

May 29, 2001

Mr. Dale E. Young, Vice President
Crystal River Nuclear Plant (NA1B)
ATTN: Supervisor, Licensing and Regulatory Programs
15760 W. Power Line Street
Crystal River, Florida 34428-6708

SUBJECT: CRYSTAL RIVER UNIT 3, CLARIFICATION OF REPORTING REQUIREMENTS
UNDER 10 CFR 50.72 FOR LIVE SEA TURTLE RESCUES
IMPROVED TECHNICAL SPECIFICATIONS, APPENDIX B, SECTION 4.2.3
(TAC NO. MB1562)

Dear Mr. Young:

In a May 1, 2001 telephone conversation, Mr. Sid Powell, Crystal River Unit 3 (CR-3), requested that the U.S. Nuclear Regulatory Commission (NRC) staff relax the Title 10, *Code of Federal Regulations* (10 CFR), Section 50.72, reporting requirements in the specific case of reports required to the National Marine and Fisheries Service (NMFS) for live sea turtle rescues. The Crystal River Energy Complex (CREC) Biological Opinion and Incidental Take Statement requires Florida Power Corporation (FPC) to notify the NMFS when 40 live sea turtles have been rescued from the CREC intake canal. In addition, notification is also required for each subsequent live rescue. For each notification made to the NMFS in accordance with the requirements of the biological opinion, CR-3 has also submitted a report to the NRC in accordance with 10 CFR 50.72(b)(2)(xi). Mr. Powell stated that guidance provided in NUREG-1022, Revision 2, could be used as a basis for the request for relaxation of reporting requirements to the NRC. CR-3 agreed to continue making reports to the National Marine and Fisheries Service (NMFS) per Improved Technical Specification 4.2.3. In a letter dated May 3, 2001 (3F0501-08), CR-3 clarified and documented recent discussions on this issue with the NRC staff.

The staff has reviewed the May 3 letter, and does not disagree with the conclusion regarding environmental significance. However, additional live rescue reporting via the Emergency Notification System is required by 10 CFR 50.72(b)(2)(xi), unless an exemption is issued.

The NRC has reinitiated consultation with the NMFS on this issue, and will expedite the review of the biological assessment and obtain a revised NMFS biological opinion. Based on initial discussions of the recent draft CR-3 revised biological assessment with the NMFS, the revised biological opinion is likely to increase the live incidental take reporting limits. Until the revised NMFS biological opinion is issued, CR-3 should continue to follow the requirements stated in the current biological opinion terms and conditions and in 10 CFR 50.72(b)(2)(xi).

Dale E. Young

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These conclusions have been discussed in telephone conversations with the on-call CR-3 licensing staff member and the NRC resident inspector's office on May 11, 2001. If there are any questions, please feel free to give me a call.

Sincerely,

/RA/

John M. Goshen, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-302

cc: See next page

Dale E. Young

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Mr. Dale E. Young
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CRYSTAL RIVER UNIT NO. 3

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