

ClinchRiverESPEnvPEm Resource

From: Dozier, Tamsen
Sent: Tuesday, January 8, 2019 12:38 PM
To: Boles, Dustin
Cc: Doub, Peyton
Subject: Clinch River Early Site Permit Environmental Review - Consultations under Section 7 of ESA

Dear Mr. Boles:

This is a follow up to your letter of July 9, 2018 and our subsequent conversation on July 12, 2018. Your July 9 letter to the NRC (located in our AgencyWide Document Access Management System under accession number ML18191B354) was in response to the NRC's April 20, 2018 letter to you providing a copy of and requesting comments on the Clinch River Early Site Permit (ESP) Draft Environmental Impact Statement (EIS) which included a Biological Assessment. (The NRC April 20 letter can be found under accession number ML18092B598). This email serves to document our response to your letter in advance of the issuance of our Final EIS, currently scheduled for June 2019.

Your July 9 letter stated that the US Fish and Wildlife Service (USFWS) has determined that further consultation under Section 7 of the Endangered Species Act (ESA) is not required at this time because the ESP does not fund, authorize, or carry out activities or programs that may affect listed species or critical habitat. Your letter stated that it appeared to your agency that the ESP is a precursor to possible future licensing actions, which themselves would be subject to consultation requirements under Section 7 of the ESA. Your correspondence requested that the NRC contact your field office to discuss the applicability of Section 7 to the ESP.

Per your request, I contacted you by telephone on July 12, 2018 to inform you that the NRC agrees with the USFWS determination that further consultation under Section 7 is not necessary for the proposed ESP. I confirmed that, prior to receiving NRC authorization to construct and operate a nuclear facility, an applicant referencing an ESP would need to apply for and receive a separate combined license or construction permit which would be subject to the requirements of ESA Section 7 consultation. The NRC is appreciative of the information provided by the USFWS during our ESP review with regard to listed species and critical habitats. As part of the NRC's National Environmental Policy Act (NEPA) review of the ESP application, the staff evaluates impacts to listed species and critical habitats from possible future construction and operation of a nuclear facility as described in the Clinch River Nuclear Site ESP application, as described in the staff's EIS. Based on the USFWS determination stated in your July 9 letter to the NRC, and on your confirmation during our follow up phone call of July 12, the NRC considers the ESA Section 7 consultation activity regarding the proposed ESP to be complete and closed.

Should the Clinch River ESP be issued and should the NRC receive an application for a licensing action referencing the ESP (such as a combined license or construction permit), we will contact your office according to the requirements of Section 7 for that licensing action. Please let me know if you have any additional comments or questions.

Sincerely,

Tamsen Dozier
Environmental Project Manager

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