



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 29, 2011

Ms. Patricia Kurkul
Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930-2276

SUBJECT: REQUEST FOR CONCURRENCE ON THE EFFECTS OF THE PROPOSED
SEABROOK STATION LICENSE RENEWAL ON THREATENED AND
ENDANGERED SPECIES (TAC NO. ME3959)

Dear Ms. Kurkul:

The U.S. Nuclear Regulatory Commission (NRC) staff has completed draft Supplement 46 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (GEIS), regarding the license renewal of Seabrook Station, Unit 1. The NRC forwarded your office a copy of this document via letter dated August 2, 2011. In accordance with the Endangered Species Act of 1973, as amended, the NRC is requesting your concurrence with NRC's determination that the continued operation of Seabrook Station, Unit 1 (Seabrook) is not likely to adversely affect any Federally listed or proposed species under the National Marine Fisheries Service (NMFS)'s jurisdiction, including Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), shortnose sturgeon (*A. brevirostrum*), loggerhead turtles (*Caretta caretta*), Kemp's ridley turtles (*Lepidochelys kempii*), leatherback turtles (*Dermochelys coriacea*), Northern right whales (*Eubalaena glacialis*), humpback whales (*Megaptera novaeangliae*), and fin whales (*Balaenoptera physalus*).

Seabrook is located in the Town of Seabrook, Rockingham County, NH, 2 miles west of the Atlantic Ocean. Seabrook is approximately 2 miles north of the Massachusetts state line, 15 miles south of the Maine state line, and 10 miles south of Portsmouth, NH. Seabrook is equipped with a once-through cooling system that withdraws water from and discharges to the Gulf of Maine.

In a letter dated July 16, 2010, the NRC requested that the NMFS provide lists of Federally listed endangered or threatened species and information on proposed and candidate species, as well as any designated critical habitat that may be in the vicinity of Seabrook and its associated transmission line rights-of-way. On August 5, 2010, NMFS responded to NRC's request. NRC staff incorporated the information contained in NMFS's response into the draft Supplemental Environmental Impact Statement (SEIS) for the proposed license renewal of Seabrook.

The NRC documented its assessment of Federally listed or proposed species in Sections 2.2.8 and 4.7 of the draft SEIS. This assessment includes the three whale species, three sea turtle species, and two fish species listed above. The NRC staff evaluated these eight Federally listed or proposed species by examining the known distributions and habitat ranges of those species, the potential ecological impacts of the operation of Seabrook on the species, and the studies and mitigation measures that Seabrook employs to protect the species. As described in the draft SEIS, Seabrook has ongoing ecological studies and monitoring systems in place to

evaluate the impact of the facility on Federally listed aquatic organisms and has not observed any takes of any Federally endangered or threatened species. In the draft SEIS, the staff concluded that continued operation of Seabrook during the license renewal term is **not likely to adversely affect** any Federally listed or proposed species under NMFS's jurisdiction.

With this letter, we are requesting NMFS's concurrence with our determination. In reaching our conclusion, the NRC staff relied on information provided by the applicant, on research performed by NRC staff, and on information from NMFS.

If you have any questions regarding the draft SEIS or the staff's request, please contact Mr. Michael Wentzel, Project Manager, at 301-415-6459 or by e-mail at michael.wentzel@nrc.gov, or the Project Aquatic Biologist, Ms. Michelle Moser at 301-415-6509 or by e-mail at michelle.moser@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew S. Imboden". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew S. Imboden, Chief
Environmental Review
and Guidance Update Branch
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-443

cc: Listserv

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Sincerely,

/RA/

Andrew S. Imboden, Chief
 Environmental Review
 and Guidance Update Branch
 Division of License Renewal
 Office of Nuclear Reactor Regulation

Docket No. 50-443

cc: Listserv

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Letter to P. Kurkul from A. Imboden dated December 29, 2011

**SUBJECT: REQUEST FOR CONCURRENCE ON THE EFFECTS OF THE PROPOSED
 SEABROOK STATION LICENSE RENEWAL ON THREATENED AND
 ENDANGERED SPECIES (TAC NO. ME3959)**

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