

November 6, 2002

John P. Wolflin, Supervisor
Chesapeake Bay Field Office
U.S. Fish and Wildlife Service
177 Admiral Cochrane Drive
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SUBJECT: BIOLOGICAL ASSESSMENT FOR BALD EAGLES FOR LICENSE RENEWAL
AT SURRY POWER STATION, UNITS 1 AND 2, AND REQUEST FOR
INFORMAL CONSULTATION (TAC NOS. MB1992 AND MB1993)

Dear Mr. Wolflin:

The Nuclear Regulatory Commission (NRC) is evaluating an application submitted by Virginia Electric and Power Company (VEPCo) for the renewal of the operating licenses for an additional 20 years for its Surry Power Station (SPS), Units 1 and 2. The SPS is located on the Gravel Neck Peninsula in Surry County, Virginia. The current license for Unit 1 will expire on May 25, 2012, and for Unit 2 on January 29, 2013. License renewal will extend the operating license for each unit an additional 20 years past the above dates. The proposed action would include the continued operation and maintenance of the existing facilities at the SPS site and the transmission corridor that connects the SPS, Units 1 and 2, to the regional electrical grid. The proposed action will not include any new construction or onsite disturbance. The NRC is preparing a supplement to its 1996 "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (NUREG-1437) for this proposed license renewal. As part of the renewal review, we evaluate potential impacts to Federally listed, proposed, or candidate species, as well as designated or proposed critical habitat.

In a letter to the Virginia Field Office of the U.S. Fish and Wildlife Service (FWS) dated January 24, 2002, the NRC staff requested a list of Federally protected species and any critical habitat known from the vicinity of the SPS. In April 2002 the NRC staff issued the draft supplemental environmental impact statement (SEIS) for the license renewal of the SPS, Units 1 and 2. The NRC staff received correspondence from Ms. K. Mayne of FWS, dated May 22, 2002, that provided listed, proposed, or candidate species known from the vicinity of the plant site. The NRC staff also visited the SPS and surrounding areas with Mr. David Sutherland of your staff on May 23, 2002. On July 10, 2002, you provided comments on the NRC staff's draft SEIS. In the draft SEIS, the NRC staff concluded that listed aquatic species would not be adversely affected and that the impacts to threatened or endangered terrestrial species would be small as a result of the proposed action. However, in your letter you requested that the NRC staff prepare a biological assessment (BA) to more fully document the basis for its conclusion with respect to the bald eagle (*Haliaeetus leucocephalus*).

The NRC staff and its contractor, Pacific Northwest National Laboratory, has evaluated the potential impact of the power plant re-licensing on the list of species provided in the May 22, 2002, correspondence. We have prepared the enclosed BA that provides an evaluation of the potential for impact for the bald eagle. The staff has determined that the proposed action is not

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a major construction activity and that the proposed action will have "no effect" on the bald eagle.

The reasons for our conclusion related to the "no effect" finding for the bald eagle are documented in the enclosed BA. We are placing a copy of the BA in our project files and on our public docket for this license renewal application and are requesting your concurrence with our determination.

Both the July 10, 2002, letter from FWS regarding the SPS and the July 24, 2002, letter regarding North Anna Power Station (North Anna) included a statement about bringing these plants "into compliance with current environmental regulations." The NRC staff is concerned that this statement could lead some readers to believe that VEPCo is not operating these stations in compliance with the regulations. Based on our review, the NRC staff did not find any situations in which the operation of the SPS and North Anna was not in compliance with the regulations.

If you have questions regarding the proposed action, the BA, or the staff's request for concurrence, please contact the environmental project manager, Andrew Kugler, by telephone at 301-415-2828 or e-mail at ajk1@nrc.gov.

