely to adversely affect the bald eagle.

Bog Turtle

A Phase I Bog Turtle Habitat Survey was conducted by Tetra Tech in 2000. According to the report, no wetlands are located at the power plant site. However, the transmission corridor traverses several streams and wetlands. Four of the five streams were incised channels with rocky substrates. The fifth stream crossing had a small, adjacent wetland. However, hydrology adequate to support bog turtles is not present in this wetland. Therefore, based on our review of this information, we conclude that the proposed project will have no permanent or temporary impacts on palustrine wetland habitat that could be occupied by bog turtles.

If this project is implemented as proposed, we concur that renewal of the license of the Peach Bottom Power Station will not effect the bog turtle or its habitat, and is not likely to adversely affect the bald eagle. This response relates only to endangered or threatened species under our jurisdiction, based on an office review of the proposed project's location. No field inspection of the project has been conducted by this office. Consequently, this letter is not to be construed as addressing potential Service concerns under the Fish and Wildlife Coordination Act or other authorities.

If we can be of further assistance, please contact Bonnie Dershem of my staff at 814-234-4090.

Sincerely,

A handwritten signature in black ink, appearing to read "David Densmore", followed by a horizontal line.

David Densmore  
Supervisor