

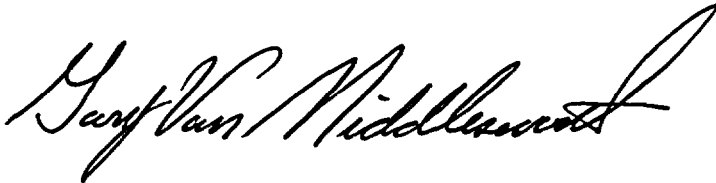
NPL 2004-0096

May 18, 2004

U.S. Department Of Interior  
Fish & Wildlife Service  
Green Bay ES Field Office  
ATTN: Ms. Janet Smith, Field Supervisor  
2661 Scott Tower Drive  
New Franken, WI 54229

Response to U.S. Fish And Wildlife Service Letter of February 26, 2004

Thank you for your letter of February 26, 2004 responding to the Nuclear Management Company (NMC) letter notifying you of our intent to seek renewals of the operating licenses for Units 1 and 2 at the Point Beach Nuclear Plant. NMC appreciates the opportunity to respond to the issues raised related to certain aspects of the license renewal process for Point Beach. The attached letter from Dr. Noel Cutright of We Energies provides responses to the issues raised in your letter.



Gary Van Middlesworth  
Site Vice President, Point Beach Nuclear Plant  
Nuclear Management Company LLC

Attachment

NPL 2004-0096

May 14, 2004

Page 2

cc:

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NPL 2004-0096

May 14, 2004

Page 3

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May 12, 2004

Mr. Gary VanMiddlesworth  
Site Vice President  
Point Beach Nuclear Plant  
Nuclear Management Company, LLC  
6590 Nuclear Road  
Two Rivers, WI 54241

Dear Mr. VanMiddlesworth:

As you requested, I am providing the following information in response to a letter from the US Fish & Wildlife Service (USFWS) dated February 26, 2004. As some background to my response, in my position as the Senior Terrestrial Ecologist with We Energies, I've been visiting the Point Beach Nuclear Plant property since the late 1970s. My B.A. in botany (Miami of Ohio) and my PhD in Wildlife Science (Cornell University) provided me with excellent background and training to identify Wisconsin's flora and fauna. My being the current President of the Wisconsin Society for Ornithology, a Board member of several other conservation/environmental organizations, and an active participant in many other ecology-related projects and activities in Wisconsin affords me a solid base of knowledge on which to evaluate the ecology of the Point Beach site and its environs.

Species Surveys and Habitat Evaluations

While no formal species surveys or habitat evaluations have been conducted, I have been a frequent visitor to the Plant and its associated lands over the past twenty-five years. I have visited all the habitats throughout the growing season innumerable times during this quarter century of time. Given the species involved, as identified in the environmental report, and the habitat those species require, it is my professional opinion that no federally-listed species nest or grow on the Plant site.

Detailed Map Showing Precise, Geo-referenced Project Boundaries

A paper map based on U.S. Geological Survey data layers showing Project (the Plant, its associated lands, and four transmission corridors) boundaries is included as an attachment to this letter. The map includes township and range information and Wisconsin county outlines. If requested by USFWS, the maps also can be supplied as a pdf file and/or arc view geographic information systems layers.

Natural Heritage Inventory Program in Wisconsin

Our review of the Natural Heritage Inventory Program in Wisconsin served as the basis for statements made about endangered and threatened species in the NMC's previous letter to the USFWS and information contained in the environmental report of the license renewal application.

Future Status and Assessment of Threatened & Endangered Species and Critical Habitat

We agree it is possible that animal or plant species occurring within or outside of the Project area may, in the future, become federally listed, de-listed, or reclassified as threatened or endangered and that critical habitat possibly could be proposed or designated for a species. As a result, we will continue to periodically reassess this issue, including prior to completion of the license renewal process.

Assessment of Baseline Project Conditions

As stated earlier in this letter, while we have not conducted a formal baseline evaluation, my experience with the site over the past twenty-five years provides the equivalent of such an assessment.

