



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

July 10, 2002

ER 02/341

Chief, Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington, D.C. 21555-0001

4/23/02
67 FR 20555
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Attention: Andrew Kugler

Re: *NUREG-1437, Draft Supplement 6 to the Generic Environmental Impact Statement Regarding Surry Power Station, Units 1 and 2*

Dear Sir:

The U.S. Department of the Interior has reviewed and offers the following comments on the referenced draft document.

General Comments

The Department shares a common goal with the U.S. Nuclear Regulatory Commission (NRC) to bring the Surry Nuclear Power Station into compliance with current environmental regulations. To this end, a representative of the U.S. Fish and Wildlife Service's (FWS) Chesapeake Bay Field Office staff visited the site on May 22, 2002, to help the NRC identify, assess, avoid and mitigate any adverse environmental impacts. With the advances in human understanding of ecological relationships, it is appropriate and useful that Federal and state natural resource agencies use the license renewal process to review site conditions in order to maintain the highest level of environmental protection. Since the Surry Power Station came online in 1972, the Dominion Energy Company (Parent Company of Virginia Electric and Power Company) and the NRC is to be commended for their progressive environmental stewardship of the natural resources around the Surry project area.

The FWS has determined that the Surry operations and minor refurbishment may have the potential to adversely affect natural resources in the area. The federally threatened bald eagle, *Haliaeetus leucocephalus*, may appear to be unaffected, but a scientific approach should be adopted to evaluate and document any population effects. Regarding aquatic species, the cooling water intake structures at the Power Station are nearly the state of the art.

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F-RIDS = ADM-03
Call = A Kugler (ASK1)

The Department offers the following comments on topics where the environmental standards have improved and new information is available. We also seek additional review with respect to a Tuscarora Nation concern about aboriginal territory.

Specific Comments

The Dominion Energy Company has developed a cooling water intake that is effective at minimizing aquatic impacts. The traveling mesh screens are spray washed and the biota is removed from the screens and returned to the river. The traveling screen and wash system clearly minimize aquatic impacts. To further minimize the impacts, in the process of replacing worn or damaged screens, the screens should be replaced with mesh less than or equal to one millimeter wide, with entrance velocities less than or equal to 0.5 feet per second (Gowan, C. and G. Garman 1999).

Endangered Species Act

The FWS agrees that the potential exists for the Surry Power Station to adversely affect the bald eagle, a federally threatened species nesting and feeding in and around the power facility. The potential impacts were identified in Appendix E of the draft Application for Renewed Operating License (August 24, 2000) and Supplement 6 of the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, April 2002. The potential for incidental mortality associated with the transmission lines is the primary concern.

A secondary concern is the effects of human activity associated with the Stations's operation and refurbishment. Possible evidence of past disturbance is the abandonment of a nest that for four years successfully produced young eagles. The location of the abandoned nest near the Spent Fuel Site suggests the possibility that human activities may have caused the eagles to abandon nesting. The effects of human activity on eagles during Station operations and refurbishment should be evaluated.

Therefore, a site specific Biological Assessment should be prepared to identify and evaluate any potential impacts to the bald eagle in accordance with Section 7 of the Endangered Species Act.

Historic and Cultural Resources

The Bureau of Indian Affairs (BIA) requests that the NRC consult with the Tuscarora Tribe regarding impacts to aboriginal territory. Please contact the following for consultation:

Chief Leo Henry
Tuscarora Nation Clerk
2006 Mt. Hope Road
Lewiston, NY 14092
Telephone: 716-622-7061

Richard Hill (for cultural and historic properties)
Haudenosaunee Standing Committee
2235 Mt. Hope Road
Tuscarora Nation
Lewiston, NY 14132
Telephone: 716-297-7960

Neil Patterson, Jr., Director
Tuscarora Environmental Program
Tuscarora Nation
2045 Upper Mtn. Road
Sanborn, NY 14132
Telephone 716-628-5498

Summary Comments and Recommendations

The Department recommends that the NRC adopt the following recommendations in order to maintain optimum protection of natural and cultural resources at the Surry Nuclear Power Station:

1. Consult with representatives of the Tuscarora Tribe regarding impacts to aboriginal territory,
2. Require the intake screen replacements to have a mesh size of one millimeter or less wide with intake water velocities less than 0.5 feet per second, and
3. Complete a Biological Assessment to identify and evaluate potential impacts to the bald eagle at the Surry Nuclear Power Station during the current license renewal. To assist with the review of the bald eagle and other federally or state listed species, in addition to other migratory birds, Dominion Energy should solicit comments from the State of Virginia Department of Game and Inland Fisheries and Heritage programs. These letters from the State should become part of the environmental review and administrative record for this issue.

We appreciate the opportunity to review the draft environmental document and provide comment on natural and cultural resource protection. If you have any questions regarding the FWS comments, please contact David W. Sutherland of the Service's Chesapeake Bay Field Office by telephone at (410) 573-4535, or by e-mail at David_Sutherland@fws.gov. For any further consultation with the Bureau of Indian Affairs, please contact Jim Kardatzke, Eastern Regional Office, at telephone number (615) 467-1675.

Sincerely,

Robert M. Bunn, for

Michael T. Chezick
Regional Environmental Officer

cc:

Dominion Energy Company (Tony Banks)
5000 Dominion Boulevard
Glen Allen, VA 23060

L. Henry, Tuscarora Nation, Lewiston, NY
R. Hill, Tuscarora Nation, Lewiston, NY
N. Patterson, Sanborn, NY

Reference

Gowan, C. and G. Garman. 1999. Design criteria for fish screens in Virginia: Recommendations based on a review of the literature. *Prepared for:* Virginia Department of Game and Inland Fisheries, Richmond, VA.