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December 18, 2017  
GO2-17-137

10 CFR 50.90

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Subject: **COLUMBIA GENERATING STATION, DOCKET NO. 50-397  
LICENSE AMENDMENT REQUEST TO UPDATE APPENDIX B TO THE  
RENEWED FACILITY OPERATING LICENSE TO INCORPORATE 2017  
BIOLOGICAL OPINION**

Reference: Letter dated March 23, 2017, J.J. Rikhoff (NRC) to M.E. Reddemann  
(Energy Northwest), "Transmittal of the National Marine Fisheries  
Service's March 10, 2017, Final Biological Opinion for Columbia  
Generating Station"

Dear Sir or Madam:

In accordance with the provisions of 10 CFR 50.90, "Application of License or  
Construction Permit," Energy Northwest hereby requests an amendment to the  
Renewed Facility Operating License for Columbia Generating Station (Columbia).

The proposed change revises the Environmental Protection Plan (EPP) Section 4.2 to  
incorporate the terms and conditions (T&Cs) of the Incidental Take Statement included  
in the Biological Opinion (referenced above) issued to Energy Northwest by the National  
Marine Fisheries Service (NMFS) on March 10, 2017. Additionally, the proposed  
language in the EPP will clarify that Energy Northwest must adhere to the "currently  
applicable" Biological Opinion in order to preclude the need for a license amendment  
request in the event NMFS issues a new or revised Biological Opinion in the future.

Enclosure 1 of this submittal provides a description of the change and a determination  
that this change involves no significant hazards consideration. The bases for these  
determinations are included in Enclosure 1 of this submittal. Enclosure 2 provides a  
marked up copy of Columbia's EPP. Clean pages of the proposed EPP change are  
included as Enclosure 3 of this submittal.

No regulatory commitments are contained in this submittal. However, the Biological Opinion includes the Incidental Take Statement and T&Cs that NMFS has determined to be necessary or appropriate to minimize the amount or extent of incidental take. NRC approval of the license amendment request obligates Energy Northwest to comply with the Incidental Take Statement and T&Cs.

In accordance with 10 CFR 50.91, Energy Northwest is notifying the State of Washington of this amendment request by transmitting a copy of this letter and enclosures to the designated State Official.

Approval of the proposed amendment is requested within one year of the date of the submittal. Once approved, the amendment shall be implemented within 60 days.

If there are any questions or if additional information is needed, please contact Ms. L. L. Williams, Licensing Supervisor, at 509-377-8148.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18<sup>TH</sup> day of DECEMBER, 2017.

Respectfully,



WG Hettel  
Vice President, Operations

Enclosures: As stated

cc: NRC RIV Regional Administrator  
NRC NRR Project Manager  
NRC Senior Resident Inspector/988C  
CD Sonoda – BPA/1399 (email)  
EFSECutc.wa.gov – EFSEC (email)  
RR Cowley – WDOH (email)  
WA Horin – Winston & Strawn

## **EVALUATION OF PROPOSED CHANGE**

### **1.0 SUMMARY DESCRIPTION**

On March 10, 2017, the National Marine Fisheries Service (NMFS) issued the 2017 Biological Opinion (Opinion) (Reference 1) to the Nuclear Regulatory Commission (NRC) related to Columbia Generating Station (Columbia). The Opinion was the result of formal consultation between the NRC and NMFS under Section 7 of the Endangered Species Act of 1973, as amended (ESA).

The Opinion concluded that Columbia's continued operation through the duration of the renewed facility operating license period is not likely to jeopardize the continued existence of Upper Columbia River (UCR) spring-run Chinook salmon or UCR steelhead or destroy or adversely modify either species' designated critical habitat. However, the Opinion provided an Incidental Take Statement related to Columbia's operation. "Incidental take" is defined by regulation as takings that result from, but are not the purpose of, carrying out an otherwise lawful activity conducted by the Federal agency or applicant (50 CFR 402.02). ESA Section 7(b)(4) and section 7(o)(2) provide that taking that is incidental to an otherwise lawful agency action is not considered to be "prohibited taking" under the ESA if that action is performed in compliance with the terms and conditions (T&Cs) of the Incidental Take Statement. The Opinion also includes associated T&Cs that NMFS has determined to be necessary or appropriate to minimize the amount or extent of incidental take. The T&Cs are non-discretionary and compliance with the T&Cs must be a requirement of Columbia's renewed license.

Therefore Appendix B, Environmental Protection Plan (EPP), of Columbia's renewed facility operating license requires an amendment. Section 4.2 of Columbia's EPP currently requires Energy Northwest to perform Environmental Monitoring on soil and vegetation for cooling tower drift. Energy Northwest proposes the addition of a section to the EPP that requires Columbia's adherence to the specific requirements within the Incidental Take Statement associated with the Opinion. The addition allows Energy Northwest to take advantage of the protective coverage of ESA Section 7(o)(2) afforded by compliance with the Incidental Take Statement conditions. Energy Northwest wishes to exclude the date designation of the Opinion referenced in the EPP and instead to refer to the "currently applicable" Opinion to preclude the need for a new license amendment request in the event NMFS issues a new or revised Opinion in the future.

The specific requirements and Incidental Take Statement limits are specified in plant procedures and/or managed per routine change management tasks (i.e., licensee planned actions).

## **2. DETAILED DESCRIPTION OF THE PROPOSED CHANGE**

The proposed amendment revises Columbia's EPP Section 4.2, with the addition of Section 4.2.2 Aquatic Issues which is reproduced below in its entirety.

### **Section 4.2.2 Aquatic Issues**

In accordance with Section 7(a) of the Endangered Species Act, National Marine Fisheries Service (NMFS) issued a Biological Opinion that prescribes an Incidental Take Statement and mandatory terms and conditions.

