

October 3, 2001

Mr. Ronald DeGregorio
Vice President Oyster Creek
AmerGen Energy Company, LLC
P.O. Box 388
Forked River, NJ 08731

SUBJECT: INCIDENTAL TAKE STATEMENT FOR THE OYSTER CREEK NUCLEAR
GENERATING STATION (TAC NO. MB0572)

Dear Mr. DeGregorio:

On September 18, 2000, the Nuclear Regulatory Commission (NRC) provided the Oyster Creek Nuclear Generating Station (Oyster Creek) Biological Assessment to the National Marine Fisheries Service (NMFS) in accordance with Section 7 of the Endangered Species Act (Act). The Biological Assessment examined the potential impacts associated with the continued operation of Oyster Creek on sea turtle species protected under the Act, supported the renewal of the Incidental Intake Statement (ITS) issued on September 21, 1995, and was part of the formal consultation process provided under Section 7 and defined in Title 50 of the *Code of Federal Regulations* Section 402.

By letter dated July 18, 2001, NMFS issued a Biological Opinion (enclosure 1) which contains an ITS specifying terms and conditions that must be met, as well as reasonable and prudent measures to minimize impacts of incidental take of endangered and threatened sea turtles. The ITS authorizes the annual take of five loggerhead (no more than two lethal), four Kemp's ridley (no more than three lethal), or two green (no more than one lethal) sea turtles. When these annual incidental take limits are reached or exceeded, formal consultation must be reinitiated. By letter dated August 29, 2001 (enclosure 2), NMFS clarified certain aspects of the terms and conditions necessary for compliance.

If you have any questions regarding this matter, please contact Helen N. Pastis at (301) 415-1261.

Sincerely,

/RA/

Elinor G. Adensam, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-219

Enclosures: July 18, 2001 Biological Opinion
August 29, 2001 Clarification Letter

cc w/encl: See next page

Mr. Ronald DeGregorio
Vice President Oyster Creek
AmerGen Energy Company, LLC
P.O. Box 388
Forked River, NJ 08731

October 3, 2001

SUBJECT: INCIDENTAL TAKE STATEMENT FOR THE OYSTER CREEK NUCLEAR
GENERATING STATION (TAC NO. MB0572)

Dear Mr. DeGregorio:

On September 18, 2000, the Nuclear Regulatory Commission (NRC) provided the Oyster Creek Nuclear Generating Station (Oyster Creek) Biological Assessment to the National Marine Fisheries Service (NMFS) in accordance with Section 7 of the Endangered Species Act (Act). The Biological Assessment examined the potential impacts associated with the continued operation of Oyster Creek on sea turtle species protected under the Act, supported the renewal of the Incidental Intake Statement (ITS) issued on September 21, 1995, and was part of the formal consultation process provided under Section 7 and defined in Title 50 of the *Code of Federal Regulations* Section 402.

By letter dated July 18, 2001, NMFS issued a Biological Opinion (enclosure 1) which contains an ITS specifying terms and conditions that must be met, as well as reasonable and prudent measures to minimize impacts of incidental take of endangered and threatened sea turtles. The ITS authorizes the annual take of five loggerhead (no more than two lethal), four Kemp's ridley (no more than three lethal), or two green (no more than one lethal) sea turtles. When these annual incidental take limits are reached or exceeded, formal consultation must be reinitiated. By letter dated August 29, 2001 (enclosure 2), NMFS clarified certain aspects of the terms and conditions necessary for compliance.

If you have any questions regarding this matter, please contact Helen N. Pastis at (301) 415-1261.

Sincerely,

/RA/

Elinor G. Adensam, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-219

Enclosures: July 18, 2001 Biological Opinion
August 29, 2001 Clarification Letter

cc w/encl: See next page

DISTRIBUTION:

| | | | |
|------------|-------------|---------------|---------|
| PUBLIC | PDI-1 SC(A) | SLittle | JWilson |
| JRogge, RI | CCarpenter | PD1-1 R/F | HPastis |
| OGC | ACRS | BPlatchek, RI | |

Accession Number: ML012390334

*See previous concurrence

| | | | | | |
|--------|----------|----------|-------------|-------------|----------|
| OFFICE | PD1-1\PM | PD1-1\LA | DRIP\RGEGB* | PDI-1\SC(A) | PDI\D |
| NAME | HPastis | SLittle | JWilson | LRaghavan | EAdensam |
| DATE | 10/3/01 | 10/3/01 | 9/10/01 | 10/2/01 | 10/3/01 |

OFFICIAL RECORD COPY

AmerGen Energy Company, LLC
Oyster Creek Nuclear Generating Station

cc:

Kevin P. Gallen, Esquire
Morgan, Lewis & Bockius LLP
1800 M Street, NW
Washington, DC 20036-5869

Manager Nuclear Safety & Licensing
Oyster Creek Nuclear Generating Station
Mail Stop OCAB2
P. O. Box 388
Forked River, NJ 08731

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406-1415

Mayor
Lacey Township
818 West Lacey Road
Forked River, NJ 08731

Resident Inspector
c/o U.S. Nuclear Regulatory Commission
P.O. Box 445
Forked River, NJ 08731

Kent Tosch, Chief
New Jersey Department of
Environmental Protection
Bureau of Nuclear Engineering
CN 415
Trenton, NJ 08625

PECO Energy Company
Nuclear Group Headquarters
Correspondence Control
P.O. Box 160
Kennett Square, PA 19348

Mr. Jeffrey A. Benjamin
Licensing - Vice President
Exelon Corporation
1400 Opus Place, Suite 900
Downers Grove, IL 60521