

Davis-BesseNPEm Resource

From: Cooper, Paula
Sent: Tuesday, September 20, 2011 4:16 PM
To: Stuyvenberg, Andrew
Cc: Wrona, David; Davis-BesseHearingFile Resource
Subject: FW: Davis-Besse Letter L-11-289 -- Environmental Report Wind & Solar Analysis
Attachments: L-11-288 Amd 17 & ER Update USFWS_2011-09-19.pdf

Drew,

I just received the digital submittal of the Alternatives.

They are attached.

Thanks

Paula E. Cooper

Project Manager

U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852-2738
Email: paula.cooper@nrc.gov
Phone: (301) 415-2323
Fax: (301) 415-2002

From: dorts@firstenergycorp.com [<mailto:dorts@firstenergycorp.com>]
Sent: Tuesday, September 20, 2011 4:13 PM
To: Cooper, Paula
Cc: CuadradoDeJesus, Samuel; custerc@firstenergycorp.com
Subject: Davis-Besse Letter L-11-289 -- Environmental Report Wind & Solar Analysis

Paula..... attached is FENOC Letter L-11-289 transmitting revised Environmental Report Chapters 7 and 8 in their entirety, to include an analysis of wind, solar and compressed air energy storage to address the contention raised by the Petitioners. The letter includes two Enclosures with a 'clean' version and a 'tracked changes' redline version to make your review easier. The letter was signed late yesterday and placed in the overnight mail this morning.

Please contact me with questions or comments.

Steve Dort
DBNPS License Renewal
419.321.7662 work
412.974.3369 cell

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Hearing Identifier: Davis_BesseLicenseRenewal_Saf_NonPublic
Email Number: 1527

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Subject: FW: Davis-Besse Letter L-11-289 -- Environmental Report Wind & Solar Analysis
Sent Date: 9/20/2011 4:16:17 PM
Received Date: 9/20/2011 4:16:21 PM
From: Cooper, Paula

Created By: Paula.Cooper@nrc.gov

Recipients:

"Wrona, David" <David.Wrona@nrc.gov>

Tracking Status: None

"Davis-BesseHearingFile Resource" <Davis-BesseHearingFile.Resource@nrc.gov>

Tracking Status: None

"Stuyvenberg, Andrew" <Andrew.Stuyvenberg@nrc.gov>

Tracking Status: None

Post Office: HQCLSTR01.nrc.gov

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L-11-288 Amd 17 & ER Update USFWS_2011-09-19.pdf		464396

Options

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Recipients Received:

September 19, 2011
L-11-288

10 CFR 54

ATTN: Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT:

Davis-Besse Nuclear Power Station, Unit No. 1
Docket No. 50-346, License Number NPF-3
License Renewal Application Amendment No. 17, Supplemental Information for the
Review of the Davis-Besse Nuclear Power Station, Unit No. 1, License Renewal
Application Environmental Report (TAC No. ME4613)

By letter dated August 27, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML102450565), FirstEnergy Nuclear Operating Company (FENOC) submitted an application pursuant to Title 10 of the *Code of Federal Regulations*, Part 54 for renewal of Operating License NPF-3 for the Davis-Besse Nuclear Power Station, Unit No. 1 (DBNPS).

Enclosed with this letter is Amendment 17 to the DBNPS License Renewal Application. Specifically, the information provided in Appendix E, "Applicant's Environmental Report, Operating License Renewal Stage," has been updated. Additionally, by letter dated March 23, 2011, FENOC established a regulatory commitment to provide the NRC with the results of the U.S. Fish and Wildlife Service review for threatened and endangered species along the DBNPS transmission line corridors. The results of the review are provided in a letter from the Fish and Wildlife Service dated August 19, 2011, which has been incorporated into Appendix E.

There are no regulatory commitments contained in this letter. If there are any questions or if additional information is required, please contact Mr. Clifford I. Custer, Fleet License Renewal Project Manager, at 724-682-7139.

Davis-Besse Nuclear Power Station, Unit No. 1
L-11-288
Page 2

I declare under penalty of perjury that the foregoing is true and correct. Executed on
September 19, 2011.

