



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

November 1, 2016

Ms. Amy Salveter  
Field Office Supervisor  
Columbia, Missouri Field Office  
U.S. Fish and Wildlife Service  
101 Park DeVille Drive, Suite A  
Columbia, MO 65203-0057

SUBJECT: AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED NORTHWEST MEDICAL ISOTOPE, LLC'S FACILITY, AND THE U.S. NUCLEAR REGULATORY COMMISSION'S DETERMINATION THAT THE PROPOSED ACTION WOULD HAVE NO EFFECT ON FEDERALLY LISTED OR PROPOSED SPECIES OR CRITICAL HABITATS

Dear Ms. Salveter:

With this letter, the U.S. Nuclear Regulatory Commission (NRC) is forwarding you a copy of its draft Environmental Impact Statement (EIS) regarding Northwest Medical Isotope, LLC's (NWMI) proposed radioisotope production facility, in accordance with the National Environmental Policy Act of 1969, as amended (NEPA); Title 10, Part 51 of the *Code of Federal Regulations* (10 CFR Part 51); and the Endangered Species Act of 1973, as amended (ESA). The draft EIS is available on in NRC's Agencywide Documents Access and Management System (ADAMS) website at the following location: <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS Accession number is ML16305A029.

The purpose of this letter is twofold: (1) to notify the U.S. Fish and Wildlife (FWS) that the NRC staff has determined that the proposed action would have no effect on Federally proposed or listed species or proposed or designated critical habitat under FWS's jurisdiction, and (2) to provide FWS with information on the NEPA public comment period and associated public meetings for the draft EIS.

#### Project Summary

The proposed Federal action is for the NRC to decide whether to issue a construction permit under 10 CFR Part 50 that would allow construction of the NWMI facility, a medical radioisotope production facility. If the NRC were to issue a construction permit, NWMI could build the proposed facility on a 3.0-hectare (ha) (7.4-acre (ac)) site, Lot 15 of the Discovery Ridge Research Park, in Boone County, Columbia, Missouri.

The EIS addresses the environmental impacts of the proposed Federal action and alternatives. Chapter 3 of the EIS describes the affected environment, including terrestrial resources, aquatic resources, and ESA-protected species and critical habitats. Chapter 4 assesses impacts to these and other environmental resources.

### ESA “No Effect” Determination

As part of preparing the EIS, the NRC performed an assessment of whether the proposed action has the potential to adversely affect any Federally listed or proposed species or proposed or designated critical habitats. This assessment is documented in Sections 3.5, 4.5, and Appendix D of the EIS. The NRC considers the EIS to fulfill its obligation to prepare a biological assessment under ESA section 7(c) and 50 CFR 402.12. Accordingly, the NRC did not prepare a separate biological assessment.

In Section 3.5 of the EIS, the NRC describes the action area and the ESA-protected species and critical habitats that have the potential to be present in the action area. This section includes information pursuant to 50 CFR 402.12(f)(1), (2), and (3). Section 4.5 of the EIS provides an assessment of the potential effects of the proposed action on the species and critical habitat present and the NRC’s effect determinations, which are consistent with those identified in Section 3.5 of the *Endangered Species Consultation Handbook*.<sup>1</sup> The NRC also addresses cumulative effects and alternatives to the proposed action. This section includes information pursuant to 50 CFR 402.12(f)(4) and (5).

In Section 4.8, the NRC staff concludes that the proposed action would have no effect on any ESA-protected species or critical habitats. The NRC understands that FWS does not typically provide its concurrence with “no effect” determinations by Federal agencies<sup>2</sup> and that an agency’s finding of “no effect” requires no further informal consultation or the initiation of formal consultation. Nonetheless, because the EIS constitutes the NRC’s biological assessment, the NRC staff is submitting a copy for your review in accordance with 50 CFR 402.12(j). The NRC welcomes any comments you may have on potential effects to ESA-protected species and critical habitats. Please tell us within 30 days from the date of receipt of this letter if you do not agree with the staff’s “no effect” determination. You can submit your comments by letter directly to me or through the NEPA comment process described below. Should you need to discuss the project before making a determination, please contact Michelle Moser of my staff. Ms. Moser’s contact information is below.

### NEPA Comment Period and Public Meetings

Pursuant to NEPA, the NRC is seeking comments on the draft EIS through December 29, 2016. During the comment period, the NRC staff plans to hold one public environmental meeting at Holiday Inn East, 915 Port Way, Columbia, Missouri, 65201, on December 6, 2016, from 6:00 p.m. until 8:00 p.m. A one-hour open house will precede the meeting, and be held from 5:00 p.m. until 6:00 p.m. The meeting will be transcribed and will include a presentation of the contents of the draft EIS and the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. I invite you and your staff to attend the public meeting and to submit comments on the draft EIS. Go to <http://www.Regulations.gov> and search for documents filed under Docket ID NRC-2013-0235 for additional information on the NEPA process and on how to submit comments.

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<sup>1</sup> U.S. Fish and Wildlife Service and National Marine Fisheries Service. 1998. *Endangered Species Consultation Handbook: Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species Act*. March 1998. Washington, DC: U.S. Government Printing Office.

<sup>2</sup> [FWS] U.S. Fish and Wildlife Service. 2013. “Consultations: Frequently Asked Questions.” Available at <http://www.fws.gov/endangered/what-we-do/faq.html>.

Conclusion

I look forward to future coordination with your office to ensure the continued protection of Federally listed species and designated critical habitats at the proposed NWMI site and other NRC-licensed operating nuclear plants in your region. If you have any questions regarding this letter, please contact Ms. Michelle Moser, Biologist, at 301-415-6509 or by e-mail at [Michelle.Moser@nrc.gov](mailto:Michelle.Moser@nrc.gov).

Sincerely,

**/RA/**

Jeffrey J. Rikhoff, Acting Chief  
Environmental Review and Projects Branch  
Division of License Renewal  
Office of Nuclear Reactor Regulation

Docket No. 50-609

A. Salveter

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Conclusion

I look forward to future coordination with your office to ensure the continued protection of Federally listed species and designated critical habitats at the proposed NWMI site and other NRC-licensed operating nuclear plants in your region. If you have any questions regarding this letter, please contact Ms. Michelle Moser, Biologist, at 301-415-6509 or by e-mail at [Michelle.Moser@nrc.gov](mailto:Michelle.Moser@nrc.gov).

Sincerely,

*/RA/*

Jeffrey J. Rikhoff, Acting Chief  
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Docket No. 50-609

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**ADAMS Accession No.: ML16272A294**

\*concurring via email

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<b>DATE</b>	10/ 5 /16	10/ 5 /16	10/ 17 /16	11/ 1 /16

**OFFICIAL RECORD COPY**

Letter to A. Salveter from J. Rikhoff dated November 1, 2016

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