

**From:** Vanderwier, Julie [mailto:julie\_vanderwier@fws.gov]  
**Sent:** Friday, April 07, 2017 11:37 AM  
**To:** Quintero, Jessie <Jessie.Quintero@nrc.gov>  
**Cc:** leilani\_takano@fws.gov  
**Subject:** [External\_Sender] NRC's No Effect Determination for Diablo Canyon licensing action

jessie. i apologize for being so long in getting back to you. i was out for two weeks, came back, got sick, and then was on a crucial deadline.

thank you for the clarification regarding the NRC's determination regarding consultation on the subject project and the email to clarify. we will enter it as part of our record and close the project file.

*julie*

julie m. vanderwier, fish and wildlife biologist  
u.s. fish and wildlife service  
ventura fish and wildlife office  
2493 portola road, suite b  
ventura, california 93003  
**805.677.3400**

**PLEASE NOTE: Our individual office telephone numbers have changed. You may contact me directly at my new number (above) or continue to use our general office number (805.644.1766, ext. 53400).**

On Thu, Apr 6, 2017 at 8:21 AM, Quintero, Jessie <Jessie.Quintero@nrc.gov> wrote:

Good morning Julie,

My name is Jessie Muir Quintero and I'm with the US Nuclear Regulatory Commission. I'm supporting Pam and her group on the reviews of spent fuel storage facility (ISFSI) decommissioning funding plans (DFP). As you noted in the email chain (cut and paste below), our letter to your office, dated April 25, 2016, had a discrepancy between the subject line and body of the letter regarding our Section 7 determination for the Diablo Canyon ISFSI DFP. In the subject line, we stated our preliminary determination was No Effect, however, in the body of the letter, the determination was Not Likely To Adversely Effect (NLAA). The determination for this licensing action at Diablo Canyon is **No Effect**. The DFP reviews are administrative in nature and do not authorize land-disturbing activities. Therefore, as you noted in your email, a No Effect determination does not require concurrence. However, I would appreciate if you could respond and confirm that you received this email, I would like to have it for our project records.

If you have any questions, feel free to give me a call at 301.415.7476 or email me.

Thanks,

Jessie Quintero

**From:** Vanderwier, Julie [mailto:julie\_vanderwier@fws.gov]

**Sent:** Thursday, March 16, 2017 5:20 PM

**To:** Longmire, Pamela <Pamela.Longmire@nrc.gov>

**Cc:** Leilani Takano <leilani\_takano@fws.gov>

**Subject:** [External\_Sender] Re: FW: preliminary determination of no effects -- diablo canyon, san luis obispo county, ca

hi pamela. we cannot provide a concurrence letter for what was requested. if you make a call of 'no effect' [i think this is what was meant] then you do not need our concurrence. if you want us to concur with a determination of 'may affect, not likely to adversely affect' you need to provide species and those measures you will implement to make sure there will be no adverse effects.

i am out of the office >15:00 today and not back until april 3. i have left this file with my supervisor, leilani takano, who is cc'd on this email.

*julie*

julie m. vanderwier, fish and wildlife biologist  
u.s. fish and wildlife service  
ventura fish and wildlife office  
2493 portola road, suite b  
ventura, california 93003  
805.644.1766 ext. 222

On Thu, Mar 16, 2017 at 1:43 PM, Longmire, Pamela <Pamela.Longmire@nrc.gov> wrote:

Hi Julie,

I've called a couple of times but have not been able to actually speak with you. I left a message.

Please provide an update on the concurrence letter.

Thanks.

Pam

**From:** Longmire, Pamela

**Sent:** Tuesday, March 14, 2017 6:54 PM

**To:** 'julie\_vanderwier@fws.gov' <julie\_vanderwier@fws.gov>

**Subject:** RE: preliminary determination of no effects -- diablo canyon, san luis obispo county, ca

Hi Julie,

Mr. Baum is no longer involved with the project.

Do you know of any history, or could you provide thoughts or guidance on, annulling any accidental attempt at informal consultation?

Based on the content in your email, I reached out to the NRC's Office of General Counsel (OGC). The general belief in the NRC's OGC is that once consultation is triggered, to end the consultation we must receive FWS's concurrence (even if only to say consultation is not required and agreement that, yes, the initial conclusion of NLAA was incorrect and the conclusion of "no effect" is the correct conclusion).

Please address your response as follows (per 10 CFR 72.4):

ATTN: Document Control Desk

Dr. Pamela Longmire

Spent Fuel Management Licensing Branch

Division of Spent Fuel Management

U. S. Nuclear Regulatory Commission

Office of Nuclear Material Safety and Safeguards

Mail Stop: TWFN 4B34

Washington, DC 20555-0001

Pam

Phone: 301.415.7465

Mobile: 301.860.2388

**From:** Vanderwier, Julie [mailto:julie\_vanderwier@fws.gov]

**Sent:** Friday, March 10, 2017 7:13 PM

**To:** Baum, Richard <Richard.Baum@nrc.gov>

**Subject:** [External\_Sender] preliminary determination of no effects -- diablo canyon, san luis obispo county, ca

2017-I-0257

mr. baum. i was assigned to review your request dated april 25, 2016 (not received in our ventura fish and wildlife office until february 2017) for our concurrence on your request for informal consultation relative to the diablo canyon independent spent fuel storage installation decommissioning funding plan. given the time lapse, it may be that there is no longer a need for our input; however, if so i need some clarification.

the subject line of the april correspondence states your determination is one of 'no effect' but text later in the letter states that the NRC requests our concurrence with a determination that the proposed action is "not likely to adversely affect" (NLAA) listed species or critical habitat. 'no effect' and 'NLAA' calls are two different things and so i am not sure what the NRC is actually requesting. it would seem if the proposed action is limited to the submittal and review of decommissioning funding plans, there likely would be no effect to listed species or critical habitat. typically, for us to concur with a NLAA, at least one species and/or critical habitat needs to be specified in the request and measures to avoid any adverse effects included. could you please give me a call to discuss? i tried to call the number provided in the letter; however, it was no longer in service.

thank you very much.

*julie*

julie m. vanderwier, fish and wildlife biologist

u.s. fish and wildlife service

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ventura, california 93003

805.644.1766 ext. 222