

April 4, 2016

Mr. Louis Chiarella
Assistant Regional Administrator
National Marine Fisheries Service
Habitat Conservation Division
Northeast Regional Office
Gloucester, MA 01930

SUBJECT: SUBMITTAL OF BIOLOGICAL ASSESSMENT FOR THE PROPOSED NORTH ANNA NUCLEAR POWER STATION, UNIT 3

Dear Mr. Chiarella:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted in November 2007 (Agencywide Document Access and Management System (ADAMS) Accession No. ML073320913), from Dominion Virginia Power (Dominion) for a combined license (COL) to construct and operate a third nuclear reactor at the North Anna Power Station (NAPS) site in Louisa County, Virginia. As part of the review of the proposed action, the NRC staff has completed a biological assessment (BA) to evaluate potential impacts on the Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) as a result of project related activities for locating a new unit at the NAPS site (designated as NAPS Unit 3).

Dominion's COL application referenced an early site permit (ESP) for the NAPS site that was issued to Dominion in 2007. As part of the ESP process, the NRC developed NUREG-1811, "Final Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP Site." As part of preparing this environmental impact statement (EIS), the NRC communicated with the National Marine Fisheries Service (NMFS), Northeast Regional Office, in 2003 regarding the presence of protected, proposed, and candidate species and critical habitat in the vicinity of the NAPS site (ML033560437). NMFS responded that no Federally-listed or proposed threatened or endangered species under the jurisdiction of NMFS were known to exist in the vicinity of the site (ML040230669). A Supplemental EIS (SEIS) was issued for the NRC's COL review in 2010 as NUREG-1917 titled, "Supplemental Environmental Impact Statement for the Combined License (COL) for North Anna Power Station Unit 3." In addition, Dominion received a permit from the U.S. Army Corps of Engineers (USACE) for project activities in September 2011 (Permit NAO-2008-02534 / 10-V1256).

Following the publication of the 2010 SEIS and the issuance of the USACE permit in 2011, the Atlantic Sturgeon was listed as endangered [77 FR 5880 (Feb. 6, 2012)]. In 2014, the NRC became aware that project related activities in the Mattaponi River could potentially affect the species. Conversations with NMFS in August 2014 indicated the need for a BA to be prepared to evaluate the potential to affect the Atlantic Sturgeon.

A draft version of this BA was provided to NMFS in June 2015. In accordance with information provided to us from your agency in January 2016, the final BA contains new information received from Dominion on March 7, 2016, that specifically includes their commitment to abstain from in-water work during the period from August 1 through October 31 to further minimize potential impacts to Atlantic Sturgeon.

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Please note that the NRC and the USACE have different regulatory authorities for the NAPS Unit 3 project. The NRC has prepared this BA to ensure compliance with Section 7 of the Endangered Species Act of 1973, as amended (ESA) so that the COL review can be completed. However, the project related activities in the Mattaponi River are directly regulated by the USACE. In the event that the NMFS issues recommendations or requirements for compliance with ESA Section 7 responsibilities, please specify which recommendations or requirements are applicable to which agency.

If you have any questions concerning the enclosed BA, please contact Ms. Tamsen Dozier, Environmental Project Manager at 301-415-2272 or by email at Tamsen.Dozier@nrc.gov.

Sincerely,
/RA/

Jennifer Dixon-Herrity, Chief
Environmental Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-017

Enclosure:
As stated

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Please note that the NRC and the USACE have different regulatory authorities for the NAPS Unit 3 project. The NRC has prepared this BA to ensure compliance with Section 7 of the Endangered Species Act of 1973, as amended (ESA) so that the COL review can be completed. However, the project related activities in the Mattaponi River are directly regulated by the USACE. In the event that the NMFS issues recommendations or requirements for compliance with ESA Section 7 responsibilities, please specify which recommendations or requirements are applicable to which agency.

If you have any questions concerning the enclosed Biological Assessment, please contact Ms. Tamsen Dozier, Environmental Project Manager at 301-415-2272 or by email at Tamsen.Dozier@nrc.gov.

Sincerely,
/RA/

Jennifer Dixon-Herrity, Chief
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Division of New Reactor Licensing
Office of New Reactors

Docket No.: 52-017

Enclosure:
As stated

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ADAMS Accession Nos.:

ML16082A300 - Pkg

ML16082A211 – Letter

ML16082A287 – Biological Assessment *via email

NRO-002

OFFICE	NRO/DNRL/EPB:PM	NRO/DNRL/EPB:LA*	NRO/DSEA/RENV*	OGC*	NRO/DNRL/EPB:BC
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DATE	03/28/2016	03/22/2016	4/1/2016	03/29/201	04/04/2016

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Rev. 03/03/2015

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