Sincerely,

/RA/

Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts
Division of Regulatory Improvement Program
Office of Nuclear Reactor Regulation

Docket Nos.: 50-280 and 50-281

Enclosure: As stated

cc w/encl.: See next page

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cc w/encl.: See next page

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Evaluation of Potential Effects of the Proposed License Renewal for Surry Power Station, Units 1 and 2, on the Bald Eagle (*Haliaeetus leucocephalus*)

Project Description

The proposed Federal action is renewal of the operating licenses (OLs) for Surry Power Station (SPS), Units 1 and 2. The current OL for Unit 1 (DPR-32) expires on May 25, 2012, and for Unit 2 (DPR-37) on January 29, 2013. By letter dated May 29, 2001, Virginia Electric and Power Company (VEPCo), the licensee, submitted an application to the U.S. Nuclear Regulatory Commission (NRC) (VEPCo 2001) to renew these OLs for an additional 20 years of operation (i.e., until May 25, 2032, for Unit 1 and January 29, 2033, for Unit 2).

The plant has two Westinghouse-designed light-water reactors, each with a design rating for net electrical power output of 855 megawatts electric (MW[e]). Plant cooling is provided by a once-through cooling system that withdraws and returns water from the James River. The SPS is connected to the transmission system via nine transmission lines, totaling approximately 480 km (300 mi) and covering approximately 2000 ha (5000 ac). A more detailed description of the facility and the local environment can be found in the NRC staff's draft supplemental environmental impact statement (SEIS) for the license renewal of the SPS, Units 1 and 2, previously provided.

Prior consultations with the U.S. Fish and Wildlife Service (FWS) include issuance of a permit to VEPCo under the Migratory Bird Treaty Act (16 USC 703-712) (permit #MB705136-0, expiration date March 31, 2003) for the removal of osprey (*Pandion haliaetus*) nests causing safety hazards (NRC 2002b). The NRC also consulted with FWS on an informal basis regarding threatened and endangered species under Section 7 of the Endangered Species Act (16 USC 1536) by letter dated January 24, 2002, for purposes of this license renewal (NRC 2002a). FWS responded in a letter dated May 22, 2002, (FWS 2002a) and also provided comments on the NRC staff's April 2002 draft SEIS in a letter dated July 10, 2002 (FWS 2002b).

Project Area

The SPS is located in the southeastern part of Virginia, in Surry County, on the south side of the James River, across from Jamestown and Williamsburg, Virginia. The SPS occupies approximately 340 ha (840 ac) on Gravel Neck Peninsula, located approximately 40 km (25 mi) upstream of the point where the James River enters the Chesapeake Bay (Figure 1).

The terrestrial ecosystem of the SPS and vicinity contains communities similar to those of the majority of the Virginia and North Carolina coastal plain. The primary plant community on the SPS site consists of remnants of mixed pine-hardwood forest dominated by loblolly pine (*Pinus taeda*) and white oak (*Quercus alba*) (VEPCo 2001).

The SPS utilizes the James River for main condenser cooling. Approximately 80 fish species are known to inhabit the brackish portion of the river downstream from the SPS and approximately 40 species have been recorded for the freshwater portion of the river upstream (VEPCo 1977).

