

August 23, 2002

Mr. J. A. Stall  
Senior Vice President, Nuclear and  
Chief Nuclear Officer  
Florida Power and Light Company  
P.O. Box 14000  
Juno Beach, Florida 33408-0420

SUBJECT: REINITIATION OF CONSULTATION UNDER SECTION 7 OF THE  
ENDANGERED SPECIES ACT FOR THE ST. LUCIE NUCLEAR PLANT  
(TAC NOS. MB5940 AND MB5941)

Dear Mr. Stall:

In a letter dated July 30, 2002 (enclosed), the National Marine Fisheries Service (NMFS), Southeast Regional Office, provided further clarification on the incidental take statement in the May 4, 2001, Biological Opinion for the St. Lucie plant. Based on the information contained in the letter, the U.S. Nuclear Regulatory Commission (NRC) has decided to reinitiate consultation with respect to green and loggerhead turtles (*Chelonia mydas* and *Caretta caretta*) incidently captured in the intake canal of the St. Lucie plant.

In order to conduct the consultation with NMFS, the NRC staff needs detailed information on the six green and loggerhead mortalities that occurred during Calendar year 2001. Information required, but not limited to, the following is requested: date, time, and location of discovery, condition of the specimen, general plant operating conditions during and immediately before capture, any unusual conditions in the intake canal or the condition of the block net, disposition of the specimen, any written notification documents provided to State or Federal authorities, and any conclusions on the probable cause of death.

Additionally, the NMFS letter also requested information regarding the planned modifications to the intake canal and the existing turtle excluder (block) net. The NRC staff requests a detailed description of the planned changes, a discussion as to why the changes are being made, and what the impact of the proposed changes might be on future turtle mortality rates and why.

It is the NRC staff's intent to prepare a report providing NMFS with detailed information regarding the six sea turtle mortalities that were considered causally related to St. Lucie plant operation during calendar year 2001, and a detailed description of your planned modifications to the intake canal and the turtle excluder net. The NRC staff expects to complete the report by November 1, 2002. We request a response to the above information request by September 30, 2002.

If you have any questions, please contact me at (301) 415-3974.

Sincerely,

/RA/

Brendan T. Moroney, Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

Enclosure: NMFS letter dated July 30, 2002

cc w/enclosure: See next page

August 23, 2002

Mr. J. A. Stall  
Senior Vice President, Nuclear and  
Chief Nuclear Officer  
Florida Power and Light Company  
P.O. Box 14000  
Juno Beach, Florida 33408-0420

SUBJECT: REINITIATION OF CONSULTATION UNDER SECTION 7 OF THE  
ENDANGERED SPECIES ACT FOR THE ST. LUCIE NUCLEAR PLANT  
(TAC NOS. MB5940 AND MB5941)

Dear Mr. Stall:

In a letter dated July 30, 2002 (enclosed), the National Marine Fisheries Service (NMFS), Southeast Regional Office, provided further clarification on the incidental take statement in the May 4, 2001, Biological Opinion for the St. Lucie plant. Based on the information contained in the letter, the U.S. Nuclear Regulatory Commission (NRC) has decided to reinitiate consultation with respect to green and loggerhead turtles (*Chelonia mydas* and *Caretta caretta*) incidently captured in the intake canal of the St. Lucie plant.

In order to conduct the consultation with NMFS, the NRC staff needs detailed information on the six green and loggerhead mortalities that occurred during Calendar year 2001. Information required, but not limited to, the following is requested: date, time, and location of discovery, condition of the specimen, general plant operating conditions during and immediately before capture, any unusual conditions in the intake canal or the condition of the block net, disposition of the specimen, any written notification documents provided to State or Federal authorities, and any conclusions on the probable cause of death.

Additionally, the NMFS letter also requested information regarding the planned modifications to the intake canal and the existing turtle excluder (block) net. The NRC staff requests a detailed description of the planned changes, a discussion as to why the changes are being made, and what the impact of the proposed changes might be on future turtle mortality rates and why.

It is the NRC staff's intent to prepare a report providing NMFS with detailed information regarding the six sea turtle mortalities that were considered causally related to St. Lucie plant operation during calendar year 2001, and a detailed description of your planned modifications to the intake canal and the turtle excluder net. The NRC staff expects to complete the report by November 1, 2002. We request a response to the above information request by September 30, 2002.

If you have any questions, please contact me at (301) 415-3974.

Sincerely,

**/RA/**

Brendan T. Moroney, Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

Enclosure: NMFS letter dated July 30, 2002

cc w/enclosure: See next page

**DISTRIBUTION:**

PUBLIC PDII-2 R/F HBerkow KJabbour BMoroney BClayton  
JTappert MMasnik JWilson LWert,RII OGC ACRS/ACNW  
ADAMS Accession Number: ML22350329 \*See previous concurrence

OFFICE	PDII-2/PM	PDII-2/LA	RLEP/SC	OGC	PDII-2/SC
NAME	BMoroney	BClayton*	JTappert*	AHodgdon*	RHernan for KJabbour
DATE	08/21/02	08/15/02	08/15 /02	08/21/02	08/22/02

Mr. J. A. Stall  
Florida Power and Light Company

**ST. LUCIE PLANT**

cc:  
Senior Resident Inspector  
St. Lucie Plant  
U.S. Nuclear Regulatory Commission  
P.O. Box 6090  
Jensen Beach, Florida 34957

Mr. R. E. Rose  
Plant General Manager  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957

Craig Fugate, Director  
Division of Emergency Preparedness  
Department of Community Affairs  
2740 Centerview Drive  
Tallahassee, Florida 32399-2100

Mr. J. T. Voorhees  
Acting Licensing Manager  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957

M. S. Ross, Attorney  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Mr. Don Mothena  
Manager, Nuclear Plant Support Services  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Mr. Douglas Anderson  
County Administrator  
St. Lucie County  
2300 Virginia Avenue  
Fort Pierce, Florida 34982

Mr. Rajiv S. Kundalkar  
Vice President - Nuclear Engineering  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Mr. William A. Passetti, Chief  
Department of Health  
Bureau of Radiation Control  
2020 Capital Circle, SE, Bin #C21  
Tallahassee, Florida 32399-1741

Mr. J. Kammel  
Radiological Emergency  
Planning Administrator  
Department of Public Safety  
6000 SE. Tower Drive  
Stuart, Florida 34997

Mr. Donald E. Jernigan, Site Vice President  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957

Joseph E. Powers, Ph. D.  
Acting Region Administrator  
National Marine Fisheries Service  
Southeast Regional Office  
9721 Executive Center Drive North  
St. Petersburg, FL 33702