

From: [Grange, Briana](#)
To: nmfs.gar.esa.section7@noaa.gov; Julie Crocker - NOAA Federal
Cc: [Beasley, Benjamin](#); [Tran, Tam](#); [Oesterle, Eric](#); [Elliott, Robert](#); [Folk, Kevin](#); jennifer.anderson@noaa.gov; [David OBrien - NOAA Federal](#)
Subject: Request for Concurrence with Endangered Species Act Determinations for Proposed Subsequent License Renewal of Surry Power Station in Virginia
Date: Thursday, October 17, 2019 11:27:00 AM
Attachments: [ENCLOSURE Table of NRC Effect Determinations for Federally Listed Species and Critical Habitats Under NMFS Jurisdiction.pdf](#)



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

Good morning Ms. Crocker:

The purpose of this email is to notify you that the U.S. Nuclear Regulatory Commission (NRC) has issued a draft supplemental environmental impact statement (SEIS) for the proposed subsequent license renewal of Surry Power Station, Units 1 and 2 (Surry) in Surry County, Virginia. This email describes the proposed action, summarizes the NRC's environmental review, and explains how the National Marine Fisheries Service (NMFS) may submit public comments on the draft SEIS. This email also requests the NMFS's concurrence with the NRC staff's determinations for the shortnose sturgeon (*Acipenser brevirostrum*), Atlantic sturgeon (*A. oxyrinchus oxyrinchus*), and Atlantic sturgeon critical habitat in accordance with Section 7 of the Endangered Species Act of 1973, as amended (ESA).

Proposed Action

Surry is a two-unit nuclear power plant located along the southern shore of the James River approximately 30 river miles upstream of the river's confluence with the Chesapeake Bay. The plant lies on an 840-acre site on Gravel Neck Peninsula in Surry County, Virginia. The site is situated 8 miles east-northeast of Surry, Virginia, and 7 miles south of Williamsburg, Virginia. Dominion Energy Virginia (Dominion) operates and maintains the plant. The NRC issued facility operating licenses for Surry in May 1972 (Unit 1) and January 1973 (Unit 2), and commercial operations began in December 1972 (Unit 1) and May 1973 (Unit 2). In 2003, the NRC issued renewed facility operating licenses authorizing an additional 20 years of plant operation through May 2032 (Unit 1) and January 2033 (Unit 2).

The NRC's current Federal action is the decision whether to issue subsequent renewed operating licenses for Surry authorizing an additional 20 years of operation. If the NRC grants Dominion renewed licenses, the company could continue to operate Surry until May 2052 (Unit 1) and January 2053 (Unit 2).

Supplemental Environmental Impact Statement

In support of its review of the proposed action, the NRC staff prepared a draft SEIS to comply with the National Environmental Policy Act of 1969, as amended (NEPA) and the NRC's environmental regulations at Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51 that implement NEPA. The draft SEIS addresses the environmental impacts of the proposed action and relevant alternatives. The draft SEIS is available online at:

[ML19274C676](#).

ESA "Not Likely to Adversely Affect" and "Not Likely to Destroy or Adversely Modify"

Determinations

As part of its environmental review, the NRC staff evaluated the potential impacts of Surry license renewal on the following federally listed species and designated critical habitat under the NMFS's jurisdiction:

- shortnose sturgeon
- Atlantic sturgeon
- Critical Habitat Unit 5 of the Atlantic sturgeon Chesapeake distinct population segment (DPS)

In communications between the NMFS and the NRC staff, the agencies determined these to be the species and habitats relevant to the proposed action.

The NRC's ESA analysis appears within the following sections of the draft SEIS.

- **Section 3.8.1.1** describes the ESA action area.
- **Section 3.8.1.3** describes the relevant life history characteristics, available ecological studies, and documented occurrences of each species in and near the action area as well as characteristics of the critical habitat.
- **Section 4.8.1.2** evaluates the potential for the proposed action to affect each species and the critical habitat during the proposed license renewal term.
- **Appendix C.1** describes the NRC's obligations under Section 7 of the ESA and relevant correspondence with the NMFS in connection with the NRC staff's review of the proposed action.

In Section 4.8.1.2 of the draft SEIS, the NRC staff finds that the proposed action may affect, but is not likely to adversely affect shortnose and Atlantic sturgeons. During its review, the NRC staff evaluated the potential for sturgeon to be affected by several stressors, all of which the staff determined would result in no more than insignificant or discountable effects. The potential stressors that the staff evaluated include: impingement and entrainment; thermal effects; exposure to radionuclides and other contaminants; reduction in available food resources due to impingement and entrainment or thermal effects to prey species; and effects from maintenance dredging.