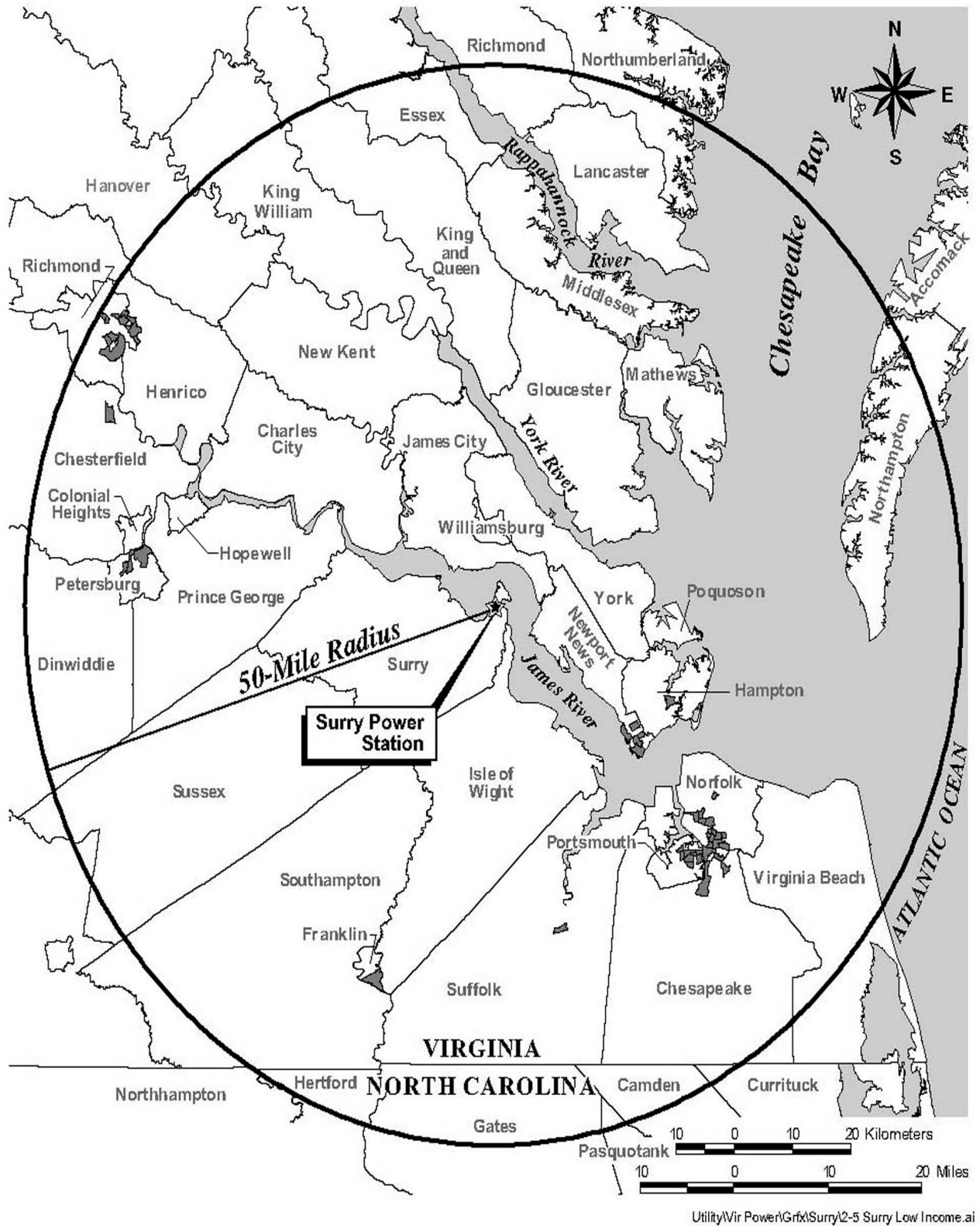


Figure 1. Location of Surry Power Station, 80-km (50-mi) region

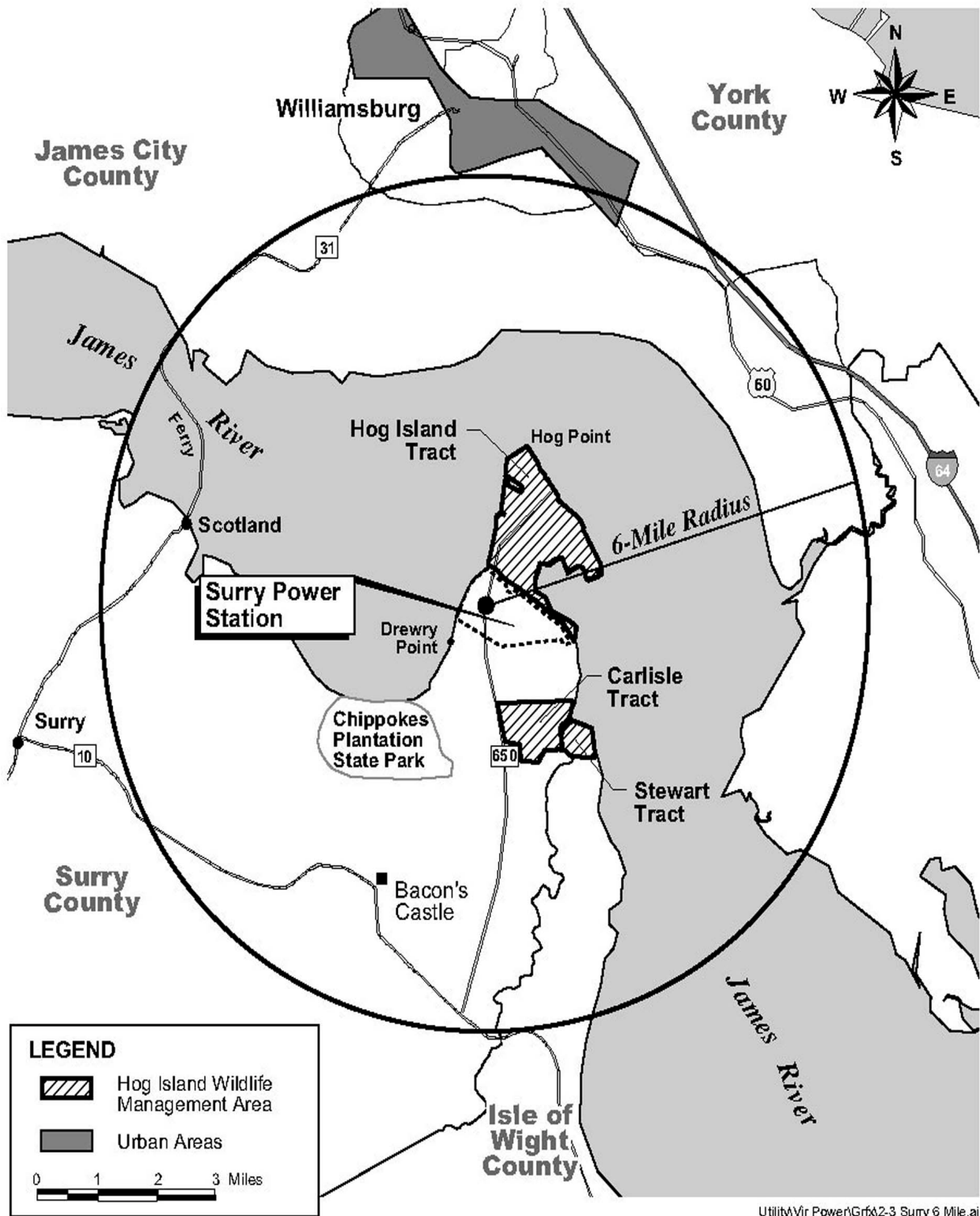


Figure 2. Location of Surry Power Station, 10-km (6-mi) region

The adjacent Hog Island Wildlife Management Area (HIWMA) consists of three tracts; Hog Island Tract (HIT) (1200 ha [2900 ac]), located adjacent to the northern boundary of the SPS (Figure 2) at the tip of the Gravel Neck Peninsula, and the Carlisle Tract and Stewart Tract (410 ha [1000 ac] total), both located southeast of the SPS (Figure 2). The HIT consists primarily of tidal marshes and diked impoundments interspersed with pine forests. The Carlisle and Stewart Tracts consist primarily of upland forested areas, but also contain tidal marshes. The tidal flats and marshes provide habitat for large numbers of waterfowl. All three tracts of the HIWMA are managed by the Virginia Department of Game and Inland Fisheries (VDGIF) (VEPCo 2001).

The transmission corridors (Table 1, Figure 3) traverse land-use categories typical of coastal Virginia, such as row crops, pasture, pine plantations, and old fields. In addition, the transmission corridors pass through more natural habitat types, such as pine-hardwood forests, bottomland hardwood forests, and shrub bogs. The Suffolk-to-Yadkin transmission corridor traverses a 4-km (2-mi) portion of the Great Dismal Swamp National Wildlife Refuge (Figure 3), where hardwood swamp comprises the transmission corridor habitat. The Chuckatuck-to-Whealton corridor crosses the James River and a 304-m (1000-ft) portion of the Ragged Island Wildlife Management Area (Figure 3), a 622-ha (1537-ac) tract along the lower James River that consists of brackish marsh and pine-covered islands (VEPCo 2001).

