PMLevyCOLPEm Resource

From: Wilkins, Tillie [tillie.wilkins@pgnmail.com]
Sent: Tuesday, September 01, 2009 3:45 PM
To: Anderson, Brian; Bruner, Douglas
Subject: Supplemental Response to Levy Environmental RAIs
Attachments: NPD-NRC-2009-192 - Final Response to NRC.pdf

A supplemental response to Levy environmental RAIs 4.3.1-3 and 2.4.1-4 is attached.

Tillie Wilkins
Nuclear Plant Development Licensing
Progress Energy
VNet: 770-6754
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Hearing Identifier: Levy_County_COL_Public
Email Number: 454

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Sent Date: 9/1/2009 3:45:09 PM
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From: Wilkins, Tillie

Created By: tillie.wilkins@pgnmail.com

Recipients:
"Anderson, Brian" <Brian.Anderson@nrc.gov>
Tracking Status: None
"Bruner, Douglas" <Douglas.Bruner@nrc.gov>
Tracking Status: None

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Progress Energy

Serial: NPD-NRC-2009-192
August 31, 2009

10 CFR 52.79

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0001

LEVY NUCLEAR PLANT, UNITS 1 AND 2
DOCKET NOS. 52-029 AND 52-030
SUPPLEMENT 4 TO RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION REGARDING THE ENVIRONMENTAL REVIEW

References:

1. Letter from Douglas Bruner (NRC) to James Scarola (PEF), dated February 24, 2009, "Request for Additional Information Regarding the Environmental Review of the Combined License Application for the Levy Nuclear Power Plant, Units 1 and 2"
2. Letter from Garry D. Miller (PEF) to the U. S. Nuclear Regulatory Commission dated March 27, 2009, "Response To Request For Additional Information Regarding The Environmental Review", Serial NPD-NRC-2009-042
3. Letter from Garry D. Miller (PEF) to the U. S. Nuclear Regulatory Commission dated June 12, 2009, "Supplement 1 to Response to Request for Additional Information Regarding the Environmental Review", Serial NPD-NRC-2009-107
4. Letter from Garry D. Miller (PEF) to the U. S. Nuclear Regulatory Commission dated July 24, 2009, "Supplement 2 to Response to Request for Additional Information Regarding the Environmental Review", Serial NPD-NRC-2009-172
5. Letter from Garry D. Miller (PEF) to the U. S. Nuclear Regulatory Commission dated July 29, 2009, "Supplement 3 to Response to Request for Additional Information Regarding the Environmental Review", Serial NPD-NRC-2009-166

Ladies and Gentlemen:

Progress Energy Florida, Inc. (PEF) hereby submits a supplemental response to the Nuclear Regulatory Commission's (NRC) request for additional information provided in Reference 1.

A revised response to one of the NRC questions (4.3.1-3) and additional information related to another NRC question (2.4.1-4) are provided in the enclosure.

If you have any further questions, or need additional information, please contact Bob Kitchen at (919) 546-6992, or me at (919) 546-6107.

Progress Energy Florida, Inc.
P.O. Box 14042
St. Petersburg, FL 33733

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 31, 2009.

Sincerely,

Garry D. Miller
General Manager
Nuclear Plant Development

Enclosure/Attachment

cc: U.S. NRC Region II, Regional Administrator
Mr. Brian Anderson, U.S. NRC Project Manager
Mr. Douglas Bruner, U S Environmental Project Manager

Levy Nuclear Plant Units 1 and 2
Supplement 4 to Response to Request for Additional Information Regarding the Environmental Review, dated February 24, 2009

