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 FACIL: 50-438 Bellefonte Nuclear Plant, Unit 1, Tennessee Valley Au      05000438  
 50-439 Bellefonte Nuclear Plant, Unit 2, Tennessee Valley Au      05000439  
 AUTH. NAME      AUTHOR AFFILIATION  
 JORDAN, D.B.      Interior, Dept. of, Fish & Wildlife Service  
 RECIP. NAME      RECIPIENT AFFILIATION  
 ADENSAM, E.      Licensing Branch 4

SUBJECT: Responds to 830615 letter Endangered Species Act. Plant site & associated transmission line corridors in areas possibly occupied by several listed species. NRC should conduct surveys to determine if action may affect species.

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# United States Department of the Interior

FISH AND WILDLIFE SERVICE

JACKSON MALL OFFICE CENTER

300 WOODROW WILSON AVENUE, SUITE 3185

JACKSON, MISSISSIPPI 39213

June 28, 1983

IN REPLY REFER TO:  
Log. No. 4-3-83-404

50-438/439

Ms. Elinor Adensam, Chief  
Licensing Branch No. 4  
Division of Licensing  
Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Nuclear Power Plant, Jackson County, Alabama

Dear Ms. Adensam:

This responds to your letter of June 15, 1983. We have reviewed the information you enclosed relative to the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The Bellefonte Nuclear Plant site and associated transmission line corridors are in areas possibly occupied by several listed species. Although we do not have site specific information on distribution of these species which allows us to precisely identify possible conflicts with the proposed project, the fact that they are known to occur in this general location requires that you conduct the necessary surveys to determine if the action may affect such species. In the event that such an effect is determined to exist, consultation with this Service is required.

The bald eagle (Haliaeetus leucocephalus), an Endangered species, winters along the Tennessee River and Gunter'sville Lake. The green pitcher plant (Sarracenia oreophila), which is Endangered, occurs in this general area and could possibly occur in some of the areas where transmission corridors are planned. The transmission corridors running NNW from the plant site to Big Coon Creek appears to come very close to the Orcestrwell's Cave, which may be occupied by the Endangered grey bat (Myotis grisescens).

Several Endangered freshwater mussels occur in the Tennessee River. Three species that have been collected in the vicinity of the Bellefonte Nuclear Plant are Plethobasis cooperianus, Dromus dromas and Pleurobema plenum. It will be necessary for you to determine if these or any other listed mussel species occur in the project vicinity and, if present, what effect plant operation, especially the heated effluent, may have on these species.

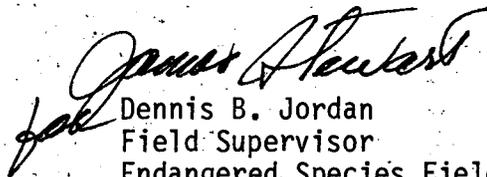
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Your interpretation regarding NRC's responsibility to consult under Section 7(c) of the Endangered Species Act is incorrect. Since your construction initiation date is prior to November 10, 1978, you are exempt from having to prepare the biological assessment which is addressed by 7(c) and is associated with construction projects. However, your requirements under other parts of Section 7 remain as written. Briefly, they consist of a determination of effect on listed species addressed in this letter, which will necessarily be based on a survey which determines their presence/absence in areas affected by the project. In the event you determine the proposal "may affect" a listed species, consultation with this Service is required.

You may contact this office for further details if you desire (FTS 490-4900). Your interest in protecting listed species is appreciated.

Sincerely yours,



Dennis B. Jordan  
Field Supervisor  
Endangered Species Field Office

cc: D, FWS, Washington, D.C. (AFA/OES)  
RD, FWS, Atlanta, GA (AFA/SE)  
Division of Game & Fish, Montgomery, AL  
ES, FWS, Daphne, AL