

Craver, Patti

From: Logan, Dennis
Sent: Thursday, June 21, 2012 8:00 AM
To: Balsam, Briana; Susco, Jeremy; Subin, Lloyd
Subject: RE: Columbia: 6/11/12 letter from NMFS

The "discretion" sentence may be OK, as discretion also means the following:

the power of a judge, public official or a private party (under authority given by contract, trust or will) to make decisions on various matters based on his/her opinion within general legal guidelines

From: Balsam, Briana
Sent: Wednesday, June 20, 2012 4:53 PM
To: Logan, Dennis; Susco, Jeremy; Subin, Lloyd
Subject: Columbia: 6/11/12 letter from NMFS

All,

We just received the attached letter ([ML12172A377](#)) from NMFS regarding the ongoing Columbia section 7 consultation today. In summary, the letter:

- States that NMFS does not agree with our "not likely to adversely affect" determination and that NMFS believes formal consultation (and a biological opinion) is required.
- Requests that NRC provide the basis for its conclusion that license renewal does not constitute an irreversible or irretrievable commitment of resources that has the effect of foreclosing mitigation options per section 7(d) of the ESA (this is basically what we documented in this Internal memo: [ML12139A115](#))
- Makes an additional request for which we will probably need to have a call on because the sentence makes no sense—" NMFS will need to understand the nature and scope of NRC's continuing discretion regarding the configuration and operation of the Columbia Generating Station."

As a side note, the letter doesn't address our last formal correspondence ([ML11335A127](#)) with them at all. We had previously asked them to either agree to informal consultation or justify (with new information on Chinook or steelhead juvenile entrainment) their reasoning for requesting formal consultation, but this letter doesn't even reference our last letter to them.

Dennis is the lead for this consultation, but I just wanted to get this summary out so that Jeremy can pass on the main points to management.

Briana