NRC RAI #	Progress Energy RAI #	Progress Energy Response
2.7-1	L-0076	March 27, 2009: NPD-NRC-2009-042
3.3-1	L-0077	March 27, 2009: NPD-NRC-2009-042
4.5-1	L-0078	March 27, 2009: NPD-NRC-2009-042
5.4.4-1	L-0079	March 27, 2009: NPD-NRC-2009-042
7.1-1	L-0401	June 12, 2009; NPD-NRC-2009-107
2.7.5-1	L-0508	July 24, 2009; NPD-NRC-2009-172
3.6.3-1	L-0082	March 27, 2009: NPD-NRC-2009-042
5.3.3-1	L-0083	March 27, 2009: NPD-NRC-2009-042
2.3.1-1	L-0398	June 12, 2009; NPD-NRC-2009-107
2.3.1-2	L-0085	March 27, 2009: NPD-NRC-2009-042
2.3.1-3	L-0399	June 12, 2009; NPD-NRC-2009-107
2.3.1-4	L-0087	March 27, 2009: NPD-NRC-2009-042
2.3.1-5	L-0088	March 27, 2009: NPD-NRC-2009-042
2.3.1-6	L-0089	March 27, 2009: NPD-NRC-2009-042
2.3.3-1	L-0090	March 27, 2009: NPD-NRC-2009-042
2.3.3-2	L-0091	March 27, 2009: NPD-NRC-2009-042
4.6-1	L-0092	March 27, 2009: NPD-NRC-2009-042
4.6-2	L-0093	March 27, 2009: NPD-NRC-2009-042
5.2.2-1	L-0396	June 12, 2009; NPD-NRC-2009-107
5.2.2-2	L-0095	March 27, 2009; NPD-NRC-2009-042
5.2.2-3	L-0522	July 29, 2009; NPD-NRC-2009-166
5.3.2.1-1	L-0097	March 27, 2009: NPD-NRC-2009-042
2.4.2-1	L-0098	March 27, 2009: NPD-NRC-2009-042
2.4.2-2	L-0099	March 27, 2009: NPD-NRC-2009-042
2.4.2-3	L-0100	March 27, 2009: NPD-NRC-2009-042
4.7-1	L-0101	March 27, 2009: NPD-NRC-2009-042
2.4.1-1	L-0402	June 12, 2009; NPD-NRC-2009-107
2.4.1-2	L-0403	June 12, 2009; NPD-NRC-2009-107
2.4.1-3	L-0404	June 12, 2009; NPD-NRC-2009-107
2.4.1-4	L-0405 & L-0538	June 12, 2009; NPD-NRC-2009-107; & supplemental response enclosed – see following pages
2.4.1-5	L-0106	March 27, 2009: NPD-NRC-2009-042
4.3.1-1	L-0406	June 12, 2009; NPD-NRC-2009-107
4.3.1-2	L-0407	June 12, 2009; NPD-NRC-2009-107

NRC RAI #	Progress Energy RAI #	Progress Energy Response
4.3.1-3	L-0535	Revised response enclosed; see following pages
4.3.1-4	L-0110	March 27, 2009: NPD-NRC-2009-042
4.3.1-5	L-0408	June 12, 2009; NPD-NRC-2009-107
4.3.1-6	L-0112	March 27, 2009: NPD-NRC-2009-042
4.3.1-7	L-0409	June 12, 2009; NPD-NRC-2009-107
4.7-2	L-0114	March 27, 2009: NPD-NRC-2009-042
5.3.3.2-1	L-0410	June 12, 2009; NPD-NRC-2009-107
2.5.1-1	L-0116	March 27, 2009: NPD-NRC-2009-042
2.5.2-1	L-0412	June 12, 2009; NPD-NRC-2009-107
2.5.2-2	L-0118	March 27, 2009: NPD-NRC-2009-042
2.5.2-3	L-0119	March 27, 2009: NPD-NRC-2009-042
2.5.2-4	L-0120	March 27, 2009: NPD-NRC-2009-042
2.5.4-1	L-0413	June 12, 2009; NPD-NRC-2009-107
4.4.2-1	L-0524	July 29, 2009; NPD-NRC-2009-166
4.4.2-2	L-0123	March 27, 2009: NPD-NRC-2009-042
4.4.2-3	L-0124	March 27, 2009: NPD-NRC-2009-042
4.4.2-4	L-0125	March 27, 2009: NPD-NRC-2009-042
4.4.2-5	L-0126	March 27, 2009: NPD-NRC-2009-042
4.4.2-6	L-0127	March 27, 2009: NPD-NRC-2009-042
4.4.2-7	L-0128	March 27, 2009: NPD-NRC-2009-042
4.4.2-8	L-0129	March 27, 2009: NPD-NRC-2009-042
4.4.2-9	L-0523	July 29, 2009; NPD-NRC-2009-166
4.4.2-10	L-0131	March 27, 2009: NPD-NRC-2009-042
4.7-1	L-0132	March 27, 2009: NPD-NRC-2009-042
5.11-1	L-0133	March 27, 2009: NPD-NRC-2009-042
5.8.2-1	L-0134	March 27, 2009: NPD-NRC-2009-042
9.4.1-1	L-0135	March 27, 2009: NPD-NRC-2009-042
9.4.1-2	L-0136	March 27, 2009: NPD-NRC-2009-042
9.4.2-1	L-0521	July 29, 2009; NPD-NRC-2009-166
9.4.2-2	L-0138	March 27, 2009: NPD-NRC-2009-042
9.4.2-3	L-0139	March 27, 2009: NPD-NRC-2009-042
9.3-1	L-0140	March 27, 2009: NPD-NRC-2009-042
9.3.2.1-1	L-0141	March 27, 2009: NPD-NRC-2009-042
3.7-1	L-0142	March 27, 2009: NPD-NRC-2009-042
3.7-2	L-0143	March 27, 2009: NPD-NRC-2009-042
4.8.3-1	L-0144	March 27, 2009: NPD-NRC-2009-042
6.2-1	L-0145	March 27, 2009: NPD-NRC-2009-042