Sincerely,



Kendall W. Byrd
Director, Site Performance Improvement

Enclosure:

Amendment No. 17 to the DBNPS License Renewal Application

cc: NRC DLR Project Manager
NRC DLR Environmental Project Manager
NRC Region III Administrator

cc: w/o Enclosure
NRC DLR Director
NRR DORL Project Manager
NRC Resident Inspector
Utility Radiological Safety Board

Enclosure

Davis-Besse Nuclear Power Station, Unit No. 1 (DBNPS)

Letter L-11-288

Amendment No. 17 to the DBNPS License Renewal Application

Page 1 of 10

License Renewal Application Sections Affected

Appendix E, Section 4.10.2

Appendix E, Section 4.22

Appendix E, Table 6.1-1

Appendix E, Section 9.1

Appendix E, Section 9.3

Appendix E, Attachment C

The Enclosure identifies the change to the License Renewal Application (LRA) by Affected LRA Section, LRA Page No., and Affected Paragraph and Sentence. The count for the affected paragraph, sentence, bullet, etc. starts at the beginning of the affected Section or at the top of the affected page, as appropriate. Below each section the reason for the change is identified, and the sentence affected is printed in *italics* with deleted text ~~lined out~~ and added text underlined.

<u>Affected LRA Section</u>	<u>LRA Page No.</u>	<u>Affected Paragraph and Sentence</u>
Appendix E, Section 4.10.2	Page 4.10-2	New third paragraph

Supplemental information was provided to FENOC by the U.S. Fish and Wildlife Service (USFWS). A new third paragraph is added to Section 4.10.2 of the Davis-Besse Environmental Report as follows:

USFWS reported that the project is within the range of the following federally listed endangered, proposed endangered, threatened, and candidate species:*

- Indiana bat (*Myotis sodalis*),
- Karner blue butterfly (*Lycaeides melissa samuelis*),
- Kirtland's warbler (*Setophaga kirtlandii*),
- Piping plover (*Charadrius melodus*),
- Rayed bean (*Villosa fabalis*),
- Lake Erie watersnake (*Nerodia sipedon insularium*),
- Lakeside daisy (*Hymenoxys herbacea*),
- Eastern massasauga (*Sistrurus catenatus*), and
- Eastern prairie fringed orchid (*Platanthera leucophaea*).

<u>Affected LRA Section</u>	<u>LRA Page No.</u>	<u>Affected Paragraph and Sentence</u>
Appendix E, Section 4.10.2	Pages 4.10-2 and 4.10-3	Third paragraph (now fourth paragraph after above amendment)

Supplemental information was provided to FENOC by the U.S. Fish and Wildlife Service (USFWS). The existing third paragraph (now fourth paragraph after above amendment) in Section 4.10.2 of the Davis-Besse Environmental Report is revised as follows:

USFWS determined that the Davis-Besse license renewal project will not impact federally listed species and will have minimal environmental impacts, as no change in operation or extent of the facility is proposed. However, the USFWS noted that a bald eagle (*Haliaeetus leucocephalus*) nest exists on the Davis-Besse property. Although the bald eagle was removed from the Federal list of endangered and threatened species in July 2007 due to recovery, this species continues to be afforded protection by the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act. To avoid disturbing nesting and young eagles, USFWS requested that no activity occur within 660 feet of the nest between January 1 and July 31, when the nesting eagles are most vulnerable.

Additionally, there is a confirmed population of the eastern prairie fringed orchid (Platanthera leucophaea), a federally listed threatened species, within the transmission line corridor in Sandusky County. If maintenance activities such as mowing, spraying, or the operation of heavy equipment within the transmission line corridor are to be conducted USFWS recommends that:

- *the location be examined to determine if suitable habitat for the orchid is present,*
- *if suitable habitat is present, that surveys for this species be conducted in early July when the orchids are in bloom,*
- *if the use of heavy equipment or mowing is required in identified areas prior to the completion of surveys, that these activities be restricted to between October 1 and March 31 of each year to avoid impacts to this species, and*
- *if herbicide spraying is used to control vegetation or if maintenance activities cannot be constrained to between these dates, further coordination with the USFWS is required.*

FENOC plans to incorporate the USFWS requirements into station and corporate transmission line maintenance procedures. (USFWS 2009; USFWS 2011)

<u>Affected LRA Section</u>	<u>LRA Page No.</u>	<u>Affected Paragraph and Sentence</u>
Appendix E, Section 4.22 and Section 9.3	Pages 4.10-2 and 9.3-1	New reference listing

Supplemental information was provided to FENOC by the U.S. Fish and Wildlife Service (USFWS). A new reference listing for the USFWS letter is added to Sections 4.22 and 9.3, both titled "References," of the Davis-Besse Environmental Report as follows:

USFWS 2011. U.S. Fish and Wildlife Service, U.S. Department of the Interior, USFES letter, M.K. Knapp to C. Custer (TAILS #314200-2011-TA-0933), August 19, 2011, Columbus, Ohio.

