



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

MAR 26 2012

Andrew S. Imboden, Chief  
Environmental Review and Guidance Update Branch  
Division of License Renewal, Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
MS T-11 F1  
Washington, DC 20555-0001

Re: Coordination with NOAA's National Marine Fisheries Service (NMFS) re. Pilgrim Nuclear Power Station

Dear Mr. Imboden,

On a March 22, 2012, conference call, staff from the Nuclear Regulatory Commission (NRC), NMFS' Protected Resources Division, and NOAA's Office of General Counsel, Northeast Section, discussed ongoing interagency coordination on the proposed relicensing of the Pilgrim Nuclear Power Station (Pilgrim) and specifically the status of coordination regarding potential effects of Pilgrim on species listed under NMFS' jurisdiction as threatened or endangered. This letter documents our understanding of the current status of our coordination.

In 2006, you prepared a Biological Assessment (BA) that concluded that the proposed continued operations of Pilgrim would have "no effect" to several species of listed whales and sea turtles. At that time, you requested NMFS concurrence with that determination. When my staff received the BA in December 2006, we began working on a response to NRC. Unfortunately, we did not complete it at that time and only realized that recently. We apologize for the delay and the confusion it has caused. Our improved consultation tracking procedures in place now will help ensure that it does not happen again. In February 2012, in response to the listing of five Distinct Population Segments (DPS) of Atlantic sturgeon, you prepared a supplemental BA. In this BA, you concluded that the continued operations of Pilgrim would have "no effect" on Atlantic sturgeon. You have requested our concurrence with that determination.

As discussed on the March 22 conference call, we are unable to concur with your "no effect" determination because listed species are present in the action area and may be exposed to effects of the operations of Pilgrim. In addition, on the call, we requested information on the effects to listed species' prey resources and effects of the thermal plume. In response, your staff provided references to appropriate sections of the Environmental Impact Statement. Based on our initial reviews of the available information, barring any unforeseen circumstances, we may be able to conclude that the continued operation of the Pilgrim facility may affect, but is not likely to adversely affect, any NMFS listed species. This is the appropriate conclusion of a Section 7



consultation when listed species or critical habitat are present in the action area, but effects of an action are wholly beneficial, insignificant or discountable. As explained in the joint U.S. Fish and Wildlife and NMFS Section 7 Handbook, “[i]nsignificant effects relate to the size of the impact and should never reach the scale where take occurs. Discountable effects are those extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur.” In the case of Pilgrim, the action area does not overlap with any NMFS-designated critical habitat. At this time, we anticipate providing you with our ESA determination by April 15, 2012.

Thank you for your ongoing cooperation in this matter. I look forward to continuing to work with NRC on ESA issues. Should you have any questions regarding this letter, please contact Kim Damon-Randall, Acting Assistant Regional Administrator for Protected Resources, at (978) 282-8485.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. S. Morris', with a long horizontal line extending to the right.

Daniel S. Morris

Acting Regional Administrator

EC: Crocker, Damon-Randall – F/NER3  
Chiarella, F/NER4  
Williams – GCNE  
Balsam, Logan – NRC