Table 1. Surry Power Station Transmission Line Corridors

Substation	Number of Lines (line number)	kV	Approximate Distance		Corridor	Corridor Width		Approximate Corridor Area	
			km	(mi)		m	(ft)	hectares (acres)	
Chickahominy	1 (567)	500	87	(54)	1	46 to 107	(150 to 350)	110	(270)
Chuckatuck	1 (290)	230	39	(24)	2	90 to 137	(295 to 450)	270	(650)
Churchland	1 (226)	230	63	(39)	2	38 to 137	(125 to 450)	92	(230)
Hopewell	2 (212 and 240)	230	85	(53)	1	37 to 107	(120 to 350)	760	(1900)
Septa	1 (578)	500	19	(12)	2	73 to 107	(240 to 350)	200	(500)
Whealton	1 (214)	230	61	(38)	2	32 to 137	(105 to 450)	72	(180)
Yadkin	2 (223 and 531)	230	79	(49)	2	38 to 137	(125 to 450)	61	(150)
		500	82	(51)	1			330	(820)
Total			480	(300)				2000	(5000)

Source: VEPCo 2001

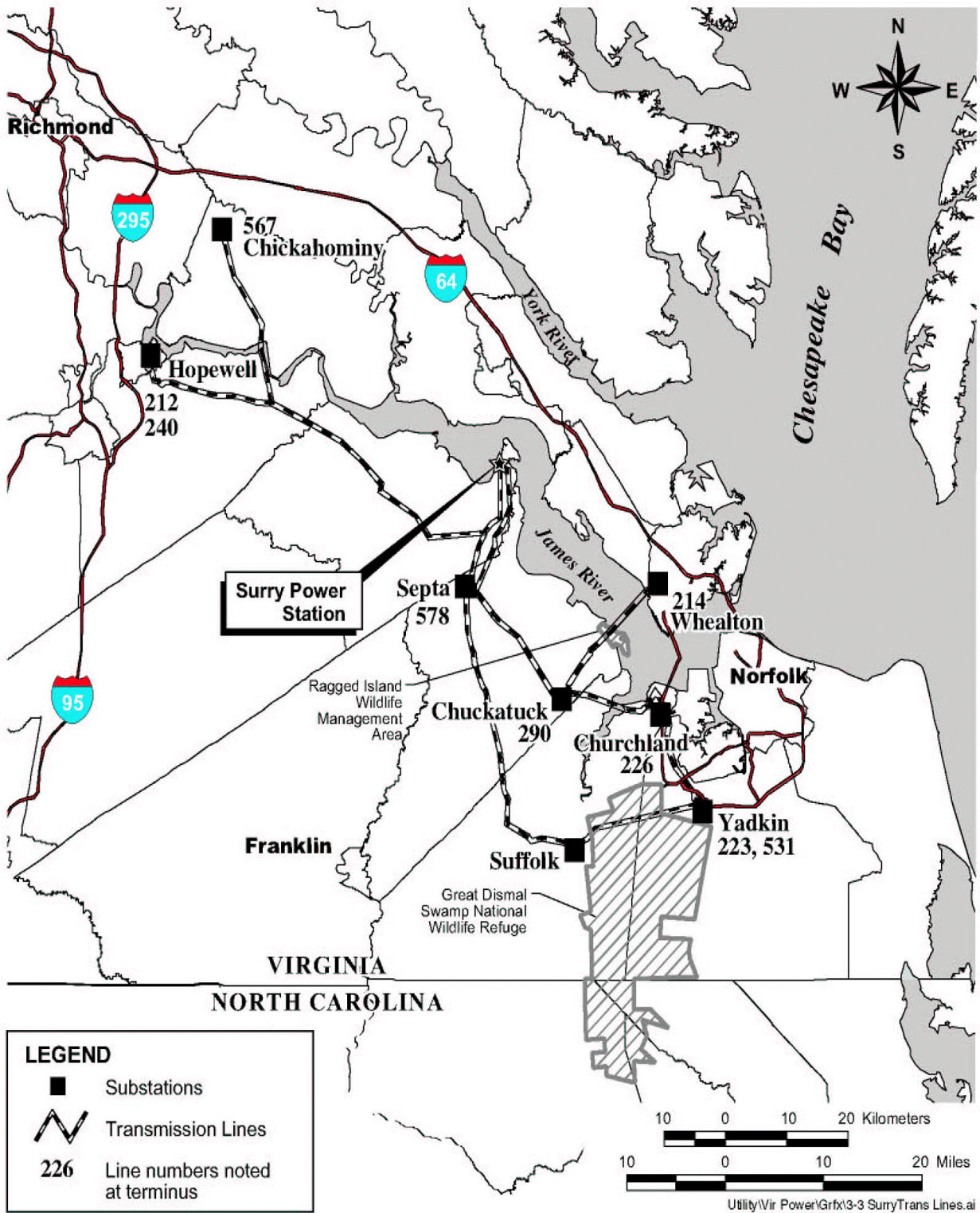


Figure 3. Surry Power Station transmission lines

Bald Eagle Use of Surry Power Station Site and Transmission Line Corridors

The bald eagle (*Haliaeetus leucocephalus*) is the only Federally listed threatened or endangered species currently known to occur on and in the vicinity of the SPS site or along its transmission corridors (VEPCo 2001). Bald eagles generally nest in tall trees near major waterways, such as the James River, and feed on fish, waterfowl, and occasionally carrion.

Active Nests. The Center for Conservation Biology at the College of William and Mary in Williamsburg, Virginia, in collaboration with FWS and VDGIF, annually tracks locations of bald eagle nests throughout the Commonwealth. There are four active nests in the vicinity of the SPS site and transmission line corridors (VEPCo 2002a and Watts 2002).

The first nest is located south of the SPS site ~4.0 km (~2.5 mi) and approximately 200 m from the transmission line corridor to the Septa substation. This nest may have been constructed by a pair of eagles that previously nested ~0.8 km (~0.5 mi) closer to the SPS (VEPCo 2002a and Watts 2002). The former nest site no longer exists, since the nest tree has toppled (Watts 2002).

