

August 26, 2004

Ms. Patricia A. Kurkul, Regional Administrator
Northeast Region
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
One Blackburn Drive
Gloucester, MA 01930

SUBJECT: REQUEST FOR REINITIATION OF FORMAL SECTION 7 CONSULTATION
UNDER THE ENDANGERED SPECIES ACT REGARDING SEA TURTLES AT
THE OYSTER CREEK NUCLEAR GENERATING STATION (TAC NO. MC4079)

Dear Ms. Kurkul:

On August 7, 2004, the Oyster Creek Nuclear Generating Station (OCNGS) recorded the fifth incidental take of a Kemp's ridley sea turtle (*Lepidochelys kemp*), thereby exceeding the station's incidental take statement (ITS) limits for the facility. Therefore, the U.S. Nuclear Regulatory Commission would like to formally request reinitiation of Section 7 consultation on sea turtles at OCNGS. As discussed with Ms. Carrie Upite of your staff, the NRC plans to submit an updated biological assessment before the end of this calendar year. The updated biological assessment will include a detailed discussion of the incidental captures of sea turtles at OCNGS that have occurred since the current biological opinion was issued on July 18, 2001, and will address "reasonable and prudent measures necessary to minimize impacts" on listed sea turtles taken by the licensee (AmerGen).

Should you identify the need for one of your staff to visit the OCNGS site or if you have any questions regarding this matter, please contact James H. Wilson of my staff at (301) 415-1108 or by e-mail at jhw1@nrc.gov.

Sincerely,

/RA/

Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket No. 50-219

cc: Malcolm Brown, AmerGen
Carrie Upite, NOAA Fisheries

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