

## **Appendix E**

### **McGuire Compliance Status and Consultation Correspondence**

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## Appendix E

### McGuire Compliance Status and Consultation Correspondence

The licenses, permits, consultations, and other approvals obtained from Federal, State, regional, and local authorities for McGuire Nuclear Station, Units 1 and 2 (McGuire) are listed in Table E-1.

Following Table E-1 is a reproduction of correspondence received during the evaluation process of the application for renewal of the operating licenses for McGuire.

**Table E-1.** Federal, State, Local, and Regional Licenses, Permits, Consultations, and Other Approvals for McGuire Units 1 and 2

Agency	Authority	Description	Number	Issue Date	Expiration Date	Remarks
NRC	10 CFR Part 50	Operating license, McGuire Unit 1	NPF-9	06/13/81	06/12/21	Authorizes operation of Unit 1
NRC	10 CFR Part 50	Operating license, McGuire Unit 2	NPF-17	03/04/83	03/03/23	Authorizes operation of Unit 2
FWS	Migratory Bird Treaty Act (16 U.S.C. 703-712)	Permit	DPRD 757484			Depredation permit. Renewed annually.
FWS	Endangered Species Act	Consultation				FWS letter included in Appendix E
North Carolina Department of Cultural Resources	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	Consultation	Letter from David Brook, Deputy State Historic Officer to Duke Power, 01/31/00			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. The North Carolina Department of Cultural Resources determined that renewal of the McGuire OLs is not an undertaking that is likely to affect historic properties.
NCDENR	Clean Water Act, Section 402	NPDES stormwater permit	NCS000020	Pending NCDENR approval		Renewal of permit is in progress
NCDENR	Clean Water Act, Section 402	NPDES wastewater permit	NC0024392		02/28/05	

Table E-1. (contd)

Agency	Authority	Description	Number	Issue Date	Expiration Date	Remarks
NCDENR	RCRA, Section 3010	EPA identification number for generation and storage of hazardous waste	NCD 108 706 029	08/31/99		
NCDENR	RCRA Subtitle IX	Underground storage tank permits	0-031536, 0-013530			Renewed annually
NCDENR	RCRA Subtitle D	Landfill permit	60-04	07/30/92		Permit is renewed every five years
NCDENR	North Carolina Sedimentation Pollution Control Act	Permit for petroleum contaminated soil remediation site		06/04/99		
NCDHHS	40 CFR Part 61, Subpart M	Asbestos nonscheduled removal permit	NC11014			Renewed annually. Quarterly reporting.
Mecklenburg County Fire Marshall		Building standards hazardous materials permits	F0834994, F0834996, F0835036, F0835017, F0835012, F0835030, F0684265, F0835032			Renewed annually
Mecklenburg County Department of Environmental Protection	Clean Air Act, Section 501	Air quality permit to construct/operate	00-019-269	02/23/00		Renewed annually

CFR = Code of Federal Regulations

EPA = U.S. Environmental Protection Agency

FWS = U.S. Fish and Wildlife Service

NCDENR = North Carolina Department of Environment and Natural Resources

NCDHHS = North Carolina Department of Health and Human Services

NPDES = National Pollution Discharge Elimination System

NRC = U.S. Nuclear Regulatory Commission.

RCRA = Resource Conservation and Recovery Act

U.S.C. = United States Code

## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
 Asheville Field Office  
 460 Main Street  
 Asheville, North Carolina 28801  
 November 1, 2001

Ms. Cynthia A. Carpenter, Chief  
 Risk Informed Initiatives, Environmental,  
 Decommissioning, and Rulemaking Branch  
 Division of Nuclear Regulatory Improvement Programs  
 Office of Nuclear Reactor Regulation  
 Nuclear Regulatory Commission  
 Washington, DC 20555-0001

Dear Ms. Carpenter:

Subject: McGuire Nuclear Station, Units 1 and 2, License Renewal Project, Mecklenburg  
 County, North Carolina (Docket Nos. 50-369 and 50-370)

We received your letter of October 15, 2001, requesting our comments relative to endangered and threatened species and the subject project. We are providing the following comments in accordance with the provisions of Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act); the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e); the Bald Eagle Protection Act of 1940 (16 U.S.C. 668-668d); and the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712).