The second nest is located northeast of the SPS site ~1.6 km (~1.0 mi) in the HIT of the HIWMA (VEPCo 2002a and Watts 2002).

A third nest was constructed this year and was reported to be located ~0.4 km (~0.25 mi) west of the SPS site (VEPCo 2002a and Watts 2002) on land behind the site security firing range (VEPCo 2002b). VEPCo's Environmental Policy and Compliance staff biologists, in concert with VDGIF Environmental Services specialists, conducted a search on September 25, 2002, to confirm and ground truth the reported nest location. Their search employed two Global Positioning System (GPS) units, each independently programmed using topographic map coordinates. They searched for several hours, but were unable to find the nest. Consequently, VEPCo and VDGIF staff have concluded that the nest, if it exists, is located further south and west of the SPS site than 0.4 km (0.25 mi). The decision whether to continue the search for this nest has not been made (VEPCo 2002b).

The fourth nest is located east of the town of Hopewell, just east of Windmill Point, adjacent to the south side of the James River approximately 50 m to 100 m from the transmission line corridor to the Chickahominy substation (Watts 2002).

The NRC staff can provide more precise locations for the nests if needed.

Abandoned Nests. Formerly, there were several nests located along the boundary of Hog Island, four of which were on the SPS site. These nests have been abandoned for three or more consecutive nesting seasons (Watts 2002). Three of the four nest trees on the SPS site likely still stand, although no evidence of the nests remains. The fourth nest tree on the SPS site has been toppled by wind throw (Watts 2002).