<u>Affected LRA Section</u>	<u>LRA Page No.</u>	<u>Affected Paragraph and Sentence</u>
Appendix E, Table 6.1-1	Page 6.1-3	Item No. 49 – Environmental Impact column

Supplemental information was provided to FENOC by the U.S. Fish and Wildlife Service (USFWS). The Environmental Impact column of Item No. 49 in Table 6.1-1 of the Davis-Besse Environmental Report is revised as follows:

SMALL. *Impacts are expected to be minimal during refurbishment because FENOC will follow the requirements provided by the USFWS and ODNR regarding eastern prairie fringed orchids, bald eagles and Indiana bats. Additionally, operation and maintenance of the plant and associated transmission lines are not expected to change significantly during the license renewal term.*

<u>Affected LRA Section</u>	<u>LRA Page No.</u>	<u>Affected Paragraph and Sentence</u>
Appendix E, Section 9.1 Threatened or Endangered Species subsection	Page 9.1-2	New third paragraph

Supplemental information was provided to FENOC by the U.S. Fish and Wildlife Service (USFWS). A new third paragraph is added to the Threatened or Endangered Species subsection of Section 9.1 of the Davis-Besse Environmental Report as follows:

USFWS reported that the project is within the range of the following federally listed endangered, proposed endangered, threatened, and candidate species:*

- Indiana bat (*Myotis sodalis*),
- Karner blue butterfly (*Lycaeides melissa samuelis*),
- Kirtland's warbler (*Setophaga kirtlandii*),
- Piping plover (*Charadrius melodus*),
- Rayed bean (*Villosa fabalis*),
- Lake Erie watersnake (*Nerodia sipedon insularium*),
- Lakeside daisy (*Hymenoxys herbacea*),
- Eastern massasauga (*Sistrurus catenatus*), and
- Eastern prairie fringed orchid (*Platanthera leucophaea*).

<u>Affected LRA Section</u>	<u>LRA Page No.</u>	<u>Affected Paragraph and Sentence</u>
Appendix E, Section 9.1 Threatened or Endangered Species subsection	Page 9.1-2	Third paragraph (now fourth paragraph after above amendment)

Supplemental information was provided to FENOC by the U.S. Fish and Wildlife Service (USFWS). The existing third paragraph (now fourth paragraph after above amendment) in the Threatened or Endangered Species subsection of Section 9.1 of the Davis-Besse Environmental Report is revised as follows:

USFWS determined that the Davis-Besse license renewal project will not impact federally listed species and will have minimal environmental impacts, as no change in operation or extent of the facility is proposed. However, the USFWS noted that a bald eagle (*Haliaeetus leucocephalus*) nest exists on the Davis-Besse property. Although the bald eagle was removed from the Federal list of endangered and threatened species in July 2007 due to recovery, this species continues to be afforded protection by the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act. To avoid disturbing nesting and young eagles, USFWS requested that no activity occur within 660 feet of the nest between January 1 and July 31, when the nesting eagles are most vulnerable.

Additionally, there is a confirmed population of the eastern prairie fringed orchid (*Platanthera leucophaea*), a federally listed threatened species, within the transmission line corridor in Sandusky County. If maintenance activities such as mowing, spraying, or the operation of heavy equipment within the transmission line corridor are to be conducted USFWS recommends that:

- the location be examined to determine if suitable habitat for the orchid is present,
- if suitable habitat is present, that surveys for this species be conducted in early July when the orchids are in bloom,
- if the use of heavy equipment or mowing is required in identified areas prior to the completion of surveys, that these activities be restricted to between October 1 and March 31 of each year to avoid impacts to this species, and
- if herbicide spraying is used to control vegetation or if maintenance activities cannot be constrained to between these dates, further coordination with the USFWS is required.

FENOC plans to incorporate the USFWS requirements into station and corporate transmission line maintenance procedures. (USFWS 2009; USFWS 2011)

<u>Affected LRA Section</u>	<u>LRA Page No.</u>	<u>Affected Paragraph and Sentence</u>
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Appendix E, Attachment C	C-3	Table of Contents
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Supplemental information was provided to FENOC by the U.S. Fish and Wildlife Service (USFWS). A new document listing is added to the Threatened or Endangered Species section of the Table of Contents of Attachment C of the Davis-Besse Environmental Report as follows:

*Mary Knapp (U.S. Fish & Wildlife Service) to C.I. Custer (FENOC),
August 19, 2011..... C-48*

<u>Affected LRA Section</u>	<u>LRA Page No.</u>	<u>Affected Paragraph and Sentence</u>
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Appendix E, Attachment C	C-48	<u>New document</u>
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Supplemental information was provided to FENOC by the U.S. Fish and Wildlife Service (USFWS). The following three-page letter is added to the end of Attachment C of the Davis-Besse Environmental Report:



