



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

December 24, 2014

Mr. Tom Melius  
Regional Director  
U.S. Fish and Wildlife Service  
Midwest Region (Region 3)  
5600 American Blvd. West, Suite 990  
Bloomington, MN 55437-1458

Mr. Tony Sullins  
Threatened and Endangered Species Chief  
U.S. Fish and Wildlife Service  
Midwest Region (Region 3)  
5600 American Blvd. West, Suite 990  
Bloomington, MN 55437-1458

Mr. Richard C. Nelson  
Field Office Supervisor  
Rock Island Field Office  
U.S. Fish and Wildlife Service  
1511 47th Avenue  
Moline, IL 61265

SUBJECT: AVAILABILITY OF THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED LICENSE RENEWAL OF BYRON STATION, UNITS 1 AND 2, AND THE U.S. NUCLEAR REGULATORY COMMISSION'S DETERMINATION THAT LICENSE RENEWAL WOULD HAVE NO EFFECT ON FEDERALLY LISTED OR PROPOSED SPECIES OR CRITICAL HABITATS

Dear Mr. Melius, Mr. Sullins, and Mr. Nelson:

With this letter, the U.S. Nuclear Regulatory Commission (NRC; the staff) is forwarding you a copy of its draft plant-specific Supplement 54 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," regarding Byron Station, Units 1 and 2 (Byron), 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). This letter refers to the enclosed document as the "Supplemental Environmental Impact Statement" (SEIS).

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 license renewal of Byron 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 SEIS.

## Project Summary

Byron lies in northern Illinois near the center of Ogle County approximately 90 miles west-northwest of Chicago. Byron is a two-unit pressurized water nuclear reactor plant that includes a closed cycle, cooling tower-based heat dissipation system.

The NRC's Federal action is the decision whether to renew the Byron operating licenses for an additional 20 years of operation. Byron's current operating licenses expire in 2024 (Unit 1) and 2026 (Unit 2). If approved, the license renewal would allow Byron to operate through 2044 (Unit 1) and 2046 (Unit 2). The NRC considered the remainder of the current operating license term as well as the renewed operating license term in its analysis of effects to ESA-protected species and critical habitats.

The enclosed SEIS addresses the environmental impacts of the proposed Federal action and alternatives. Chapter 3 of the enclosed SEIS 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 SEIS, the NRC performed an assessment of whether the proposed license renewal of Byron has the potential to adversely affect any Federally listed or proposed species or proposed or designated critical habitats. This assessment is documented in Sections 3.8, 4.8, and Appendix C of the SEIS. The NRC considers the SEIS 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 for the proposed Byron license renewal.

In Section 3.8 of the SEIS, 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 4.8 of the SEIS provides an assessment of the potential effects of the proposed Byron license renewal 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 license renewal 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 SEIS constitutes the NRC's biological assessment, the NRC staff is submitting a copy for your review in accordance with 50 CFR

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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>.

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 Briana Grange of my staff. Ms. Grange's contact information is below.

#### NEPA Comment Period and Public Meetings

Pursuant to NEPA, the NRC is seeking comments on the draft SEIS through February 20, 2015. During the comment period, the NRC staff plans to hold two public environmental meetings at Byron Forest Preserve, 7993 N. River Road, Byron, Illinois, 61010, on February 3, 2015, from 2:00 p.m. until 4:00 p.m. and from 7:00 p.m. until 9:00 p.m. The meetings will be transcribed and will include a presentation of the contents of the draft SEIS 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 meetings and to submit comments on the draft SEIS. See the enclosed *Federal Register* notice or go to <http://www.Regulations.gov> and search for documents filed under Docket ID NRC-2013-0178 for additional information on the NEPA process and on how to submit comments.

#### Conclusion

I look forward to future coordination with your offices to ensure the continued protection of Federally listed species and designated critical habitats at Byron and other NRC-licensed operating nuclear plants in your respective regions. If you have any questions regarding this letter, please contact Ms. Briana Grange, Biologist, at 301-415-1042 or by e-mail at [briana.grange@nrc.gov](mailto:briana.grange@nrc.gov).

Sincerely,

***RA Jeffrey Rikhoff for/***

David J. Wrona, Chief  
Environmental Review  
and Guidance Update Branch  
Division of License Renewal  
Office of Nuclear Reactor Regulation

Docket Nos. 50-454 and 50-455

Enclosures:  
As stated

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 Briana Grange of my staff. Ms. Grange's contact information is below.

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Sincerely,  
**/RA Jeffrey Rikhoff for/**  
 David J. Wrona, Chief  
 Environmental Review  
 and Guidance Update Branch  
 Division of License Renewal  
 Office of Nuclear Reactor Regulation

Docket Nos. 50-454 and 50-455

Enclosures:  
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DISTRIBUTION: See next page

**ADAMS Accession Nos.: ML14261A012 (package), ML14261A011 (letter)**  
**Enclosures: ML14357A042 (draft SEIS), ML14338A128 (FRN) \*concurring via email**

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**OFFICIAL RECORD COPY**

Letter to T. Melius, T. Sullins, and R. Nelson from D. Wrona dated December 24, 2014

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DISTRIBUTION:

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