According to your letter, the Nuclear Regulatory Commission (NRC) is evaluating an application for renewal of Duke Energy Corporation's license for operation of the McGuire Nuclear Station, Units 1 and 2. According to Duke Energy's application, Duke has not identified any major refurbishment activities; therefore, the license renewals would primarily involve an evaluation of the impacts of continued operation for another 20 years.

### Endangered Species

Species in the Project Areas. Enclosed is a list of federally endangered, threatened, and candidate species; designated critical habitat; and Federal species of concern known from Gaston, Lincoln, and Mecklenburg Counties. Federal species of concern are not legally protected under the Act and are not subject to any of its provisions, including Section 7, unless they are formally proposed or listed as endangered or threatened. Since the term of the proposed license renewals may span 20 years, we are including these species in our response to give you advance notification. We do not have records of any listed species from the footprint of the project as depicted on your map.

We do have records of Schweinitz's sunflower (*Helianthus schweinitzii*), a federally endangered plant species, and Georgia aster (*Aster georgianus*), a plant species that is currently a candidate for listing as endangered. Both of these plants occur in areas that are likely to be affected, directly and indirectly, by this project. *Helianthus schweinitzii* occurs in relatively open habitats--road/power line rights-of-way, early successional fields, forest ecotonal margins, forest

clearings, etc. *Aster georgianus* is a perennial that occurs in dry open woods along roadsides, woodland borders, old fields, and pastures

We also have records of the threatened American bald eagle (*Haliaeetus leucocephalus*) from the Catamba River area, with nests at Lake Wylie (downstream of the project) and Lake James (upstream of the project). Additionally, foraging and migratory eagles are observed during many times of the year at Lake Norman, near the McGuire units.

**Conservation Measures.** Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. "Conservation recommendations" are discretionary agency activities to minimize or avoid the adverse effects of a proposed action to a listed species or critical habitat, to help implement recovery plans, or to develop information that will help better understand the species.

We request that the following conservation recommendations be considered for inclusion by NRC as part of the license renewals:

- (1) Duke Power should develop and maintain a detailed map and description of listed species within its project boundaries and rights-of-way.
- (2) Duke Power should develop a comprehensive management plan for listed species within its rights-of-way and on their land within the area of this project. Issues that should be addressed include protection, monitoring, and management. A complete map of all known locations of listed species on Duke Power's property should be provided. A regular monitoring plan should be developed and implemented. Appropriate management prescriptions should be developed with the assistance of species experts.

#### **Other Concerns**

**Migratory Birds.** We are concerned about the potential effects of this project on raptors; therefore, we recommend transmission line designs that prevent arcing and flight hazards to raptors. If the transmission lines and other facilities are not already outfitted to reduce potential impacts to raptors, three-phase lines should be "raptor-proofed" with one of the following design modifications:

- (1) Separation of phases - This can be accomplished by either lowering the cross arm, using a longer cross arm, or raising the center phase on a pole-top extension. The objective is to separate the phases by at least 60 inches to prevent raptors from making skin-to-skin contact with any two phases.
  - (2) Insulation - An alternative to vertical separation of phases is to install conductor insulation (commonly, PVC tubing), extending a minimum of 36 inches on either side of the pole-top insulator. This alternative should also include the replacement of metal cross arm braces with wooden or other nonconductive braces.
- River and other wetland crossings should be avoided whenever possible. Where unavoidable, lines crossing wetlands should be constructed to maximize visibility of the line to raptors by one of the following design modifications: (1) remove the static line, (2) enlarge the static line to improve visibility to raptors, or (3) mount aviation balls or similar markers on the static line.

What measures can NRC and the licensee incorporate in the project to enhance the project area for waterfowl, raptors, and other migratory birds? Does the licensee have other land that it could set aside for the purposes of enhancing the project area for migratory birds and to mitigate for continued impacts (direct, indirect, and cumulative) to migratory birds and other wildlife?

Aquatic Impacts. What are the impacts of the water intakes on fish entrainment and impingement? What measures can the licensee incorporate into the project to minimize, or mitigate for, these impacts? What measures can the licensee incorporate to minimize, or mitigate for, the impacts of the reservoir and thermal discharges to native aquatic assemblages?

Please keep Mr. Mark Cantrell of our staff apprised of the progress on this project (telephone 828/258-3939, Ext. 227). In any future correspondence pertaining to this matter, please reference our Log Number 4-2-00-120.