NRC Letter No.: ER-NRC

NRC Letter Date: February 24, 2009

NRC Review of Environmental Report

NRC RAI #: 4.3.1-3

Text of NRC RAI:

Provide additional information needed to assess the potential effects of the transmission lines (up to the first substation) on terrestrial and wildlife resources.

ER Sections 4.3.1 and 5.6.1 provides a limited discussion of how construction activities, maintenance, and BMPs applicable to the transmission lines would affect terrestrial and wildlife resources. Provide the following information to assess the potential for adverse impacts from transmission lines (up to the first substation) on terrestrial habitats:

- Proposed BMPs to minimize impacts to terrestrial, wetland and wildlife resources on the transmission corridors.
- Proposed BMPs for restoration of temporary impacts on transmission corridors (including information on seed mixtures for erosion control and on invasive species monitoring and control).
- Proposed wildlife enhancement practices or management along transmission lines to benefit important wildlife.

PGN RAI ID #: L-0535

PGN Response to NRC RAI:

Once the ROWs are selected within the transmission line corridors, PEF will analyze the habitats and develop BMPs to minimize impacts to terrestrial, wetland, and wildlife resources. These BMPs could include the use of sedimentation and erosion control measures to limit erosion into wetland areas. These same sediment and erosion control measures can be used to limit vehicle access into sensitive areas (that is, wildlife habitat or wetland areas). PEF may also limit construction activities to non-nesting seasons for certain wildlife species, or if construction must occur during these periods, monitor the nesting wildlife and reduce the duration of the construction. PEF will also use existing access roads in wetland areas to the greatest extent practicable to reduce the amount of wetlands impacted by the project. PEF is also proposing to collocate many of the new transmission lines with existing transmission lines, which will reduce the amount of new ROWs needed.

Invasive species monitoring and control for ROWs is generally addressed on a case-by-case basis by PEF. Invasive species control within the ROWs is often ineffective unless invasive species management is practiced in adjacent properties. PEF frequently works with land managers to control invasive species where ROWs cross public lands, because such properties usually have invasive species control programs in place.

