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**To:** "Sarah Furtak - NOAA Federal"  
**Cc:** [Quintero, Jessie](#)  
**Subject:** FYI: Update on NRC review of Westinghouse CFFF license renewal  
**Date:** Wednesday, July 10, 2019 10:07:00 AM  
**Attachments:** [NRC Analysis of Whether Reinitiation is Required - Westinghouse CFFF License Renewal.pdf](#)

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Sarah,

I wanted to update you on some developments concerning the NRC's environmental review of Westinghouse Electric Company, LLC's application for renewal of Special Nuclear Material License No. SNM-1107 for the Columbia Fuel Fabrication Facility (CFFF) located in Richland, South Carolina. The NRC and NMFS engaged in ESA Section 7 consultation on this project in 2017-2018. The NMFS provided its concurrence with not likely to adversely affect (NLAA) determinations for shortnose and Atlantic sturgeon in an April 12, 2018, letter.

Since that time, Westinghouse submitted a new environmental report to the NRC in March 2019. The new report describes additional groundwater monitoring that the company will perform in response to former buried wastewater pipe leaks that released contaminants into the site's subsurface. Westinghouse will install several new monitoring wells to support the additional monitoring. Additionally, the State has issued a new draft National Pollutant Discharge Elimination System (NPDES) permit for the CFFF. I have reviewed this new information and determined that the information does not necessitate further ESA Section 7 consultation between the NRC and the NMFS regarding sturgeon. The well installation and monitoring will not affect the aquatic environment, so there will be no effects to sturgeon from these activities. With respect to the draft NPDES permit, the permit, if issued, would not change the basis of the NLAA conclusions made during the consultation. My justification related to the draft NPDES permit is attached for your reference.

Thank you and let me know if you have any questions.

Briana

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Westinghouse Columbia Fuel Fabrication Facility (CFFF)  
Proposed 40-Year License Renewal

Analysis of Potential Need to Reinitiate Endangered Species Act (ESA) Section 7 Consultation  
based on State's Issuance of Draft Renewed National Pollutant Discharge Elimination System  
(NPDES) Permit

July 10, 2019

**SUMMARY:** The NRC staff has determined that the State's issuance of a draft NPDES permit to Westinghouse Electric Company LLC for the CFFF does not require the NRC to reinitiate consultation under ESA Section 7 with the National Marine Fisheries Service (NMFS) related to the proposed CFFF license renewal.

Background: ESA Section 7 Consultation for CFFF License Renewal

The NRC and NMFS consulted under ESA Section 7 in 2017 and 2018 regarding the potential effects of the CFFF license renewal on two species: shortnose sturgeon and Atlantic sturgeon.

The consultation assumed that the CFFF would continue to operate under the conditions specified in the 2013 NPDES permit ([ML17283A098](#)).

The NMFS concluded that the proposed license renewal is "not likely to adversely affect" the two species by letter dated April 12, 2018 ([ML18103A020](#)). This letter concluded informal consultation between the agencies.

The NMFS's analysis supporting its conclusions appears on page 6 of its April 12, 2018, letter. The potential adverse effects considered are exposure of sturgeon to effluent containing ammonia/un-ionized ammonia, fluorides, uranium, and inadequate dissolved oxygen.

New Information: Draft Renewed NPDES Permit

The South Carolina Department of Health and Environmental Control issued a draft renewed NPDES permit on March 29, 2019. The permit, if issued, will have effective dates of July 1, 2019 (expected) through June 30, 2024 (expected).

The draft permit could require NRC to reinitiate ESA Section 7 consultation with the NMFS if the draft permit triggers any of the ESA Section 7 reinitiation criteria at [50 CFR 402.16](#). Specifically of concern is whether the draft permit would change effluent limits or other conditions upon which the NMFS based its conclusions because this could result in effects to listed species that were previously unconsidered.

Analysis of Need to Reinitiate Consultation

The NRC staff considered whether the draft NPDES permit necessitates NRC to reinitiate ESA Section 7 through the following series of questions.

**What effluent criteria upon which the NMFS based its conclusions are regulated by the State under the NPDES permit?** Ammonia, fluoride, and dissolved oxygen.

**Have any of the parameters related to these effluents changed in the draft NPDES permit?** Yes. The draft permit increases the dissolved oxygen discharge limit from a minimum

of 1.0 mg/l at all times to a minimum of 5.0 mg/l at all times. Ammonia and fluoride discharge limitations and monitoring requirements are unchanged.

**Does this change affect the NMFS's conclusions?** No. The NMFS's analysis assumes a lower dissolved oxygen content within the effluent mixing zone than would be allowable under the draft permit, if issued. Therefore, potential impacts to shortnose and Atlantic sturgeon would be similar or *less* than those assumed during the consultation.

**Does NRC need to reinitiate consultation with the NMFS based on the draft NPDES permit?** No. The identified changes in the draft permit do not trigger any of the ESA Section 7 reinitiation criteria.

Analysis Performed By:

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