Sincerely,

Brian P. Cole  
State Supervisor

Enclosure

**ENDANGERED, THREATENED, AND CANDIDATE SPECIES AND  
FEDERAL  
SPECIES OF CONCERN, GASTON, LINCOLN AND  
MECKLENBURG COUNTIES, NORTH CAROLINA**

This list was adapted from the North Carolina Natural Heritage Program's County Species List. It is a listing, for Gaston, Lincoln, and Mecklenburg Counties of North Carolina's federally listed and proposed endangered, threatened, and candidate species and Federal species of concern (for a complete list of rare species in the state, please contact the North Carolina Natural Heritage Program). The information in this list is compiled from a variety of sources, including field surveys, museums and herbariums, literature, and personal communications. The North Carolina Natural Heritage Program's database is dynamic, with new records being added and old records being revised as new information is received. Please note that this list cannot be considered a definitive record of listed species and Federal species of concern, and it should not be considered a substitute for field surveys.

**Critical habitat:** Critical habitat is noted, with a description, for the counties where it is designated or proposed.

**Aquatic species:** Fishes and aquatic invertebrates are noted for counties where they are known to occur. However, projects may have effects on downstream aquatic systems in adjacent counties.

	COMMON NAME	SCIENTIFIC NAME STATUS
<b>GASTON COUNTY</b>		
<b>Vertebrates</b>		
Bog turtle	<i>Clemmys muhlenbergii</i>	T(S/A) <sup>1</sup> Threatened
Bald eagle	<i>Haliaeetus leucocephalus</i>	(proposed for delisting)
<b>Vascular Plants</b>		
Georgia aster	<i>Aster georgianus</i>	C1 Endangered
Schweinitz's sunflower	<i>Helianthus schweinitzii</i>	
<b>LINCOLN COUNTY</b>		
<b>Vascular Plants</b>		
Dwarf-flowered heartleaf	<i>Hexastylis naniflora</i>	Threatened
Michaux's sunac	<i>Rhus michauxii</i>	Endangered*
<b>MECKLENBURG COUNTY</b>		
<b>Vertebrates</b>		
Carolina darter	<i>Etheostoma collis collis</i>	FSC Threatened
Bald eagle	<i>Haliaeetus leucocephalus</i>	(proposed for delisting)
<b>Invertebrates</b>		
Carolina heelsplitter	<i>Lasmygona decorata</i> Carolina creekshell	Endangered <i>Villosa</i> <i>vaughaniana</i> FSC
<b>Vascular Plants</b>		
Georgia aster	<i>Aster georgianus</i>	C1
Tall larkspur	<i>Delphinium exaltatum</i>	FSC*
Smooth coneflower	<i>Echinacea laevigata</i>	Endangered*

COMMON NAME	SCIENTIFIC NAME STATUS
Schweinitz's sunflower	Endangered
Virginia quillwort	FSC
Heller's refoil	FSC
Michaux's sumac	Endangered*

**KEY:**

Status	Definition
Endangered	A taxon "in danger of extinction throughout all or a significant portion of its range."
Threatened	A taxon "likely to become endangered within the foreseeable future throughout all or a significant portion of its range."
CI	A taxon under consideration for official listing for which there is sufficient information to support listing.
FSC	A Federal species of concern--a species that may or may not be listed in the future (formerly C2 candidate species or species under consideration for listing for which there is insufficient information to support listing).
T(S/A)	Threatened due to similarity of appearance (e.g., American alligator)--a species that is threatened due to similarity of appearance with other rare species and is listed for its protection. These species are not biologically endangered or threatened and are not subject to Section 7 consultation.

Species with 1, 2, 3, or 4 asterisks behind them indicate historic, obscure, or incidental records.

\*Historic record - the species was last observed in the county more than 50 years ago.

\*\*Obscure record - the date and/or location of observation is uncertain.

\*\*\*Incidental/migrant record - the species was observed outside of its normal range or habitat.

\*\*\*\*Historic record - obscure and incidental record.

<sup>1</sup>In the November 4, 1997, *Federal Register* (55822-55825), the northern population of the bog turtle (from New York south to Maryland) was listed as T (threatened), and the southern population (from Virginia south to Georgia) was listed as T(S/A) (threatened due to similarity of appearance). The T(S/A) designation bans the collection and interstate and international commercial trade of bog turtles from the southern population. The T(S/A) designation has no effect on hand-management activities by private landowners in North Carolina, part of the southern population of the species. In addition to its official status as T(S/A), the U.S. Fish and Wildlife Service considers the southern population of the bog turtle as a Federal species of concern due to habitat loss.