

## Baum, Richard

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**From:** Cochnar, John <[john\\_cochnar@fws.gov](mailto:john_cochnar@fws.gov)>  
**Sent:** Thursday, August 18, 2016 4:28 PM  
**To:** Baum, Richard  
**Cc:** Michelle Koch  
**Subject:** [External\_Sender] Section 7 of ESA Concurrence for Cooper Nuclear Station in Nebraska  
**Attachments:** FWS NE 2016-238(NRC Cooper Nuclear).pdf

Hi Richard,

The US Fish and Wildlife Service has reviewed the Nuclear Regulatory Commission's proposed decommissioning plan for Cooper Nuclear Power Plant in Nebraska. We concur with NRC's not likely to adversely affect federally listed species or designated critical habitat with the proposed plan and it has been stamped and signed as such. Please see attached.

**Further, all federally listed species under ESA are also State-listed under the Nebraska Nongame and Endangered Species Conservation Act. However, there are also State-listed species that are not federally listed. To determine if the proposed project may affect State-listed species, the Service recommends that the project proponent contact Michelle Koch ([michelle.koch@nebraska.gov](mailto:michelle.koch@nebraska.gov)), Nebraska Game and Parks Commission, 2200 N. 33<sup>rd</sup> Street, Lincoln, NE 68503-0370.**

If you have any questions, please contact me.

Thanks!

John

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"If you pick up a starving dog



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

July 15, 2016

Mr. Seth Willey  
Acting Chief, Endangered Species  
U.S. Fish and Wildlife Service  
134 Union Boulevard, Suite 650  
Lakewood, CO 80228

<b>U.S. FISH AND WILDLIFE SERVICE</b>	
<input type="checkbox"/> NO CONCERNS	
<input checked="" type="checkbox"/> CONCUR NOT LIKELY TO ADVERSELY AFFECT	
<input type="checkbox"/> NO COMMENT	
<i>Eliza Hines</i>	8-10-2016
<b>ELIZA HINES</b>	<b>DATE</b>
<b>NEBRASKA FIELD SUPERVISOR</b>	

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION PRELIMINARY  
DETERMINATION OF NO EFFECTS REGARDING THE COOPER NUCLEAR  
STATION INDEPENDENT SPENT FUEL STORAGE INSTALLATION  
DECOMMISSIONING FUNDING PLAN

Dear Mr. Willey:

By letters dated December 17, 2012, and December 17, 2015, Nebraska Public Power District (NPPD) submitted decommissioning funding plans (DFP) for the Cooper Nuclear Station Independent Spent Fuel Storage Installation (ISFSI) for the U.S. Nuclear Regulatory Commission's (NRC) review and approval. The ISFSI is part of the Cooper Nuclear Station nuclear power plant facility located in Nebraska. Pursuant to Title 50 of the *Code of Federal Regulations* (CFR) 402.13, the NRC seeks to initiate informal consultation with the U.S. Fish and Wildlife Service to determine whether the NRC's review and approval of the DFP requires formal consultation under Section 7 of the Endangered Species Act of 1973, as amended.

The NRC regulations at 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater than Class C Waste," govern the storage of spent nuclear fuel (spent fuel) generated at commercial nuclear power reactors licensed by the NRC. Spent fuel that has been removed from the reactor's spent fuel pool is typically stored at a nuclear power plant's ISFSI.

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule amending its decommissioning planning regulations (76 *Federal Register* (FR) 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSI. This regulation now requires each holder of, or applicant for, a license under 10 CFR Part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance, *i.e.*, that funds will be available to decommission the ISFSI. The NRC staff is reviewing the information submitted by NPPD. Specifically, the NRC must determine whether NPPD DFP contains the information required by 10 CFR 72.30(b) and 10 CFR 72.30(c) Tri-Annual Update and whether NPPD has provided reasonable assurance that funds will be available to decommission the ISFSI. The NPPD ISFSI DFP is publicly available in the NRC's Agencywide Documents Access and Management System (ADAMS) accessible at <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS accession number for the application package is ML12354A216 for the 2012 submission and ML16014A382 for the 2015 submission.