



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

May 11, 2004

70-143

Mr. Kevin Ramsey
Project Manager
U.S. Nuclear Regulatory Commission
Fuel Cycle Licensing Branch
Division of Fuel Cycle Safety and Safeguards
Washington, D.C. 20555-0001

Re: FWS #04-1213

Dear Mr. Ramsey:

Thank you for your e-mail, dated April 27, 2004, regarding the draft Environmental Assessment (EA) for the proposed Nuclear Regulatory Commission (NRC) license amendment for the Nuclear Fuel Services, Inc., facility in Unicoi County, Tennessee. This is the third and final license amendment for the facility. U.S. Fish and Wildlife Service (Service) personnel have reviewed the draft EA and associated documentation for this action. Please consider the following comments.

The draft EA and associated documentation are adequate and support the conclusion of "not likely to adversely affect" the Federally endangered Appalachian elktoe (*Alasmidonta raveneliana*) and the Federally threatened small whorled pogonia (*Isotria medeoloides*) and Virginia spiraea (*Spiraea virginiana*), with which we concur. In view of this, we believe that you have fulfilled the requirements of Section 7 of the Endangered Species Act. Obligations under Section 7 must be reconsidered, however, if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

These comments are provided in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended: 16 U.S.C. 1531 et seq.). If you have any questions, please contact Steve Alexander of my staff at 931/528-6481, ext. 210, or via e-mail at steven_alexander@fws.gov.

Sincerely,

Lee A. Barclay, Ph.D.
Field Supervisor

NM5501