

October 24, 2005

Mr. Christopher M. Crane
President and Chief Executive Officer
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION (OCNGS) -
BIOLOGICAL OPINION REGARDING INCIDENTAL TAKE OF TURTLES
(TAC NO. MC4079)

Dear Mr. Crane:

On March 29, 2005, the Nuclear Regulatory Commission (NRC) provided the OCNGS Biological Assessment (BA) to the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) Northeast Region in accordance with Section 7 of the Endangered Species Act (Act). The BA examined the potential impacts associated with the continued operation of OCNGS on sea turtle species protected under the Act, and requested a revision to the July 18, 2001, Incidental Take Statement (ITS), as amended on August 29, 2001, as 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 September 22, 2005, NMFS issued a Biological Opinion (BO) (Enclosure, publicly available at NRC Agencywide Document Access and Management System, Accession No. ML050770239), which contains an ITS specifying terms and conditions that, pursuant to Section 7(b)(4)(c)(iv) of the Act, must be complied with by the licensee. The BO also contains reasonable and prudent measures to minimize impacts of incidental take of endangered and threatened sea turtles. The ITS exempts the annual take of two loggerhead (no more than one lethal), eight Kemp's ridley (no more than four lethal), or one green (no more than one lethal) sea turtles. When these annual incidental take limits are exceeded, formal consultation must be reinitiated.

If you have any questions regarding this matter, please call me at (301) 415-1451.

Sincerely,

/RA/

Peter S. Tam, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-219

Enclosure: As stated

cc w/o encl: See next page

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