Bald Eagles

I agree with the USFWS observations regarding bald eagles. There are no bald eagle nests within the Project lands. We will continue to monitor activities that may impact temporary occupation and possible future nesting of eagles on or near Project lands. However, the Lake Michigan shoreline in the vicinity of the Plant does not seem to be a good location for eagle foraging, and only "fly-bys" are likely to occur. To my knowledge, eagles have never been observed foraging in waters adjacent to the Plant during winter. In addition, transmission lines and substations serving the Plant are on the west side of the Plant, away from Lake Michigan, and are not likely to encourage perching. If perching were to occur on transmission lines, the H-frames used in these corridors are very safe and have not resulted in any raptor electrocutions. Further information is available regarding raptor use of transmission lines.

Transmission Corridor Maintenance

Tree-trimming and vegetation removal to maintain the transmission corridors have occurred since the installation of these facilities. These maintenance activities are necessary to ensure safe operating conditions for the transmission lines and will continue to occur for the foreseeable future. These maintenance activities are required under Chapter PSC 144, Wisconsin Administrative Code. This code incorporates the 2002 edition of the National Electrical Safety Code (NEC-2002).

Piping Plover Habitat

I agree that the piping plover is currently rare along the shore of Lake Michigan and that, given certain conditions specific to the area, this species may occupy or nest on Plant beach area over the term of the renewed license. The NMC currently employs a number of measures to restrict public access to the Lake Michigan beach area of the Plant, including 1) a line of boulders at the north and south owner-controlled area boundary perpendicular to the shoreline, 2) buoy markers off the shoreline to identify restricted waters out on Lake Michigan, and 3) twenty-four hour security personnel that respond to and prevent any unauthorized public access to the possible nesting areas within the owner-controlled area. Other than restricted public beach access in this stretch of Lake Michigan shoreline, there do not appear to be other factors that would make the Plant shoreline any more attractive to nesting piping plovers than the miles of shoreline north and south of the Plant.

Pitcher's Thistle, Dwarf Lake Iris, and Prairie White-fringed Orchid Habitat

Based on my experience, no suitable habitat exists on the Plant property for Pitcher's thistle, dwarf lake iris, and prairie white-fringed orchid. The transmission corridor does not contain habitat suitable for Pitcher's thistle or dwarf lake iris based upon the habitat present within these corridors; our review of the state's database showed no hits for the prairie white-fringed orchid. We will review aerial maps of the corridors to confirm this assessment for the prairie white-fringed orchid. In the event that this investigation is not conclusive, we will conduct the necessary field investigation to complete the assessment of the suitability of the transmission corridors as habitat for the prairie white-fringed orchid.

Cooling Water Intake Structure

We are developing a strategy for Plant compliance with section 316(b) of the Clean Water Act. Recently finalized U.S. Environmental Protection Agency (USEPA) 316(b) regulations for existing facilities will require facility owners to select a compliance alternative for establishing best technology available for minimizing adverse environmental impact from the cooling water intake structure. Because the Plant is an existing facility, these USEPA rules are applicable notwithstanding the license renewal effort.

The Wisconsin Department of Natural Resources (WDNR) will implement the USEPA 316(b) regulations through the Wisconsin Pollutant Elimination Discharge System (WPDES) permit program. A draft of the reissued WPDES permit is being developed by the WDNR, and the 30 day public notice period is anticipated to start in late May 2004. This permit will include a compliance schedule that identifies specific 316(b) milestones that must be accomplished during the term (typically five years) of the reissued WPDES permit.

If you have any questions about the threatened and endangered species responses, please contact me at 414-221-2179 or [noel.cutright@we-energies.com](mailto:noel.cutright@we-energies.com). If you have any questions about the cooling water intake structure response, please contact David Lee at 414-221-2158 or [david.lee@we-energies.com](mailto:david.lee@we-energies.com).

Sincerely,



Noel J. Cutright, PhD  
Senior Terrestrial Ecologist  
We Energies

Attachment

cc: David Lee  
Kris McKinney  
Annie Salmona  
Susan Schumacher

19E

R20E

R21E

R22E

R23E

T22N

R25E

L-151

Brown

Manitowoc

T20N

Galumet

Manitowoc