In purchasing the ROWs for the construction of transmission lines, PEF will often purchase only an easement that grants the right to construct, operate, and maintain the transmission line. The remaining land rights remain with the underlying fee owner of the property. PEF uses BMPs, including those for sedimentation and erosion control, to minimize impacts on the transmission

line ROWs. In wetland areas, PEF does not plant a specific seed mixture after clearing; instead, PEF allows the seed bank already present to revegetate these areas. This method is extremely effective due to the 365-day growing season in Florida. In the upland areas, PEF works with the underlying fee owner to restore the ROW for their approval. PEF also employs this method where the ROWs may cross public lands. PEF will work with the land manager of that parcel to restore the ROW to their specifications. In addition, PEF may not have the right to conduct wildlife management or enhancement practices within the ROWs. In portions of the transmission system where PEF is the fee owner of the property or where the ROWs may cross public lands, PEF has worked with the public land manager and/or the National Wild Turkey Federation to enhance wildlife management by planting feed plots for wildlife.

Information regarding BMPs for maintaining ROW corridors is described in PEF Procedure MNT-TRMX-00176, Rev. 5, "Transmission Vegetation Management Program," which is available in the Progress Energy-provided Reading Room.

In response to teleconferences held with the NRC on August 13, 2009 the following information has been added to this RAI. PEF's 500 kV and 230kV rights-of-way are patrolled via a helicopter several times a year and regular ground patrols. These patrols identify encroachments into the rights-of-way and identify areas of needed maintenance. Maintenance of the transmission lines falls into two categories, vegetation management and maintenance of the structures and conductors.

PEF's vegetation management goal encourages the establishment of low growing, non-woody species as a sustainable groundcover and thus reducing the amount of vegetation management conducted in the rights-of-way. After initial clearing, most vegetation management is conducted by the application of herbicides to control woody species with an expected mature height of greater than 12 feet.

Maintenance of structures and conductors may include the replacement of structures or insulators or the tightening of connecting bolts and replacement of grounds. These happen much less frequently.

PEF conducts annual environmental awareness training to all of our employees in Energy Delivery. A portion of this training addresses threatened and endangered species. This training provides a general awareness of what species occur in Florida and what employees may encounter in their daily work. PEF's regional environmental coordinators are contacted when a specific planned work activity may encounter a threatened or endangered species and if needed detailed surveys may be completed and a detailed work plan developed to address the species in the right-of-way. The regional environmental coordinator works with the corporate environmental staff to address these issues. To support this ongoing awareness effort, PEF has recently developed an indigo snake awareness handout to provide to our staff who may encounter indigo snakes during their daily activities. This handout is available in English and Spanish and is included as attachment 4.3.1-3A.

Once the final rights-of-way are selected, detailed environmental surveys will be conducted to determine the habitats and the threatened and endangered species that are or could be present in all the rights-of-way. PEF will work with the appropriate regulatory agencies to address any species that may be found. Plans will be developed to address the particular species during construction and operation of the facilities. These may include: plan to construct the facilities outside of nesting season, detailed clearing/maintenance plans in a particular habitat, plan to post signs in the right-of-way for a particular species/habitat. These plans will be developed

working with our construction and maintenance staff to ensure they can be implemented during the life of the facility, if applicable.

Most of PEF's rights-of-way are not fee owned but are easements. These easements grant PEF the right to construct and maintain our facilities but the underlying fee owner of the property maintains the right to do anything with the property that does not impact the rights we have secured for our lines. As a result, we cannot control what the property owner does with his property. A particular habitat may be maintained within our rights-of-way but the owner of the land can clear or develop that land.

Associated LNP COL Application Revisions:

No COLA revisions have been identified associated with this response.

Attachments/Enclosures:

Attachment 4.3.1-3A, Watch Out For Indigo Snakes [2 pages]

NRC Letter No.: ER-NRC

NRC Letter Date: February 24, 2009

NRC Review of Environmental Report

NRC RAI #: 2.4.1-4

Text of NRC RAI:

Provide additional information on the value and utility of retained forest buffers on the project site as future wildlife habitat.

No discussion is presented in ER Section 5.1 on the potential future wildlife use of retained forest buffers on the LNP site. Depending on how these buffers are managed, they could provide suitable habitat for many wildlife species, including important species. Discuss how preserved forest buffers would be managed, including both forest and general land management practices, and how these practices could benefit wildlife. Provide a copy of the Timber Management and Mitigation Plan for the site, when available.

