

**Craver, Patti**

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**From:** Cooper, Paula  
**Sent:** Wednesday, May 16, 2012 5:00 PM  
**To:** Logan, Dennis; Grange, Briana  
**Subject:** Columbia Letter  
**Attachments:** Columbia-NMFS-NPDES.docx

Briana & Dennis,

If you wouldn't mind reviewing the letter prior to my sending it to typing, I'd really appreciate it.

Thanks,

Paula Cooper

May XX, 2011

Mr. William W. Stelle, Jr.  
Regional Administrator  
National Marine Fisheries Service  
Northwest Regional Office  
1201 NE Lloyd Blvd., Suite 1100  
Portland, OR 97232-1274

SUBJECT: RESPONSE TO THE COLUMBIA GENERATING STATION – PENDING APPLICATION FOR NPDES PERMIT RENEWAL AND THE NPDES PERMIT REVIEW BY THE STATE OF WASHINGTON (TAC NO. ME3121; NMFS CONSULTATION NO. F/NWR/2011/05286)

Dear Mr. Stelle:

The U.S. Nuclear Regulatory Commission (NRC; the staff) was copied on two letters that were sent to both the U.S. Environmental Protection Agency (EPA) and the State of Washington Energy Facility Site Evaluation Control (EFSEC), dated May 7, 2012. These letters were generated as a result of ongoing section 7 consultation between National Marine Fisheries Service (NMFS) and the NRC regarding the license renewal of the Columbia Generating Station (CGS).

In a letter dated October 24, 2011, NMFS informed the NRC of their non-concurrence on the proposed action of license renewal. The non-concurrence was due to the cooling water intake being located downstream of known spawning areas and within the migration corridor of ESA-listed salmon and steelhead. NMFS expressed concern that since the design of the intake screening system is not consistent with NMFS' screen criteria that the potential exists for entrainment of juvenile salmon under the proposed action.

In response to NMFS concerns, NRC replied, by letter dated December 20, 2011, that the identification and implementation of best technology available for cooling water intake systems is under the authority of the EPA under the Federal Water Pollution Control Act of 1972, or commonly referred to as the Clean Water Act (CWA). EPA has since delegated its authority under the CWA to issue and oversee National Pollutant Discharge Elimination System (NPDES) permits to the State of Washington in 1973. Based on this information the NRC encouraged NMFS to collaborate with the EFSEC as the concerns and modifications regarding CGS's cooling water intake system would be most appropriately considered as part of the CGS NPDES permit renewal process.

On February 10, 2012 NMFS sent, via email, an additional information request regarding the license renewal of CGS. In this email, NMFS requested items such as, copies of impingement and or entrainment studies, intake design reports, water quality data, and water surface elevation data. The NRC provided this information on May 9, 2012, with the exception of the water quality data. The gathering of the water quality data is still pending and will be forwarded to NMFS once received.

W. Stelle

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The letters sent by NMFS, on May 7, 2012, to EPA and EFSEC request coordination between the agencies in regards to the Clean Water Act and the Endangered Species Act for the CGS NPDES review. Although the intake structure design was the only objection cited by NMFS in the letter of non-concurrence, the NRC considers the informal consultation to be ongoing. Furthermore, the NRC issuance of the license, currently proposed on May 22, 2012, does not finalize the consultation with NMFS. NRC will continue to consult with NMFS as required.

If you have any questions regarding this letter or the proposed CGS license renewal, please contact Paula Cooper, environmental project manager, or Dennis Logan, aquatic biologist. Ms. Cooper can be reached at 301-415-2323 or by e-mail at [Paula.Cooper@nrc.gov](mailto:Paula.Cooper@nrc.gov). Mr. Logan can be reached at 301-415-0490 or by e-mail at [Dennis.Logan@nrc.gov](mailto:Dennis.Logan@nrc.gov).

Sincerely,

Jeremy Susco, Chief  
Environmental Guidance and Review Branch  
Division of License Renewal  
Office of Nuclear Reactor Regulation

Docket No. 50-397

Enclosure:  
As stated

cc w/encl: Listserv

The letters sent by NMFS, on May 7, 2012, to EPA and EFSEC request coordination between the agencies in regards to the Clean Water Act and the Endangered Species Act for the CGS NPDES review. Although the intake structure design was the only objection cited by NMFS in the letter of non-concurrence, the NRC considers the informal consultation to be ongoing. Furthermore, the NRC issuance of the license, currently proposed on May 22, 2012, does not finalize the consultation with NMFS. NRC will continue to consult with NMFS as required.

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Sincerely,

Jeremy Susco, Chief  
Environmental Guidance and Review Branch  
Division of License Renewal  
Office of Nuclear Reactor Regulation

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[rebekah.krieg@pnsl.gov](mailto:rebekah.krieg@pnsl.gov)

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