

July 17, 2003

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 August 23, 2002, we notified you that the U.S. Nuclear Regulatory Commission (NRC) had requested reinitiation of consultation with the National Marine Fisheries Service (NMFS), Southeast Regional Office, with respect to green and loggerhead turtles (*Chelonia mydas* and *Caretta caretta*) incidently captured in the intake canal of the St. Lucie plant. The request was based on the fact that during 2001 the plant met the incidental take limit for sea turtles as set by the Incidental Take Statement (ITS) issued as part of the May 4, 2001, Biological Opinion (Opinion).

In a letter dated September 20, 2002, you provided the NRC staff with detailed information on the six green and loggerhead mortalities that occurred during Calendar year 2001 and described the planned modifications to the intake canal and the existing turtle excluder (block) net. The NRC staff forwarded this information to the NMFS in a letter dated February 10, 2003. In that letter, the staff concluded that the turtle mortalities in 2001 were an unusual occurrence, that the ITS contained in the Opinion remained appropriate and valid, and that modifications to the canal and block net system should minimize or prevent future episodes of higher than expected mortality. The staff also stated that it had no plans to initiate formal consultation at this time.

In the enclosed letter dated May 9, 2003, the NMFS stated its agreement with the NRC staff conclusions and indicated that consultation was concluded. The NRC staff plans no further action on this matter.

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 May 9, 2003

cc w/enclosure: See next page

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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. Terry Patterson
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

Vice President, 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. William Jefferson, Jr.
Site Vice President
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957

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