PGN RAI ID #: L-0538

PGN Response to NRC RAI:

Refer to response provided for NRC RAI#: 2.4.1-4 (PGN RAI ID#: L-0405) submitted via PGN letter serial #: NPD-NRC-2009-107, dated June 12, 2009. In addition, the following information is provided.

PEF understands that fencing around the perimeter of the LNP property could restrict use of undeveloped lands by some wildlife species. There are no plans to erect fencing around the perimeter of the site. The only fencing planned at the site is for areas close to the facilities to provide for the security Protected Area or to provide fencing for industrial safety purposes.

Associated LNP COL Application Revisions:

No COLA revisions have been identified associated with this response.

Attachments/Enclosures:

None.

THREATS AND LEGAL PROTECTION:
The Eastern Indigo Snake is listed as a threatened species by both the U.S. Fish and Wildlife Service (50 CFR 17.11) and the Florida Fish and Wildlife Conservation Commission (68A-27.004 Florida Administrative Code). The primary cause of decline of Indigo Snake populations is destruction and fragmentation of the habitat it occupies. Indigo Snakes were also once heavily collected for the pet trade, but protection under the Endangered Species Act has largely eliminated the threat.

The 'Taking' of Indigo Snakes is prohibited by the Endangered Species Act, as amended, without a permit from the US Fish and Wildlife Service. The USFWS defines 'Take' as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. Penalties for violation of the Endangered Species Act are a maximum fine of $25,000 for civil violations and a maximum fine of $50,000 and/or imprisonment for up to one year for criminal violations, if convicted. Penalties for violations of Florida Law prohibiting the 'Take' of Indigo Snakes are maximum fines of $500 and/or 60 days imprisonment for the first offense. Stiffer penalties are imposed for additional violations.

Photo by Jackie Guzy

Watch Out For INDIGO SNAKES

Progress Energy

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Progress Energy

Indigo Snakes

IF YOU SEE AN INDIGO SNAKE in the area that is being cleared, is under construction, or where the snake may be in danger:

1. Stop work immediately until the snake has safely left the area.

2. Report the snake immediately to your Supervisor, and,

3. Contact the site environmental biologist or Wayne Richardson with Progress Energy at 727-330-0637 to report the observation. Progress Energy will request information about where and when the snake was observed and forward the information to the Fish and Wildlife Service and other agencies, as appropriate.

DESCRIPTION: Indigo Snakes may grow large (over 8 feet in length), are heavily bodied and are glossy black. Indigo Snakes frequently have red or orange coloration under the chin. When approached or disturbed, this snake typically is not aggressive and will attempt to crawl away from the disturbance. Indigo Snakes rarely bite but should not be captured or handled without authorization

Photo by Jackie Guzy

from the U.S. Fish and Wildlife Service or Florida Fish and Wildlife Conservation Commission.

SIMILAR SNAKES: The only other solid black snake occurring in Florida is the Black Racer, typically much smaller and thinner than an Indigo Snake. The chin of the Black Racer is white, as compared to the dark or reddish chin of the Indigo Snake. Black Racers will bite repeatedly if restrained.

LIFE HISTORY: Indigo Snakes may occur in almost any type of natural habitat. During the summer months, they are frequently found near wet areas. Indigo Snakes frequently take refuge in gopher tortoise burrows, particularly during the winter months. The

Photo by Raymond Loraine

Killing, harming, catching, or molesting Indigo Snakes is prohibited by the federal Endangered Species Act and is punishable by fines and/or imprisonment. If convicted.

snakes also spend the winter in other underground retreats, such as stump holes.

Indigo Snakes eat a wide variety of prey, including frogs, toads, rodents, birds and other snakes (including rattlesnakes). Prey is overpowered and generally eaten alive. Indigo Snakes do not constrict their prey to kill it the way many other snakes do.

Female Indigo Snakes lay their eggs during May or June in a gopher tortoise burrow or some other type of area where the eggs will stay warm and moist. The eggs hatch after approximately 60 days. Hatching Indigo Snakes are similar to adults in appearance and are about 2 feet long.