

## Quintero, Jessie

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**From:** Moser, Michelle  
**Sent:** Wednesday, April 11, 2018 11:20 AM  
**To:** 'cathy\_pollack@fws.gov'  
**Cc:** Quintero, Jessie  
**Subject:** Request for Concurrence on Section 7 Determination for Federally Listed Species Regarding the Amendment of the Operating License for the Zion Nuclear Power Station to Incorporate the License Termination Plan  
**Attachments:** ZION LTP Draft EA v3 - FWS.pdf

Dear Ms. Cathy Pollack:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am requesting concurrence from the U.S. Fish and Wildlife Service (FWS) that the NRC's approval of Zion Solutions, LLC (Solutions) license termination plan (LTP) for Zion Nuclear Power Station, Units 1 and 2 (ZNPS) **may affect, but is not likely to adversely affect** the rufa red knot (*Calidris canutus rufa*), the piping plover (*Charadrius melodus*), and the northern long-eared bat (*Myotis septentrionalis*). In December 2014, Solutions submitted a license amendment request to the NRC to amend its operating licenses for ZNPS (Solutions 2014). The request, if granted, would add a license condition reflecting the NRC's approval of LTP, which was submitted as part of the request and submitted again in response to NRC's request for additional information in July 2017 (Solutions 2017). Solutions is also requesting that the NRC amend the licenses to include a provision to allow Solutions to make certain changes to the NRC-approved LTP without prior NRC approval. ZNPS, a commercial nuclear power plant in Lake County, Illinois, is licensed by the NRC, but has been permanently shut down since 1998.

### Proposed Action

The proposed Federal action is NRC's decision of whether to approve the LTP and amend the operating licenses to incorporate the LTP. The LTP describes the process Solutions will use to meet the NRC's requirements of terminating the operating licenses and to release the site for unrestricted use. Submitting the LTP is one of the final steps of decommissioning. Solutions began decommissioning and dismantling activities in 2010, and those activities are still ongoing.

Decommissioning activities include building dismantling, demolition, and backfilling of subsurface structures. Final site surveys entail radiological surveys and potential confirmatory soil sampling. Activities occur year round but are temporary. Decommissioning started in 2010 and is expected to be completed in 2018.

Solutions does not plan any excavation work on the cooling water intake or discharge structures on the shoreline or within Lake Michigan. License termination activities such as radiological surveys, soil sampling, and soil removal would be temporary and involve minimal land disturbance. Demolition of remaining structures would be loud and disruptive, but temporary. The areas within the ZNPS footprint have all been previously disturbed; and some of the disturbed areas would eventually be re-seeded and re-contoured as necessary.

### Environmental Assessment

With this letter, the NRC staff is forwarding you a copy of its draft Environmental Assessment (EA) related to the LTP for ZNPS. The enclosed draft EA was prepared in accordance with the National Environmental Policy Act of 1969, as amended (NEPA) (50 CFR 402.06(a)); Title 10 of the Code of Federal Regulations (10 CFR) Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," and the Endangered Species Act of 1973, as amended (ESA). Please note that the draft EA is pre-decisional information that is limited to the use of the FWS and its staff. Disclosure or distribution of the EA is prohibited without prior NRC permission. The NRC staff intends to make the final EA publicly available.

Federal agencies may fulfill their obligations to consult with the Services under Section 7 of the ESA in conjunction with the interagency cooperation procedures required by other statutes, including NEPA. In such cases, the Federal agency should include the results of the ESA Section 7 consultation in the NEPA document (50 CFR 402.06(b)).

### Listed Species

On October 11, 2016, I carefully reviewed your agency FWS's Section 7 Consultation website for a list of species and critical habitat that "may be present" within the project area (FWS 2016). In April 2018, I confirmed that the list of species and critical habitat that "may be present" within the project area is still accurate. The NRC staff determined that seven species may be present:

- Rufa red knot – Threatened
- Piping plover – Endangered
- Northern long-eared bat– Threatened
- Eastern prairie fringed orchid (*Plantanthera leucophaea*) – Threatened
- Dune (Pitcher's) thistle (*Cirsium pitcher*) – Threatened
- Karner blue butterfly (*Lycaeides Melissa samuelis*) – Endangered
- Eastern massasauga snake (*Sistrurus catenatus*) –Threatened

### ESA Determinations

In the attached EA, the NRC performed an assessment of whether the proposed action has the potential to adversely affect any of the seven Federally listed species. This assessment is documented in Sections 3.5 and 4.2 of the draft EA.

In Section 4.2 of the draft EA, the NRC staff determined that the proposed action may affect, but is not likely to adversely affect the following three Federally listed species:

- Rufa red knot
- Piping plover
- Northern long-eared bat

The proposed action would have insignificant or discountable effects on these three species. Specifically, noise levels and human activity may cause some temporary disturbances to these species. However, most of the activities remain similar to the current ongoing decommissioning activities and would not cause any additional disturbances that would cause these species to avoid or abandon shoreline habitat within the action area. If individuals did temporarily avoid these areas, they could return once the decommissioning activities are completed. In addition, although these species could experience injury or direct mortality from collisions within facility structures or decommissioning equipment, the NRC staff believes that the likelihood of collision is extremely unlikely because these species are relatively rare within the action area; would only occur in the action area for a short period of time each year; and are not likely to inhabit the inland, non-forested developed portions of the site that contain collision hazards.

The NRC staff determined that the proposed action would have no effect on the following four Federally listed or candidate species:

- Eastern prairie fringed orchid
- Dune (Pitcher's) thistle
- Karner blue butterfly
- Eastern massasauga snake

For these four Federally listed species, no suitable habitat exists in areas where ground disturbing activities would occur. Because of this, these species are unlikely to be present in the action area, and the proposed action would, therefore, have no effect on these species.

On behalf of the NRC, I am requesting concurrence from the FWS that the proposed action "may affect, but is not likely to adversely affect" the rufa red knot, piping plover, and northern long-eared bat pursuant to 50 CFR

402.13(a). The NRC staff requests your review and concurrence with its findings within 30 days of receipt of this email. If you need additional information to make a determination or are otherwise unable to meet this timeline, please contact me at your earliest convenience to discuss an alternate timeline. Although I understand that the FWS does not typically provide its concurrence with “no effect” determinations, I welcome any comments you may have related to the other four species. If you have any questions regarding the project, please contact me at 301-415-6509 or [Michelle.Moser@nrc.gov](mailto:Michelle.Moser@nrc.gov), or Jessie Quintero, environmental project manager, at 301-415-7476 or [Jessie.Quintero@nrc.gov](mailto:Jessie.Quintero@nrc.gov).

Sincerely,  
Michelle Moser  
Ecologist

cc: Jessie Quintero, Environmental Project Manager

References used are publicly available through the NRC’s electronic reading room (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>. To begin a search in ADAMS, select “[Begin WBA Search](#).” The ADAMS accession number is provided for each reference.

FWS 2016 – Letter from FWS to NRC. Subject: Zion Nuclear Power Station Environmental Assessment for License Termination. List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project. October 11, 2016. ADAMS No. ML16286A467 and IPac Trust Resources Report. October 11, 2016. ADAMS No. ML16286A456.

Solutions 2014 – Letter from Solutions to NRC, dated December 19, 2014, regarding “License Amendment Request for the License Termination Plan.” ADAMS Accession No. ML15005A336.

Solutions 2017 – Response to Request for Additional Information and License Termination Plan, Revision 1. July 20, 2017. ADAMS Package Accession No. ML17215A095.