

**From:** Balsam, Briana  
**To:** Subin, Lloyd; Smith, Maxwell  
**Cc:** Susco, Jeremy; Logan, Dennis  
**Subject:** Section 7 memo  
**Date:** Thursday, May 17, 2012 5:09:00 PM  
**Attachments:** Memo from J Susco to Briana and Melanie Regarding ESA Consultations.docx

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Lloyd and Max,

I have attached the Section 7 memo that Dennis, Jeremy, and I put together. We would like to get this finalized early tomorrow, so if you can take a quick look over it and concur/send changes via email, that would be great.

Max—right now, we are planning to do this memo to cover license renewal generically rather than issuing the Pilgrim-specific memo you looked at before so that it applies to Columbia, Pilgrim, and all future license renewals. I can talk to you tomorrow morning more about it since I haven't had a chance to updated you yet.

Thanks,

Briana

B/75

MEMORANDUM TO: Brian E. Holian, Director  
Division of License Renewal  
Office of Nuclear Reactor Regulation

Melanie A. Galloway, Deputy Director  
Division of License Renewal  
Office of Nuclear Reactor Regulation

FROM: Jeremy J. Susco, Acting Chief  
Environmental Review and  
Guidance Update Branch  
Division of License Renewal  
Office of Nuclear Reactor Regulation

SUBJECT: SECTION 7 CONSULTATIONS THAT EXTEND BEYOND THE  
NRC'S ISSUANCE OF A RENEWED OPERATING LICENSE

During the NRC staff's review of a license renewal application, the NRC coordinates with the U.S. Fish and Wildlife (FWS) and the National Marine Fisheries Service (NMFS) (collectively, the Services) to determine if any species and habitats protected under the Endangered Species Act of 1973, as amended (ESA), could potentially be affected by the license renewal. Together, the NRC and the Services determine whether consultation under section 7 of the ESA is appropriate. In several instances, section 7 consultation initiated during the review of a particular license renewal application has extended beyond the date that the NRC issued a renewed operating license for that facility.<sup>1</sup> In each of these cases, the NRC's issuance of a renewed license has not affected the staff's participation in the section 7 consultation process or the ability of the Services to make effect determinations and conclude consultation. Thus, the staff does not anticipate that issuing a renewed license in the future would affect any ongoing

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<sup>1</sup> To date, section 7 consultation has extended beyond the renewed license issuance date for Wolf Creek Generating Station, Unit 1; James A. Fitzpatrick Nuclear Power Plant; Salem Generating Station, Units 1 and 2; and Hope Creek Generating Station, Unit 1.

section 7 consultations. If, as a result of consultation, the Services suggest modifications to the NRC-licensed facility or other mitigation measures that the NRC and the applicable licensee could implement to avoid adverse effects to listed species, issuing a renewed operating license would not affect the NRC's authority to implement such modifications or mitigation measures.

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