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / FAX (614) 416-8994

August 19, 2011

Clifford I. Custer
Davis-Besse License Renewal Project Manager
Mail Stop 3370
Davis-Besse Nuclear Power Station
5501 N. State Route 2
Oak Harbor, Ohio 43449

TAILS #: 31420-2011-TA-0933

Dear Mr. Custer,

This is in response to the March 21, 2011 letter requesting our review and comments on the proposed operating license renewal for Davis-Besse Nuclear Power Station and associated power lines. The U.S. Fish & Wildlife Service had previously provided comments dated December 16, 2009, though at the time the project did not extend greater than 6-miles from the Power Station. In an email dated September 24, 2010 and on June 7, 2011, our office requested GIS shapefiles of the proposed transmission corridor in order to assess potential impacts; these were received on July 5, 2011. As part of the Nuclear Regulatory Commission renewal process you have requested the U.S. Fish and Wildlife Service's assistance in assessing the impact of the license renewal on threatened and endangered species.

As stated in the December 16, 2009 letter, in general, we agree that the proposed renewal of the operating license will not impact federally listed species and will have minimal environmental impacts, as no change in operation or extent of the facility is proposed. Should you subsequently propose any activities that would result in ground disturbance, tree clearing, or habitat modification, further coordination with this office and the Ottawa National Wildlife Refuge (Refuge) is requested.

ENDANGERED SPECIES COMMENTS: This project lies within the range of the **Indiana bat** (*Myotis sodalis*), **Karner blue butterfly** (*Lycaeides melissa samuelis*), **Kirtland's warbler** (*Setophaga kirtlandii*), **piping plover** (*Charadrius melodus*), **rayed bean** (*Villosa fabalis*), **Lake Erie watersnake** (*Nerodia sipedon insularum*), **Lakeside daisy** (*Hymenoxys herbacea*), and **eastern massasauga** (*Sistrurus catenatus*), federally listed endangered, proposed endangered, threatened, and candidate species. Due to the project type, location, and onsite habitat, none of

these species would be expected within the project area, and no impacts to these species are expected.

Additionally, the proposed project lies within the range of the **eastern prairie fringed orchid** (*Platanthera leucophaea*), a federally listed threatened species. This tall, showy orchid is found in wet prairies, sedge meadows, and moist road-side ditches. Within the project area Eastern prairie fringed orchid is found in Jerusalem Township in Lucas County, Erie Township in Ottawa County, and Riley Township in Sandusky County. Currently, there is a confirmed population of this species within this transmission line corridor in Sandusky County. Though specific activities were not listed within your March 21, 2011 letter, if maintenance activities such as mowing, spraying, or the operation of heavy equipment within the transmission line corridor are to be conducted, we recommend that the project location be examined to determine if suitable habitat for the orchid is present. If suitable habitat is present, we recommend that surveys for this species be conducted in early July when the orchids are in bloom. Should the use of heavy equipment or mowing be required for maintenance prior to the completion of surveys within these portions of the project area the Service asks that these activities be restricted to between October 1st – March 31st of each year to avoid impacts to this species. Should herbicide spraying be used to control vegetation or if maintenance activities cannot be constrained to between these dates further coordination with the Service is required.

MIGRATORY BIRD COMMENTS: The project area lies within the range of the **bald eagle** (*Haliaeetus leucocephalus*). The bald eagle has been removed from the Federal list of endangered and threatened species due to recovery. This species continues to be afforded protection by the Bald and Golden Eagle Protection Act (BGEPA, 16 U.S.C. 668-668d) and Migratory Bird Treaty Act (MBTA, 16 U.S.C. 703-712).

At least one nest currently exists within 660 ft. of the transmission line corridor. In order to prevent adverse impacts to the bald eagle, we request that any work at the site be restricted from mid-January 1 through July 31. This will prevent disturbance of the eagles from the egg-laying period until the young fledge, which encompasses their most vulnerable times. We ask that you consult with this office before construction begins to confirm that the eagles have left the nest. Once this has been confirmed, construction or maintenance may begin.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U.S. Fish and Wildlife Service's Mitigation Policy. Please note that the consultation under section 7 of the ESA may be warranted for this project since suitable habitat for the Indiana bat may be impacted by this project. This letter provides technical assistance only and does not serve as a complete section 7 consultation document.

Thank you for this opportunity to provide comments on this project. If you have any questions, or if we may be of assistance, please contact Keith Lott at extension 31 in this office.

Sincerely,

A handwritten signature in cursive script that reads "Mary M. Knapp". The signature is written in black ink and has a long, sweeping horizontal line extending to the right.

Mary M. Knapp, Ph.D.
Supervisor

cc: ODNR Division of Wildlife SCEA Unit, Columbus, OH