United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kansas Ecological Services Field Office
2609 Anderson Avenue
Manhattan, Kansas 66502-6172

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Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration, Mail Stop T-6D59
US Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: ER06/1173 NOI Wolf Creek, dated 12/7/2006, page 70997 FWS Tracking # 2007-P-0204

Dear Sirs:

This is in response to your December 7, 2006 notice requesting comment on the proposed renewal of operating license NPF-42, which authorizes the Wolf Creek Generating Station (WCGS), to operate WCGS, Unit 1, for an additional 20 years beyond the period specified in the current license.

The proposed action would include the use and continued maintenance of existing plant facilities and transmission lines. The WCGS site covers approximately 9,818 aces, of which only approximately 135 acres is industrial. Coffey County Lake, the station's cooling reservoir, occupies approximately 5,090 acres. Most of the remaining land is made up of rangeland, cropland, native prairie and forested areas.

In accordance with section 7(c) of the Endangered Species Act, we have determined that the federally-listed threatened bald eagle (*Haliaeetus leucocephalus*), the threatened Mead's milkweed (*Asclepias meadii*) and the threatened Neosho madtom *(Noturus placidus)* may occur in the project area. If the project may adversely affect listed species, the Nuclear Regulatory Commission (NRC) should initiate informal or formal section 7 consultation with this office.

There has been an active bald eagle nest at WCGS since 1994; however, the pair has not successfully fledged any young since 1999. Because of the uncertain reproductive status of this nesting pair and it's proximity to potential source contaminants from WCGS, we recommend further evaluation of the potential affects of WCGS on the bald eagle and other piscivorous bird and mammal species that may occur in the project area.

The many acres of native prairie and rangeland found on WCGS may provide suitable habitat for Mead's milkweed. If these habitats have not been previously surveyed for Mead's milkweed, we recommend a field survey by the Kansas Biological Survey or other qualified botanists. The Kansas Biological Survey may be contacted by writing at 2041 Constant Avenue, Lawrence, Kansas 66047-2906, or by telephone at (785) 864-1538. In addition, if suitable Mead's milkweed habitat is found on site or could be made suitable through management, we would like to discuss with the applicant the potential for transplant and management of this plant on the WCGS site.

The candidate species Neosho mucket (*Lampsilis rafinesqueana)*, which is a freshwater unionid mussel,

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C. Jacobs (CJS)

occurs in the Neosho River within the project area. Candidates are those species for which the USFWS has on file substantial information on biological vulnerability and threats to support proposals to list them as endangered or threatened species. Development and publication of proposed rules to list candidate species as threatened or endangered are anticipated at some point in the future. Candidate species have no legal protection under the Endangered Species Act; however, the USFWS is concerned for their conservation due to their uncertain status.

The Neosho madtom occurs in the Neosho River both upstream and downstream of John Redmond Reservoir. Your National Environmental Policy Act (NEPA) analyses should evaluate the potential direct and indirect effects of water withdrawal from the Neosho River on this species, especially during drought years. Also, due to the aging of the facility and corrosion within the cooling tower structure, trace elements such as nickel, iron and chromium may be accumulating in Coffey County Lake at higher than background levels. The potential exposure of Neosho madtom, bald eagle and the Neosho mucket to these trace elements should be addressed in the NEPA documents.

Transmission lines have been documented as constituting a significant collision hazard to migratory birds including waterfowl, wading birds, shorebirds, and raptors. Project lines occurring within one mile of streams, wetlands, and other water bodies such as the Neosho River, Coffey County Lake, John Redmond Reservoir, and Flint Hills National Wildlife Refuge, should be evaluated for their potential to impact migratory birds. If project lines meet these criteria, and there is little existing field data documenting the presence or absence of a collision hazard, we recommend that line segments be monitored during the renewal process to determine whether a collision hazard exists. If a hazard is identified, line segments should be marked for enhanced visibility following established guidelines.

Thank you for this opportunity to comment. If we can be of further assistance or you need clarification of our comments, please call Ms. Michele McNulty of my staff at 785-539-3474 ext. 106.

Sincerely,

Michael J. LeValley
Field Supervisor

cc: KDWP, Pratt, KS (Environmental Services)
OEPC – Staff Contact: Vijai Rai, DOI, Denver
Connie Young-Dubovsky, R6, RO, (ES)
Pat Gonzales, Refuge Manager, Flint Hills NWR
FWS—BAP and HC (Nash)