



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

February 27, 2014

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ENERGY FACILITY SITE
EVALUATION COUNCIL

Energy Facility Site Evaluation Council
Attention: Jim La Spina
P.O. Box 43172
Olympia, WA 98504-3172

SUBJECT: COLUMBIA GENERATING STATION - COMMENTS FOR NPDES PERMIT
RENEWAL (TAC NO. MF3501)

Dear Mr. La Spina:

On behalf of the Energy Facility Site Evaluation Council (EFSEC) of the State of Washington, by letter dated February 3, 2014 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14043A533), you requested comments from the U.S. Nuclear Regulatory Commission (NRC) staff on the EFSEC Manager's tentative determination to reissue National Pollutant Discharge System (NPDES) Permit No. WA-002515-1 to Energy Northwest for the Columbia Generating Station (CGS). Specifically, you requested the NRC staff's comments regarding (1) the status of NRC's Endangered Species Act consultation with the National Marine Fisheries Service (NMFS), and (2) NRC's determination regarding the compliance of the [CGS] cooling water intake structure with applicable laws and regulations.

The NRC staff responded to the NMFS's request for formal consultation under section 7(a)(2) of the Endangered Species Act of 1973, as amended, by letter dated December 20, 2011 (ADAMS Accession No. ML11335A127). In its letter, the NRC staff provided a technical discussion regarding three concerns raised by NMFS: (1) the potential for CGS to entrain juvenile salmonids; (2) NMFS's intake screen criteria contained in *Anadromous Salmonid Passage Facility Design*, and (3) the NRC's authority related to CGS's cooling water intake system design and any modifications thereto. In its discussion, the staff stated, in part,

If the NMFS has any contradictory information that would indicate that the CGS cooling system is entraining or has the potential to entrain protected juvenile salmonids, NRC would welcome that information for its staff's consideration. Absent of any such additional information, the NRC believes that, consistent with 50 CFR 402.12(k), the staff's conclusion of "may affect, but is not likely to adversely affect" for both the Upper Columbia River spring Chinook salmon and the Upper Columbia River steelhead in NRC's biological assessment [see NRC letter to NMFS dated August 23, 2011 (ADAMS Accession No. ML11165A023), and its enclosed biological assessment (ADAMS Accession No. ML11227A007)] does not warrant initiation of formal section 7 consultation.

Currently, NRC's regulations for license renewal environmental reviews..., establish the primacy of EPA [the U.S. Environmental Protection Agency] or states (when applicable) in water quality regulations as they relate to impacts on aquatic species.

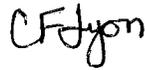
Thus, not only does NRC *not* regulate intakes and discharges at nuclear power plants (including CGS), but NRC defers the assessment of impacts from heat shock, impingement, and entrainment to the responsible agencies. Only in the absence of such determinations does NRC require an applicant to directly assess impacts.

In conclusion, absent any new and significant information from NMFS indicating that CGS is entraining either Upper Columbia River spring Chinook juveniles or Upper Columbia River steelhead juveniles, the NRC staff has determined that formal section 7 consultation is not warranted at this time.

The NRC staff is not aware of any new and significant information indicating that CGS is entraining either Upper Columbia River spring Chinook juveniles or Upper Columbia River steelhead juveniles.

Energy Northwest is currently operating CGS, including the cooling water intake structure, in compliance with all of the NRC's rules and regulations. If you have any questions regarding this matter, I may be reached at (301) 415-2296 or via e-mail at fred.lyon@nrc.gov.

Sincerely,



Carl F. Lyon, Project Manager
Plant Licensing Branch IV-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-397

cc: Distribution via Listserv