

JUN 25 2019



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

Ken T. Erwin, Branch Chief
Environmental Review and NEPA Branch
U.S. Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Division of Materials and License Renewal
M.S. O11H11
Washington, D.C. 20555

Re: Reinitiation of Formal Consultation for Oyster Creek Nuclear Generating Station

Dear Mr. Erwin,

This is in response to your April 30, 2019, request for reinitiation of formal consultation pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended, regarding the Oyster Creek Nuclear Generating Station (OCGNS). Additional information was provided by your staff on June 11, 2019.

On November 21, 2011, we issued a biological opinion considering the effects of the continued operation of Oyster Creek under the terms of Renewed Facility Operating License No. DPR-16, issued by the NRC to Exelon Generation Company, LLC. Reinitiation of consultation is required where discretionary federal involvement or control over the action has been retained or is authorized by law, and if: "(a) If the amount or extent of taking specified in the incidental take statement is exceeded; (b) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (c) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or (d) If a new species is listed or critical habitat designated that may be affected by the identified action."

NRC has requested reinitiation because the amount of take of loggerhead sea turtles exempted by the Incidental Take Statement included with the 2011 Opinion has been exceeded. Additionally, Exelon has permanently ceased power generation at Oyster Creek. The shutdown and decommissioning of the facility will cause different effects to listed species than those considered in the 2011 Opinion. Therefore, reinitiation of consultation is appropriate.

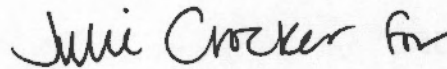
All information necessary to initiate consultation was received on June 11, 2019; therefore, that is the date of initiation of the new consultation. The ESA and the section 7 regulations (50 CFR§402.14) require that we conclude formal consultation within 90 calendar days of initiation, and that we deliver the Opinion to the action agency within 45 days after that, unless extended. Therefore, we intend to complete consultation with issuance of a Biological Opinion by October 24, 2019. We understand your interest in receiving the Opinion on an expedited timeline and will work to deliver the Opinion to you as quickly as we can. During the consultation period, pursuant to Section 7(d) of the ESA, you must not make any irreversible or irretrievable commitment of



resources that would foreclose the formulation or implementation of any reasonable and prudent alternatives to avoid jeopardizing endangered or threatened species.

I look forward to continuing to work with you and your staff during the consultation process. If you have any questions or concerns about this letter or about the consultation process in general, please contact Julie Crocker at (978) 282-8480 or by e-mail (Julie.Crocker@noaa.gov).

Sincerely,



Michael Asaro, Ph.D.
Acting Assistant Regional Administrator
for Protected Resources

EC: Crocker, F/GAR3
Williams, GCNE
Grange, NRC

File Code: BiOp NRC Oyster Creek Shutdown and Decommissioning (2019 reinitiation)

GARFO-2019-01287

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