



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

December 10, 2012

Dr. Roy Crabtree
Southeast Regional Administrator
National Marine Fisheries Service
263 13th Avenue South
St. Petersburg, FL 33701

SUBJECT: REQUEST FOR CONCURRENCE ON THE EFFECTS OF THE PROPOSED
SOUTH TEXAS PROJECT LICENSE RENEWAL ON THREATENED AND
ENDANGERED SPECIES

Dear Dr. Crabtree:

With this letter, and in accordance with the Endangered Species Act of 1973, as amended (ESA), the U.S. Nuclear Regulatory Commission (NRC) is requesting your concurrence with NRC's determination that the proposed license renewal of South Texas Project, Units 1 and 2 (South Texas), is not likely to adversely affect any Federally-listed or proposed species or critical habitat under the National Marine Fisheries Service's (NMFS's) jurisdiction.

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.

Section 7 Consultation

In accordance with section 7 of the ESA, the NRC requested that NMFS provide the NRC with a list of ESA-protected species and critical habitats that may be in the vicinity of South Texas and its associated transmission line corridors in a letter dated February 16, 2011. On March 3, 2011, Ms. Teletha Mincey responded to NRC's request by e-mail with a list of Federally-listed species and a link to more information on NMFS's website.

The NRC has documented its assessment of whether the proposed license renewal of South Texas has the potential to adversely affect Federally-listed or proposed species or critical habitats 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. The assessment includes 13 species under NMFS's jurisdiction, including the smalltooth sawfish (*Pristis pectinata*), the largetooth sawfish

(*Pristis pristis*), the West Indian manatee (*Trichechus manatus*), 5 species of whales, and 5 species of sea turtles.

In the draft SEIS, the NRC staff concluded that continued operation of South Texas during the license renewal term would have **no effect** on Federally-listed species, proposed species, and critical habitat under NMFS's jurisdiction. Per the ESA regulations at 50 CFR 402.06, the NRC considers the SEIS to constitute a biological assessment. Thus, the staff did not prepare a separate biological assessment as part of its National Environmental Policy Act (NEPA) review.

With this letter, we are requesting NMFS's concurrence with the staff's effect determinations under section 7 of the ESA. 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.

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

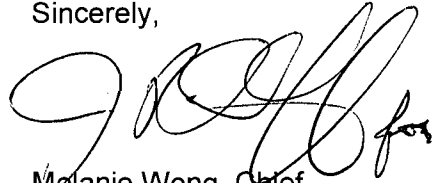
If you have any questions regarding the staff's request, please contact Ms. Briana Balsam, Biologist, at 301-415-1042 or by e-mail at briana.balsam@nrc.gov.

R. Crabtree

- 3 -

I have also forwarded a copy of this letter to Ms. Teletha Mincey of your office. Ms. Mincey responded to NRC's last letter regarding Federally-listed species and habitats at South Texas.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melanie Wong' with a stylized flourish at the end.

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

Enclosure:
As stated

cc w/encl: Listserv

R. Crabtree

- 3 -

I have also forwarded a copy of this letter to Ms. Teletha Mincey of your office. Ms. Mincey responded to NRC's last letter regarding Federally-listed species and habitats at South Texas.

Sincerely,

/RA/

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

Enclosure:
As stated

cc w/encl: Listserv

DISTRIBUTION:
See next page

ADAMS Accession Nos.:
ML12346A462 (package), ML12324A049 (draft SEIS), ML12339A265 (FRN), ML12286A010
(letter)

*Concurred via email

OFFICE	LA:DLR*	AB:RERB:DLR	PM:RPB2:DLR	BC:RERB:DLR
NAME	IKing	BBalsam	TTran (DWrona for)	MWong (JRikhoff for)
DATE	10/18/12	10/18/12	12/6/12	12/10/12

OFFICIAL RECORD COPY

Letter to R. Crabtree from M. Wong dated December 10, 2012

**SUBJECT: REQUEST FOR CONCURRENCE ON THE EFFECTS OF THE PROPOSED
SOUTH TEXAS PROJECT LICENSE RENEWAL ON THREATENED AND
ENDANGERED SPECIES**

DISTRIBUTION:

E-MAIL:

PUBLIC

RidsNrrDir Resource

RidsNrrDirRpb2 Resource

RidsNrrDirRerb Resource

RidsNrrSouthTexas

BBalsam

TTram

MMoser

MWong

DWrona

Teletha.Mincey@noaa.gov