



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

JUN - 3 2005

Pas-Tsin Kuo, Program Director
License Renewal and Environmental Impacts Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: Oyster Creek Nuclear Generating Station, Formal Section 7 Consultation Initiation

Dear Mr. Kuo:

This correspondence acknowledges the receipt of your March 29, 2005 letter regarding the reinitiation of formal consultation pursuant to section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended, for continued operation of the Oyster Creek Nuclear Generating Station (OCNGS). Previous section 7 consultation was completed with the issuance of a biological opinion (Opinion) on July 18, 2001. The 2001 Opinion along with the revised incidental take statement (ITS) issued on August 29, 2001 authorized the annual take of five loggerhead, four Kemp's ridley, and two green sea turtles during the annual operation of OCNGS. During 2004, eight Kemp's ridley sea turtles occurred at OCNGS, exceeding the authorized ITS. Due to the number of Kemp's ridley sea turtle takes, the Nuclear Regulatory Commission (NRC) has requested reinitiation of formal consultation.

The Biological Assessment dated March 2005, enclosed with your letter, has provided information for this consultation. Upon review of the submitted information, it is NOAA's National Marine Fisheries Services' (NMFS) determination that all of the information required to initiate formal consultation has been received.

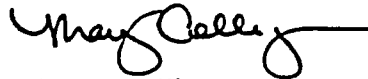
NMFS will prepare an Opinion analyzing whether or not the continued use of the OCNGS is likely to jeopardize listed sea turtles. Your March 29, 2005 letter was received by NMFS Northeast Region, Protected Resources Division on April 28, 2005, which will serve as the commencement date of the formal consultation process. The ESA and the section 7 regulations require that formal consultation be concluded within 90 calendar days of initiation, and the biological opinion be delivered to the action agency within 45 days after the conclusion of formal consultation. As such, we expect to provide you with our biological opinion no later than September 10, 2005. As a reminder, the NRC must not make any irreversible or irretrievable commitments of resources that would prevent NMFS from proposing or implementing any reasonable and prudent alternatives to avoid jeopardizing sea turtles.



Until the final biological opinion is completed and signed, NMFS recommends that the Nuclear Regulatory Commission continue to implement the requirements identified in the July 21, 2001 Opinion and the August 29, 2001 amended ITS.

If you have any questions concerning these comments or the section 7 consultation requirements, please contact Sara McNulty of my staff at (978) 281-9300 x6520.

Sincerely,



Mary Colligan
Assistant Regional Administrator
for Protected Resources

cc: Malcolm Browne, AmerGen
Collins, GCNE
Williams, GCNE
Riportella, F/NER-SH
Scida, F/NER
Nash, NRC

File code: NRC – Oyster Creek, reinitiation letter, 2005