



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
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(727) 570-5312; FAX 570-5517
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APR 9 2001

F/SER3:BH:mdh

Mr. John Zwolinski
Director of Licences and Project Management
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Zwolinski:

This is in response to telephone conversations between Nuclear Regulatory Commission (NRC) personnel and National Marine Fisheries Service (NMFS), Southeast Regional Office, Protected Resources Division personnel, regarding clarification to the Incidental Take Statement (ITS) issued with the June 1999 biological opinion (Opinion) on the continued use of the cooling water system at the Crystal River Energy Complex (CREC).

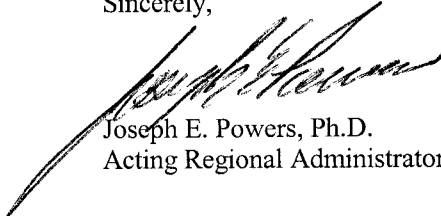
The ITS issued with the June 1999 Opinion authorized incidental take of sea turtles at CREC based on two-year intervals. The first two-year period ended on December 31, 2000, with a new two-year period beginning on January 1, 2001. Term and condition No. 3 of the ITS states: "If non-lethal take reaches 40 individuals, causally related lethal take reaches 3 individuals, or if take of non-causally related dead turtles reaches 6 individuals, CREC will notify the Southeast Regional Office (SERO), Assistant Regional Administrator, Protected Resources Division within 5 days. After these levels of take are reached any subsequent take must be reported to the SERO Assistant Regional Administrator, Protected Resources Division within 24 hours of the take."

Ms. Georgia Cranmore is the Acting Assistant Regional Administrator for Protected Resources. The reporting requirements mentioned above can be satisfied by contacting Mr. Robert Hoffman of her staff. These notifications can be made by phone (727-570-5312), fax (727-570-5517), or e-mail (robert.hoffman@noaa.gov).

NRC has advised NMFS that they are reinitiating Endangered Species Act, section 7, consultation because CREC is already close to reaching the incidental take authorizations for live turtle captures issued in the ITS. Based on past take records at CREC, NMFS believes that it is likely that CREC will reach a level of incidental take of live turtle captures equal to or greater than that authorized by the ITS prior to the end of the current two-year period. Therefore, NMFS concurs that reinitiation of consultation at this early stage is warranted.

If you have any questions, please contact Robert Hoffman, Fishery Biologist, at the number listed above.

Sincerely,



Joseph E. Powers, Ph.D.
Acting Regional Administrator

cc: F/PR3
Allen Folley (FMRI)

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