Energy Northwest shall adhere to the specific requirements within the Incidental Take Statement in the currently applicable Biological Opinion. Changes to the Incidental Take Statement or the terms and conditions must be preceded by consultation between the NRC, as the authorizing agency, and NMFS.

## **3. TECHNICAL EVALUATION**

Energy Northwest's proposed change to Section 4.2, Environmental Monitoring of its EPP is more restrictive than the existing language and institutes the NMFS Biological Opinion related to Columbia. The NRC relies on NMFS guidance issued under ESA Section 7 for any issues related to endangered aquatic species. As stated above, the Opinion was issued after formal consultation between the NRC and NMFS.

The proposed change is exclusive to biological opinions issued by NMFS, therefore the general language related to "the currently applicable" Opinion applies only to NMFS and any opinions it may issue in the future related to Columbia.

## **4. REGULATORY EVALUATION**

### **4.1 APPLICABLE REGULATORY REQUIREMENTS**

The regulatory basis for the establishment of the EPP is contained in 10 CFR 50.36b, "Environmental conditions." This section provides that a license may include conditions to protect the environment during operation and decommissioning. Such conditions will be derived from information contained in the environmental report.

### **4.2 PRECEDENT**

In Reference 2, the NRC has approved a similar license amendment to provide generic reference to the currently applicable Biological Opinion in the EPP.

### **4.3 SIGNIFICANT HAZARDS CONSIDERATION**

Energy Northwest requests an amendment to Renewed Facility Operating License No NPF-21, Appendix B, Environmental Protection Plan, for Columbia Generating Station.

Energy Northwest has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of amendment," as discussed below.

- 1) Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The changes are administrative in nature and would in no way affect the initial conditions, assumptions, or conclusions of Columbia's accident analyses. In addition, the proposed changes would not affect the operation or performance of any equipment assumed in the accident analyses.

Therefore there is no significant increase in the probability or consequences of an accident previously evaluated.

- 2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously analyzed?

Response: No.

The changes are administrative in nature and would in no way impact or alter the configuration or operation of the facility and would create no new modes of operation.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

- 3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The changes are administrative in nature and would in no way affect plant or equipment operation or the accident analysis.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

Based on the above, Energy Northwest concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of “no significant hazards consideration” is justified.

#### **4.4 CONCLUSIONS**

Based on the considerations discussed above: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the applicable regulations as identified herein, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

#### **5.0 ENVIRONMENTAL CONSIDERATION**

There are no environmental protection requirements established by other Federal, State, or local agencies that are being reduced by this license amendment request. The criteria set out in 10 CFR 51.22(c)(10) provides for identification of licensing and regulatory actions eligible for categorical exclusion from performing an environmental assessment. Issuance of an amendment to a permit or license pursuant to Part 50 is eligible for categorical exclusion if (i) it changes surety, insurance, and/or indemnity requirements, or (ii) it changes recordkeeping, reporting, or administrative procedures or requirements . . . .

The proposed license amendment revises Columbia’s Renewed Facility Operating License to implement the requirements in the currently applicable NMFS Biological Opinion. The proposed license amendment changes administrative requirements and therefore, meets the criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Energy Northwest has determined, pursuant to 10 CFR 51.22(b), that an environmental impact statement or environmental assessment need not be prepared in connection with issuance of this amendment.

#### **6.0 REFERENCES**

1. Letter from J.J. Rikhoff (NRC) to M.E. Reddemann (Energy Northwest), “Transmittal of the National Marine Fisheries Service’s March 10, 2017, Final Biological Opinion for Columbia Generating Station”, dated March 23, 2017, (ADAMS Accession Number ML17072A270).
2. Letter from P.H. Buckberg (NRC) to M. Nazar (FPL), “St. Lucie Plant, Unit Nos. 1 and 2 - Issuance of Amendments to Update Appendix B to the Renewed Facility Operating Licenses to Incorporate the 2016 Biological Opinion (CAC Nos. MF7661 and MF7662)”, dated December 5, 2016, (ADAMS Accession Number ML16251A128).

**GO2-17-137**  
**Enclosure 2**

**Enclosure 2**

**Proposed Columbia Appendix B**  
**Environmental Protection Plan Changes (Mark-Up)**

## 4.0 Environmental Conditions

### 4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. The following are examples: excessive bird impaction events, onsite plant or animal disease outbreaks, mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973, fish kills, increase in nuisance organisms or conditions, and a significant, unanticipated or emergency discharge of waste water or chemical substances.

No routine monitoring programs are required to implement this condition.

### 4.2 Environmental Monitoring

#### 4.2.1 Cooling Tower Drift Study

A terrestrial monitoring program shall be conducted to verify the level of effect from cooling tower drift. Soil and vegetation samples will be collected at locations subject to drift deposition and at control stations and analyzed for relevant chemical and physical parameters. Samples will be collected once per year during the seasonal peak of plant growth commencing no later than 18 months after issuance of a full power (100%) license. This program shall be terminated when data from three growing seasons after commencement of full power operation have been collected, provided the data support hypotheses of no adverse effects. Results and interpretation shall be included as part of the Annual Environmental Operating Report (Subsection 5.4.1).

#### 4.2.2 Aquatic Issues

In accordance with Section 7(a) of the Endangered Species Act, National Marine Fisheries Service (NMFS) issued a Biological Opinion that prescribes an Incidental Take Statement and mandatory terms and conditions.

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**Enclosure 3**

**Enclosure 3**

**Proposed Columbia Appendix B**  
**Environmental Protection Plan Change (Re-typed)**

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