High Use Areas. As many as 50 eagles may forage within the HIWMA and vicinity during spring migration (NRC 2002b). However, there are no eagle concentration areas (e.g., roost

sites or shoreline foraging areas, as discussed in the BEPG) currently known to occur on or in the vicinity¹ of the SPS site or along its transmission corridors (VEPCo 2002a and NRC 2002b).

Analysis of Effects

Basis for Analysis – Bald Eagle Protection Guidelines for Virginia (BEPG). The BEPG (FWS and VDGIF 2000) prescribe two management zones around eagle nests, night roosts, and shoreline use areas in which the provisions of various laws and their implementing regulations may apply. The two management zones prescribed in the BEPG are “primary” (229 m [750 ft]) and “secondary” (229 m - 400 m [750 ft - 1320 ft]) (FWS and VDGIF 2000). The BEPG provided recommendations, excluding certain activities within these zones to preclude take of a bald eagle (FWS and VDGIF 2000).

Active Nests. The SPS site is located beyond the secondary management zone buffers of the four active nests. Consequently, the potential for activities at the SPS site to disturb breeding/nesting at these four nest sites is minimal.

The Chickahominy and Septa transmission line corridors lie within the primary management zones of two of the four active nests. Transmission line rights-of-way (ROW) are generally maintained on a 3-year cycle (NRC 2002b). The SPS's transmission line ROW maintenance practices take into consideration threatened and endangered species, such as the bald eagle, and conform to the BEPG by conducting maintenance activities outside the breeding/nesting season (VEPCo 2002c). Consequently, the potential for ROW maintenance practices to disturb breeding/nesting at these two nest sites is very small.

The SPS operational activities both at the site and within its transmission line corridors are and will remain in conformance with the BEPG for existing and future active nests.

Abandoned Nests. The above-mentioned abandoned nests on or in the vicinity of the SPS site have been abandoned for three or more consecutive nesting seasons (Watts 2002), thereby excluding them from the management zone provisions of the BEPG (FWS and VDGIF 2000).

High Use Areas. Since there are no known eagle concentration areas (i.e., night roosts or foraging areas) on or in the vicinity of the SPS site or along its associated transmission line corridors (VEPCo 2002a and NRC 2002b), no evaluation of compliance with the pertinent BEPG requirements or the potential for disturbing roosting/foraging activities is provided.

Electrocution. Lehman (2001) summarized the literature regarding raptor electrocutions on power lines, and emphasized that nearly all electrocutions in the United States occur on comparatively low-voltage distribution lines supplying individual users and businesses, not transmission lines. For example, the four bald eagle electrocutions in Virginia documented in FWS Law Enforcement files for the period 1989-1991 were all associated with lower voltage 3-phase (three cases) and single-phase (one case) distribution lines (Cline 1992).

¹ By “vicinity,” the staff means within the 400 m (1320 ft) zone defined in the BEPG.

The SPS has a rigorous Raptor Incident Reporting (RIR) system. The RIR was developed in collaboration with the VDGIF, Center for Conservation Biology at the College of William and Mary, and FWS. The RIR has a requirement to report all incidents to the local FWS law enforcement section. There are no known records of bald eagle electrocutions at the SPS or on the SPS's transmission lines (VEPCo 2002a).

Based on a review of the circumstances surrounding past electrocutions of bald eagles in Virginia and the lack of any reported electrocutions associated with the SPS's transmission lines, the staff concludes that potential eagle losses due to transmission line-related electrocutions are highly unlikely.

Collisions. There are no known reports of bald eagle collisions with the SPS's transmission lines or other SPS structures.

There are no known eagle concentration areas (e.g., roost sites or shoreline foraging areas) currently known to occur on the SPS site or along its transmission line corridors (VEPCo 2002a and NRC 2002b). The nearest known eagle concentration area consists of as many as 50 eagles that forage within the HIWMA during spring migration (NRC 2002b). Because of their acute vision, maneuverability, and the fact that they migrate neither in flocks nor at night, the likelihood of collisions involving these eagles is remote.

