



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

December 11, 2012

Mr. Miles M. Croom
Southeast Assistant Regional Administrator
for Habitat Conservation
National Marine Fisheries Service
263 13th Avenue South
St. Petersburg, FL 33701

SUBJECT: REQUEST FOR ESSENTIAL FISH HABITAT CONSULTATION FOR THE
PROPOSED SOUTH TEXAS PROJECT, UNITS 1 AND 2, LICENSE RENEWAL

Dear Mr. Croom:

With this letter, and in accordance with the Magnuson–Stevens Fishery Conservation and Management Act, as amended (MSA), the U.S. Nuclear Regulatory Commission (NRC) is requesting your concurrence with NRC's determination that the license renewal of South Texas Project, Units 1 and 2 (South Texas), if approved, would not adversely affect essential fish habitat (EFH).

Project Summary

South Texas is located in Matagorda County, Texas, approximately 70 mi (110 km) south southwest of Houston. South Texas is a two-unit nuclear-powered steam electric generating facility that uses a cooling pond-based heat-dissipation system. The plant withdraws and discharges cooling water to a 7,000-acre cooling reservoir on the South Texas property. The plant intermittently withdraws and discharges makeup water from the lower Colorado River to raise the cooling reservoir's water level and maintain water quality within the reservoir. The Colorado River is hydrologically connected to Matagorda Bay and the Gulf of Mexico through the Gulf Intracoastal Waterway and associated diversion channel, though South Texas does not directly withdraw or discharge to any of these waterbodies.

Essential Fish Habitat

The NRC has documented its assessment of whether the proposed license renewal of South Texas has the potential to adversely affect EFH in Sections 2.2.8 and 4.7 of the enclosed draft Supplement 48 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (SEIS), regarding the license renewal of South Texas. In the SEIS, NRC identified eight species with designated EFH within Ecoregion 5 and which have the potential to occur in the vicinity of South Texas based on each species' life history requirements.

In the draft SEIS, the NRC staff concludes that continued operation of South Texas during the license renewal term would not adversely affect EFH. Per the MSA regulations at 50 CFR 600.920(e), Federal agencies are not required to prepare an EFH assessment for actions that the agency has determined would not adversely affect EFH. Thus, the NRC did not prepare a separate EFH Assessment for the proposed South Texas license renewal.

In 2010, the NRC prepared an EFH Assessment as part of the review of a previous Federal action: the issuance of a combined license for construction and operation of two new nuclear units at the South Texas site. This assessment is included in Appendix F of NUREG-1937, "Environmental Impact Statement for Combined Licenses (COLs) for South Texas Project Electric Generating Station, Units 3 and 4," which can be accessed online at: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1937/>. In that assessment, the NRC staff included the Colorado River, Matagorda Bay, and the Gulf of Mexico in the scope of its analysis because construction activities for the proposed new units would include barge traffic. The NRC concluded that the proposed new units would have minimal adverse effects on EFH. The National Marine Fisheries Service (NMFS) concurred with this determination in a letter dated April 20, 2010. Because the area that would be affected by the proposed license renewal is smaller than the affected area for the proposed new units and would not require any construction or changes to current operation, the enclosed SEIS concludes that the NRC's previous EFH Assessment for the proposed new units bounds the analysis for the current Federal action under consideration: the decision whether to renew the South Texas operating license for an additional 20 years. The NRC also concludes that there are no adverse impacts to any EFH species.

With this letter, we are requesting NMFS's concurrence with the NRC staff's conclusion that the proposed license renewal would not adversely affect EFH. In reaching our conclusions, the NRC staff relied on information provided by the applicant, on analysis performed by NRC staff, and on information from NMFS websites.

NEPA Comments on Draft SEIS

As is referenced above, the NRC is also performing a NEPA review for the proposed South Texas license renewal. The NRC prepared the enclosed draft SEIS in accordance with 10 CFR Part 51, the NRC's regulation that implements NEPA, and is now seeking comments on the document through February 22, 2012. During the draft SEIS comment period, the NRC staff plans to hold two public environmental meetings at the Bay City Civic Center, 201 Seventh Street, Bay City, Texas, 77414, on January 15, 2012, at 2:00 p.m. and 5:00 p.m. I invite you and your staff to both attend the public meetings and to submit comments on the draft SEIS. See the enclosed Federal Register notice or go to <http://www.Regulations.gov> and search for documents filed under Docket ID NRC-2010-0375 for additional information on the NEPA process and on how to submit draft SEIS comments.

Conclusion

If you have any questions regarding the staff's request, please contact Ms. Briana Balsam, Biologist, at 301-415-1042 or by e-mail at briana.balsam@nrc.gov.

M. Croom

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I have also forwarded a copy of this letter to Mr. Russell Swafford of your Gulf of Mexico Branch. Mr. Swafford was the NRC's point of contact for the previous EFH Consultation regarding the proposed new units at South Texas.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie Wong". The signature is fluid and cursive, with the first name "Melanie" written in a larger, more prominent script than the last name "Wong".

Melanie Wong, Chief
Environmental Review
and Guidance Update Branch
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

Enclosures:
Draft Supplement 48 to NUREG-1437 (ML12324A049)
Federal Register Notice (ML12339A265)

cc w/ enclosures: Listserv

M. Croom

- 3 -

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Sincerely,

/RA/

Melanie Wong, Chief
Environmental Review
and Guidance Update Branch
Division of License Renewal
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Docket Nos. 50-498 and 50-499

Enclosure:

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Federal Register Notice (ML12339A265)

cc w/ enclosures: Listserv

DISTRIBUTION:

See next page

ADAMS Accession Nos.: ML12285A275 (package), ML12324A049 (draft SEIS), ML12339A265 (FRN), ML12285A197 (letter)

*concurred via email

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OFFICIAL RECORD COPY

Letter to M. Croom from M. Wong December 12, 2012

SUBJECT: REQUEST FOR ESSENTIAL FISH HABITAT CONSULTATION FOR THE
PROPOSED SOUTH TEXAS PROJECT, UNITS 1 AND 2, LICENSE RENEWAL

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