

November 26, 2003

Mr. H. L. Sumner, Jr.
Vice President - Nuclear
Hatch Project
Southern Nuclear Operating
Company, Inc.
Post Office Box 1295
Birmingham, Alabama 35201-1295

SUBJECT: EDWIN I. HATCH NUCLEAR PLANT, UNITS 1 AND 2 - REQUEST FOR AN
UPDATE TO THE HATCH BIOLOGICAL ASSESSMENT UNDER THE
ENDANGERED SPECIES ACT FOR THE SHORTNOSE STURGEON (TAC
NOS. MC1172 and MC1173)

Dear Mr. Sumner:

In a letter dated August 31, 2000 (ADAMS Accession number ML003746456), the U.S. Nuclear Regulatory Commission (NRC) forwarded a Biological Assessment (BA) for the Edwin I. Hatch Nuclear Plant (HNP), Units 1 and 2 to the Southeast Regional Office (SERO) of the U.S. National Marine Fisheries Service. The NRC staff concluded in the BA that operation of HNP "may affect" but was "not likely to adversely affect" the shortnose sturgeon, *Acipenser brevirostrum*, inhabiting the Altamaha River. The NRC staff requested concurrence in our determination from SERO.

Since August 31, 2000, the NRC has visited the site, held several meetings with representatives from SERO, discussed the potential for impact to the species with known experts in the field, and talked with representatives from the U.S. Army Corps of Engineers (USACE), Savannah District. These efforts culminated in a meeting with SERO at which both the NRC and the USACE presented a proposal to resubmit an updated BA, superceding the August 2000 version and again requesting concurrence on the determination. The BA would be submitted jointly by both the NRC and the USACE. The updated BA would include additional plant operating information, summarize information on shortnose sturgeon focusing on what is presently known about the Altamaha River population, and include an assessment of potential impacts to the population due to dredging activities in the vicinity of the HNP intake.

To assure that the updated BA has timely, complete, and accurate information, the NRC staff is requesting that you and your staff revise the August 31, 2000, BA and submit it to the NRC. Suggested areas of emphasis for the updated BA are provided in enclosure 1. Upon receipt of the updated BA the NRC and the USACE will review the BA, and if acceptable, adopt the BA as both the NRC's and the USACE's determination of potential impact of continued plant operation on the shortnose sturgeon. The revised and updated BA will then be submitted jointly to SERO for their concurrence.

H. L. Sumner

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In order to meet a commitment to resubmit the BA to SERO by the end of February 2004, the NRC requests that you provide the revised BA by January 15, 2004. If you have any questions, please contact me at 301-415-1313.

Sincerely,

/RA/

Steve Bloom, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-321 and 50-366

Enclosure: As stated

cc: See next page

H. L. Sumner

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ADAMS Accession No.: ML033300186 *See Previous Concurrence NRR-106

OFFICE	RLEP:LA	RLEP:GS	RLEP:PM	RLEP:SC	DLPM:PD2
NAME	LJenkins*	JDavis*	MMasnik*	JTappert*	SBloom
DATE	11/18/2003	11/19/2003	11/19/2003	11/24/2003	11/26/2003

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**Suggested Areas of Emphasis for the Updated Biological Assessment for the
Edwin I. Hatch Nuclear Plant**

1. Provide any available information on recent (since 2000) work on the distribution and life history of shortnose sturgeon, *Acipenser brevirostrum*, in the Altamaha River or adjoining river systems. The location (on a map) of any known or suspected spawning sites in the Altamaha River in relation to the Hatch Nuclear Plant's (HNP) location would be helpful.
2. Provide a discussion of the likely period of time that spawning in the river might occur.
3. Provide an expanded discussion of historic Altamaha River flow rates during the potential spawning period. Discuss the HNP water withdrawal rates as a function of river flow during the critical spawning period.
4. Provide a cross section of the Altamaha River in the vicinity of the intake structure.
5. As a result of our ongoing discussions with Southeast Regional Office the Biological Assessment should have a new section which addresses the impacts of dredging in the Altamaha River on the shortnose sturgeon. Provide a description and discussion of both routine maintenance dredging and the proposed expanded footprint dredging in the vicinity of the intake structure. Provide an assessment of the dredging activities on shortnose sturgeon. Describe any actions taken that minimize impacts to larva, juveniles or adults.
6. Provide any additional information or assessments that would more properly characterize the effect of continued operation of HNP on the shortnose sturgeon in the Altamaha River.

Enclosure

Edwin I. Hatch Nuclear Plant

cc:

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