

## **NRR-PMDAPEm Resource**

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**From:** Balsam, Briana  
**Sent:** Tuesday, May 03, 2011 10:21 AM  
**To:** julie.crocker@noaa.gov  
**Cc:** Logan, Dennis  
**Subject:** Letter from NRC requesting Sect 7 Conference at Salem  
**Attachments:** Letter to MColligan 5-2-11 Request for Sect 7 Conference.pdf

Hi Julie,

I believe you touched based with Dennis Logan earlier this week regarding Oyster Creek, but had also asked about Salem and when/if the NRC was going to request a conference to be part of the section 7 consultation. I wanted to let you know that NRC just put a letter in the mail yesterday from my supervisor (Andy Imboden) addressed to Mary Colligan requesting a formal section 7 conference for the Atlantic sturgeon at Salem. Since you will be preparing the biological opinion, I attached an electronic copy of the letter to this email so that you have an advance copy. Please let me or Dennis know if you have any questions. Thanks,

Briana

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Briana A. Balsam  
Biologist

Division of License Renewal  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission

301-415-1042  
[briana.balsam@nrc.gov](mailto:briana.balsam@nrc.gov)

**Hearing Identifier:** NRR\_PMDA  
**Email Number:** 20

**Mail Envelope Properties** (Briana.Balsam@nrc.gov20110503102000)

**Subject:** Letter from NRC requesting Sect 7 Conference at Salem  
**Sent Date:** 5/3/2011 10:20:38 AM  
**Received Date:** 5/3/2011 10:20:00 AM  
**From:** Balsam, Briana

**Created By:** Briana.Balsam@nrc.gov

**Recipients:**

"Logan, Dennis" <Dennis.Logan@nrc.gov>  
Tracking Status: None  
"julie.crocker@noaa.gov" <julie.crocker@noaa.gov>  
Tracking Status: None

**Post Office:**

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	953	5/3/2011 10:20:00 AM
Letter to MColligan 5-2-11 Request for Sect 7 Conference.pdf		156596

**Options**

**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**



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

May 2, 2011

Mary A. Colligan  
Assistant Regional Administrator for  
Protected Resources  
National Marine Fisheries Service  
Northeast Regional Office  
55 Great Republic Drive  
Gloucester, MA 01930-2276

SUBJECT: REQUEST FOR FORMAL CONFERENCE FOR THE ATLANTIC STURGEON  
AT THE SALEM NUCLEAR GENERATING STATION, UNITS 1 AND 2

Dear Ms. Colligan:

The U.S. Nuclear Regulatory Commission (NRC) is currently undergoing a formal section 7 consultation with your office for the proposed license renewal of Hope Creek Generating Station (HCGS) and Salem Nuclear Generating Station, Units 1 and 2 (Salem) operating licenses. The NRC prepared a biological assessment dated December 13, 2010, for the endangered shortnose sturgeon (*Acipenser brevirostrum*), the proposed Atlantic sturgeon (*A. oxyrinchus oxyrinchus*), and four sea turtles: the threatened loggerhead (*Carretta carretta*), the endangered Kemp's ridley (*Lepidochelys kempii*), the endangered green turtle (*Chelonia mydas*), and the endangered leatherback (*Dermochelys coriacea*).

At the time the biological assessment was submitted to your office, Salem had no record or knowledge of any Atlantic sturgeon impingements at the intake of the plant since the plant began operation in 1977. On April 14, 2011, PSEG Nuclear, LLC (PSEG) notified the NRC via e-mail that a dead Atlantic sturgeon had been found on the Salem intake structure trash bars on March 18, 2011.<sup>1</sup> PSEG does not normally keep records of Atlantic sturgeon impingements because Salem has no requirement to do so, but PSEG informed the NRC that they had reported the March 18 impingement to the National Marine Fisheries Service due to the ongoing section 7 consultation and the recent proposed rule to list the Atlantic Sturgeon under the Endangered Species Act of 1973 (ESA). During a phone call with Ms. Leslie Perkins, NRC Project Manager, on April 19, 2011, PSEG confirmed that the March 18, 2011, impingement is the only known impingement of Atlantic sturgeon since the species became a proposed species under the ESA in October 2010. Because of this event, the NRC staff requests a formal conference for the Atlantic sturgeon under section 7 of the ESA as part of the ongoing formal section 7 consultation for listed species.

NRC's previously submitted biological assessment provides an evaluation of the potential adverse effects of the proposed action on the Atlantic sturgeon. In the biological assessment, the NRC staff determined that license renewal for HCGS will have no effect on any listed species. For Salem, the NRC staff determined that license renewal may affect, but is not likely to adversely affect, the Atlantic sturgeon. Because HCGS has not impinged any Atlantic sturgeon and the NRC's biological assessment concludes that HCGS will have no effect on the

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<sup>1</sup> PSEG. Email from N. Ranek to L. Perkins. Subject: Atlantic Sturgeon Impinged at Salem Intake. April 14, 2011. ADAMS No. ML11105A126.

M. Colligan

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Atlantic sturgeon, the NRC staff requests that the formal conference for the Atlantic sturgeon only apply to Salem.

NRC staff has discussed the Atlantic sturgeon take at Salem with Ms. Julie Crocker of your staff via phone and e-mail, and she is aware that NRC is requesting a formal section 7 conference for the species. If you have any questions regarding this request or the staff's request, please contact Ms. Briana Balsam, Biologist, at 301-415-1042, or by e-mail at [briana.balsam@nrc.gov](mailto:briana.balsam@nrc.gov) or Dr. Dennis Logan, Aquatic Biologist, at 301-415-0490, or by e-mail at [dennis.logan@nrc.gov](mailto:dennis.logan@nrc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew S. Imboden". The signature is fluid and cursive, with the first name being the most prominent.

Andrew S. Imboden, Chief  
Environmental Review and Guidance Update Branch  
Division of License Renewal  
Office of Nuclear Reactor Regulation

Docket Nos. 50-272 and 50-311

cc: Listserv

M. Colligan

- 2 -

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Sincerely,

*/RA/*

Andrew S. Imboden, Chief  
Environmental Review and Guidance Update Branch  
Division of License Renewal  
Office of Nuclear Reactor Regulation

Docket Nos. 50-272 and 50-311

cc: Listserv

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See next page

ADAMS Accession No.: **ML111091091**

\*concurrence via e-mail

OFFICE	LA:DLR*	PM:RERB:DLR	PM:RPB1:DLR	BC:RERB:DLR
NAME	SFigueroa	BBalsam	LPerkins	Almboden
DATE	04/26/11	05/02/11	05/02/11	05/02/11

OFFICIAL RECORD COPY

Letter to M. Colligan from A. Imboden dated May 2, 2011.

**SUBJECT:     REQUEST FOR FORMAL CONFERENCE FOR THE ATLANTIC STURGEON  
              AT THE SALEM NUCLEAR GENERATING STATION, UNITS 1 AND 2**

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