

August 20, 2007

Robyn Niver
New York Field Office
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, NY 13045

SUBJECT: RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION CONCERNING
THE BIOLOGICAL ASSESSMENT FOR JAMES A. FITZPATRICK NUCLEAR
POWER PLANT LICENSE RENEWAL APPLICATION REVIEW

Dear Ms. Niver:

The U.S. Nuclear Regulatory Commission (NRC) staff has prepared the enclosed responses to your questions regarding the biological assessment (BA), which was issued by the NRC on May 21, 2007, for the proposed renewal of the James A. FitzPatrick Nuclear Power Plant (JAFNPP) operating license. The BA evaluates whether the proposed license renewal would have any adverse impacts on protected species during an additional twenty years of operation.

In order to facilitate the U.S. Fish and Wildlife Service (FWS) review of the BA, additional information was requested via an e-mail from you dated June 20, 2007, and further discussed during a phone conversation on June 22, 2007, with Ms. Jessie Muir, NRC. During the phone conversation, information was requested regarding vehicular traffic during transmission line right-of-way (ROW) maintenance that may cause injury to the bog turtle (*Clemmys muhlenbergii*). Additionally, information was requested regarding tree cutting activities within ROWs to fully evaluate the impacts of ROW maintenance on the Indiana bat (*Myotis sodalis*). The NRC staff has prepared the attached responses to your request for additional information to assist in the timely review of the JAFNPP BA.

In addition, you requested GIS shapefiles of the ROW vegetation inventory and wetlands. The NRC staff had the opportunity to review these shapefiles when we met with New York Power Authority (NYPA) during the JAFNPP on-site audit in October 2006. Because the NRC does not possess the shapefiles, we are unable to make them available to the public. If you find that you still need these files after reviewing the additional information presented in this letter, please contact Mr. Ed Alkiewicz of NYPA at (914) 681-6200 ext. 3247.

R. Niver

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This letter acknowledges your request during our phone conversation on June 22, 2007 to extend the review of the BA by one week due to your additional questions and our time needed to respond. If you have any further questions concerning the BA for JAFNPP please contact me at 301-415-0491 or at jmm7@nrc.gov.

Sincerely,

/RA/

Jessie M. Muir, Project Manager
Environmental Branch B
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-333

Enclosure:
As stated

cc w/encl: See next page

R. Niver

-2-

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RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION CONCERNING THE
BIOLOGICAL ASSESSMENT FOR JAMES A. FITZPATRICK NUCLEAR POWER PLANT
LICENSE RENEWAL APPLICATION REVIEW

TAC NO. MD2667

DOCKET NO. 50-333

Ms. Robyn Niver, U.S. Fish and Wildlife New York Field Office, has requested the following information regarding transmission line right-of-way (ROW) maintenance in order to complete the review of the U.S. Nuclear Regulatory Commission (NRC) biological assessment (BA) concerning the proposed renewal of the James A. FitzPatrick Nuclear Power Plant (JAFNPP) operating license. The information was requested by Ms. Niver via e-mail on June 20, 2007, and discussed further via phone conversation on June 22, 2007, with Ms. Jessie Muir, NRC, Environmental Project Manager for the JAFNPP license renewal review. Responses to Ms. Niver's questions were developed through review of the New York Power Authority (NYPA) System Right-of-Way Management Plan (Accessible at ML063620305), as well as email and phone correspondence with Mr. Edward Alkiewicz of NYPA.

1. What type(s) of vehicles are used to cross wetland areas?

For maintenance purposes, if necessary, all-terrain tracked or high flotation vehicles are used to cross wetlands. In some cases, wetland crossings (roads) were installed as part of the original construction of the transmission line and may be used.

2. Does ROW maintenance include mowing any areas of wetlands?

Wetland areas will only be mowed, if needed, during times when the ground is frozen or seasonally dry, as indicated in Section Five of the NYPA System Right-of-Way Management Plan. According to Mr. Alkiewicz of NYPA, mowing is typically not undertaken in wetland areas. There have been instances, however, of mowing to prevent tall growing vegetation from interfering with safe operation of these transmission lines near mid point sag areas with low conductor clearances.

3. What herbicides are used in wetland areas?

NYPA does not apply herbicides within 100 feet of wetland areas unless absolutely necessary, as determined by the System Forester or Site Environmental Scientist/Environmental Manager. Appropriate permits from the New York Department of Environmental Conservation must be obtained before applying herbicides within 50 feet of any wetland area, and only herbicides specifically labeled for water application may be used. These restrictions and requirements are found in Sections Four and Six of the NYPA System Right-of-Way Management Plan.

Enclosure

4. On average, how many dead trees are removed each year as part of ROW maintenance?

No formal accounts of the number of dead trees removed each year from the ROW are made by NYPA. However, according to NYPA, dead trees are not generally cut and removed from the ROW unless they are tall enough to interfere with the safe operation of the transmission line. Otherwise, if the dead tree does not pose a danger to the transmission line structure, it is left in place.

5. Are trees with DBH (Diameter at Breast Height) greater than five inches removed regularly, or is vegetation removal generally limited to brush and saplings?

Because NYPA's vegetation management program targets non-compatible vegetation that may breach the wire security zone, most tall growing trees are generally not allowed to grow to maturity and are most often removed before reaching a dbh of 5 inches. However, exceptional circumstances (i.e. transmission line crossing a ravine or gorge) may require the removal of mature trees, on occasion, if growth over a certain height begins to create a hazard to conductors or wires.

6. What time of year are trees removed?

The NYPA System Right-of-Way Management Plan indicates that vegetation management activities usually occur between April and December. Activities may include herbicide application and tree cutting. Danger trees along the edge of the ROW may be removed during other periods as schedule and weather conditions permit.

FitzPatrick Nuclear Power Plant

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