

March 24, 2006

Mr. John M. Wrublik
U.S. Fish and Wildlife Service
Vero Beach Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

SUBJECT: REQUEST INITIATION FOR A FORMAL CONSULTATION FOR ONGOING
ACTIVITIES RELATED TO THE OPERATION OF TURKEY POINT, UNITS 3
AND 4 (TAC NOS. MC9679 AND MC9680)

Dear Mr. Wrublik:

The U.S. Nuclear Regulatory Commission (NRC) is requesting initiation for a formal consultation, in accordance with Section 7 of the Endangered Species Act of 1973, as amended, regarding the ongoing activities related to the operation of Turkey Point, Units 3 and 4. The Turkey Point Power Plant is located in Miami-Dade County, Florida, and is operated by the Florida Power & Light Company (FPL). On December 21, 2005, an FPL Environmental Specialist discovered a dead American crocodile (*Crocodylus acutus*) during a routine daily wildlife survey. The animal was a 47.2-cm-long juvenile female weighing 230.4 g. The crocodile was apparently hit by a vehicle on the road immediately south of the test canals.

It is unknown whether the vehicle that hit the crocodile was affiliated with activities under the jurisdiction of the NRC or under the jurisdiction of the U.S. Army Corps of Engineers (Corps), which issued a permit in accordance with Section 404 of the Clean Water Act for FPL's Turkey Point Power Plant Expansion Project. On February 16, 2006, representatives of the U.S. Fish and Wildlife Service (FWS), the NRC, the Corps, and the FPL met at the Turkey Point site to discuss the crocodile mortality and tour the site. Various options of conducting the Section 7 consultation were discussed at the meeting, but a conclusion was not reached at that time.

On March 3, 2006, representatives of the FWS and the NRC participated in a conference call and concluded that the NRC would be the only action agency involved in the Section 7 consultation regarding the 2005 American crocodile mortality at Turkey Point. Operations under the NRC's jurisdiction will continue after FPL's Turkey Point Power Plant Expansion Project has concluded; therefore, it was decided that the Corps would not be required to participate in this Section 7 consultation.

The NRC staff has determined that ongoing activities related to the operation of Turkey Point, Units 3 and 4 may affect, but are not likely to jeopardize the continued existence of, the American crocodile. The healthy population of the American crocodile at the Turkey Point site reproduces successfully and is predicted to expand quickly. Therefore, the probability of another incidental take may increase over time as the number of crocodiles at the site increases. Given the amount of information available describing Turkey Point operations, the FWS determined that the NRC does not need to submit a Biological Assessment. Therefore, the NRC staff hereby requests an Incidental Take Statement for the American crocodile for the Turkey Point site. The NRC staff suggests that the FWS calculate the incidental take limit to be

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a percentage of the existing American crocodile population at Turkey Point. Also, the NRC staff requests to review the draft Biological Opinion before the consultation is concluded.

If you have any questions regarding the staff's request, please contact Ms. Harriet Nash of the Environmental Branch at 301-415-4100 or by e-mail at hln@nrc.gov.

Sincerely,

/RA Pao-Tsin Kuo For/

Frank Gillespie, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc w/encl: See next page

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Docket Nos. 50-250 and 50-251

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