The NRC staff finds that the proposed action may affect, but is not likely to destroy or adversely modify the designated critical habitat of the Chesapeake Bay DPS of Atlantic sturgeon. Although the proposed action would result in habitat alterations that could affect certain physical and biological features of the critical habitat, such effects would not meaningfully or measurably affect the value of the habitat to the conservation of the species.

For your reference, I have summarized the NRC staff's ESA determinations in the table attached to this email.

Request for NMFS Concurrence

The NRC staff submits the draft SEIS for your review and requests your concurrence with its determination that Surry license renewal "may affect, but is not likely to adversely affect" the shortnose and Atlantic sturgeons and "may affect, but is not likely to destroy or adversely modify" critical habitat of the Atlantic sturgeon.

I respectfully request your response within 60 days of receipt of this email in accordance with 50 CFR 402.13(c)(2). If you are unable to make such a determination within this

timeframe, I request that you contact me to discuss an alternate review schedule. The NRC intends to report the outcome of this consultation within the final SEIS, which the NRC plans to issue in April 2020.

You may address your ESA response to me by email at briana.grange@nrc.gov or by U.S. mail at the following address: Briana Grange, Conservation Biologist, Division of Materials and License Renewal, Office of Nuclear Reactor Regulation, Mail Stop: OWFN-11-F01, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

NEPA Comment Period and Public Meeting

In addition to the above request for ESA concurrence, the NRC staff is seeking general public comments on the draft SEIS pursuant to NEPA through December 10, 2019. You may submit NEPA comments either online or via U.S. mail.

- **Online:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2018-0280. Address questions about NRC docket IDs to Jennifer Borges at 301-287-9227 or jennifer.borges@nrc.gov.
- **U.S. Mail:** Address comments to: Office of Administration, Mail Stop TWFN-7-A60M, ATTN: Program Management, Announcements and Editing Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Alternately, if you wish to include both your ESA response and NEPA comments in one letter, you may address both to me at the email or mailing address identified in the previous section of this email.

The staff will also hold a webinar on the draft SEIS in November that will include a presentation on the preliminary findings and an opportunity for members of the public to submit oral comments. Webinar details will be announced in the near future.

Conclusion

Should you need to discuss the requests made in this email or any other matters related to Surry and ESA Section 7 consultation, please reach out to me by phone at 301-415-1042 or email at briana.grange@nrc.gov.

Thank you,

Briana

Briana A. Grange

Conservation Biologist & ESA Consultation Coordinator

Division of Rulemaking, Environmental, and Financial Support

Office of Nuclear Material Safety and Safeguards

U.S. Nuclear Regulatory Commission

(301) 415-1042

briana.grange@nrc.gov

Docket Nos.: 50-280 and 50-281

Enclosure: Table of NRC Effect Determinations for Federally Listed Species and Critical Habitats Under NMFS Jurisdiction

ADAMS Accession No.: [ML19274B590](#)

CONCURRENCE				
OFFICE	PM:ELRB:REFS	BC:ELRB:REFS	OGC(NLO)	CB:ELRB:REFS
NAME	TTran	BBeasley (KFolk for)	KGamin	BGrange

DATE	10/17/19	10/03/19	10/07/19	10/17/19
OFFICIAL RECORD COPY				



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

**NRC Effect Determinations for Federally Listed Species and Critical Habitats
Under National Marine Fisheries Service Jurisdiction
for the Proposed License Renewal of Surry Power Station, Units 1 and 2**

	Federal Status^(a)	Present in the Action Area?	Effect Determination^(c)
shortnose sturgeon	FE	Yes	May affect, but is not likely to adversely affect
Atlantic sturgeon	FE, FT ^(b)	Yes	May affect, but is not likely to adversely affect
critical habitat of the Chesapeake DPS of Atlantic sturgeon	FD	Yes	May affect, but is not likely to destroy or adversely modify
<p>^(a) Under the Endangered Species Act, species may be designated as federally endangered (FE) or federally threatened (FT). For critical habitat, "FD" indicates federally designated.</p> <p>^(b) The NMFS listed five distinct population segments (DPSs) of the Atlantic sturgeon. Some DPSs are federally endangered and some are federally threatened.</p> <p>^(c) The NRC staff makes its effect determinations for federally listed species in accordance with the language and definitions specified in the FWS and NMFS's <i>Endangered Species Consultation Handbook</i>.</p>			