



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

February 3, 2017

Mr. Adam Zerrenner, Field Supervisor
Austin Ecological Services Field Office
U.S. Fish and Wildlife Service
10711 Burnet Rd., Suite 200
Austin, TX 78758

SUBJECT: INFORMATION REQUEST FOR THE U.S. NUCLEAR REGULATORY COMMISSION'S DETERMINATION CONCERNING FEDERALLY-LISTED SPECIES AND THEIR CRITICAL HABITAT FOR THE WASTE CONTROL SPECIALISTS PROPOSED CONSOLIDATED INTERIM STORAGE FACILITY FOR SPENT NUCLEAR FUEL, ANDREWS COUNTY, TEXAS (DOCKET NUMBER 72-1050)

Dear Mr. Zerrenner:

On April 28, 2016, Waste Control Specialists LLC (WCS) submitted a license application to the U.S. Nuclear Regulatory Commission (NRC) to construct and operate a consolidated interim storage facility (CISF) for spent nuclear fuel in Andrews County, Texas. WCS requests a license from NRC to store up to 5,000 metric tons uranium (MTUs) in the CISF for a period of 40 years and proposes eventually to store up to 40,000 MTUs in the CISF over that period of time. The NRC accepted WCS's license application for detailed technical review on January 27, 2017. Maps showing the proposed CISF location is enclosed.

The NRC is preparing an environmental impact statement (EIS) to document its environmental review of the WCS application. This EIS will be prepared in accordance with the regulatory provisions in Title 10 of the *Code of Federal Regulations* Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Function". These regulations implement the requirements of the National Environmental Policy Act of 1969, as amended. The EIS will contain an analysis of pertinent environmental matters including those involving endangered or threatened species and impacts to fish and wildlife. This letter is being submitted to initiate consultation under the provisions of the Endangered Species Act of 1973, as amended and the Fish and Wildlife Coordination Act of 1934, as amended.

To support the environmental review, the NRC is requesting information from the U.S. Fish and Wildlife Service to facilitate the identification of endangered or threatened species or critical habitat that may potentially be affected by the proposed CISF. The NRC has reviewed WCS' supporting environmental report and also accessed the current list of threatened, endangered, and candidate species that may occur within Andrews County, Texas and Lea County, New Mexico, accessible from the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) website, at <https://ecos.fws.gov/ipac/>.

Based on its review of that information, the NRC staff has determined that the following federally-listed species and critical habitat may occur in Andrews County and Lea County:

- Least tern (*Sterna antillarum*)
- Northern aplomado falcon (*Falco femoralis septentrionalis*)
- Piping Plover (*Charadrius melodus*)
- Red Knot (*Calidris canutus rufa*)

As noted in the referenced USFWS IPaC report, the northern aplomado falcon is the only species that should be considered for the proposed action because the proposed action is not a wind energy project. The NRC staff asks the USFWS to verify the accuracy of the species list provided in the USFWS IPaC report. Any additional information USFWS provides would be used to enhance the scope and quality of the NRC staff's environmental review.

Additionally, on November 29, 2016, the USFWS issued a press release stating that it had completed an initial review of an Endangered Species Act petition to list the lesser prairie-chicken as endangered and that the species therefore will undergo a thorough status review. Given the presence of the lesser prairie-chicken and its sand shinnery oak prairie habitat in the vicinity of the proposed CISF site, the NRC staff requests the USFWS' views concerning the possible listing of the species as it relates to NRC's determination of potential adverse affects.

If you have any questions concerning this matter, please contact James Park of my staff at (301) 415-6954 or via email at James.Park@nrc.gov.

Sincerely,

/RA/

Cinthya Román, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-1050

cc: Christina Williams, Austin Ecological
Services Field Office, USFWS

Enclosure:
Map of Proposed CISF Location

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