Conclusion

Based on the locations of the four active eagle nests relative to the SPS site and associated transmission lines and on the licensee's compliance with the BEPG, the potential for disturbance during nesting/breeding, either from activities at the SPS site or from ROW maintenance, is highly unlikely. Based on the lack of eagle concentration areas near transmission lines, a review of the literature, and the lack of any eagle mortalities associated with the SPS site or its transmission lines, the potential for electrocutions and collisions is also highly unlikely. Consequently, the NRC staff makes a finding of "no effect" to bald eagles for the renewal of the OLs for the SPS, Units 1 and 2.

References

- (1) Cline, K.W. 1992. Bald Eagle Concentration Areas and Power Line Mitigation in Virginia: Final Report. Unpublished report prepared for the U.S. Fish and Wildlife Service, Virginia Department of Game and Inland Fisheries, and Virginia Electric and Power Company. 27 pp.
- (2) Lehman, R.N. 2001. Raptor Electrocution on Power Lines: Current Issues and Outlook. Wildlife Society Bulletin 29(3): 804-813.
- (3) Migratory Bird Treaty Act of 1918. 16 USC 703 et seq.
- (4) U.S. Fish and Wildlife Service and Virginia Department of Game and Inland Fisheries. 2000. Bald Eagle Protection Guidelines for Virginia. 6 pp. Updated May 15, 2000.

- (5) U.S. Fish and Wildlife Service. 2002a. Letter from Ms. Karen Mayne of the U.S. Fish and Wildlife Service to NRC providing a list of protected species within the area under evaluation for the Surry and North Anna Power Stations license renewal. May 22, 2002.
- (6) U.S. Fish and Wildlife Service. 2002b. General comment letter from Michael T. Chezick, U.S. Fish and Wildlife Service's Chesapeake Bay Field Office, regarding Surry Power Station, Units 1 and 2, license renewal. July 10, 2002.
- (7) U.S. Nuclear Regulatory Commission (NRC). 2002a. NRC letter to Ms. Karen Mayne of the U.S. Fish and Wildlife Service requesting a list of protected species within the area under evaluation for the Surry and North Anna Power Stations license renewal. January 24, 2002.
- (8) U.S. Nuclear Regulatory Commission (NRC). 2002b. *Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Surry Power Station Units 1 and 2*. NUREG-1437, Supplement 6, Draft Report for Comment, Washington, D.C. April 2002.
- (9) Virginia Electric and Power Company (VEPCo). 1977. *Section 316(a) Demonstration (Type I) – Surry Power Station – Units 1 and 2*. Richmond, Virginia.
- (10) Virginia Electric and Power Company (VEPCo). 2001. *Application for License Renewal for Surry Power Station, Units 1 and 2*, "Appendix E, Environmental Report - Operating License Renewal Stage." Richmond, Virginia.
- (11) Virginia Electric and Power Company (VEPCo). 2002a¹. Email from T. Banks regarding the location of active bald eagle nests and eagle concentration areas in the vicinity of Surry Power Station and its transmission line corridors. Virginia Electric and Power Company, Surry Power Station, Virginia. September 9, 2002.
- (12) Virginia Electric and Power Company (VEPCo). 2002b¹. Email from T. Banks regarding the location of active bald eagle nests in the vicinity of Surry Power Station and its transmission line corridors. Virginia Electric and Power Company, Surry Power Station, Virginia. September 27, 2002.
- (13) Virginia Electric and Power Company (VEPCo). 2002c¹. Email from T. Banks regarding Surry Power Station transmission line right-of-way maintenance practices. Virginia Electric and Power Company, Surry Power Station, Virginia. October 18, 2002.
- (14) Watts, B. 2002¹. Email from B. Watts, Center for Conservation Biology, College of William and Mary, Williamsburg, Virginia, regarding the location of bald eagle nests in the vicinity of Surry Power Station and its transmission line corridors. October 25, 2002.

¹ These emails may be found under accession number ML023050100 in the NRC's Electronic Reading Room on the NRC Web Page (www.nrc.gov).