

June 9, 2006

Ms. Patricia Kurkul
Regional Administrator
NOAA Fisheries Service
Northeast Regional Office
One Blackburn Drive
Gloucester, MA 01930-2237

SUBJECT: REQUEST INITIATION OF A SECTION 7 CONSULTATION REGARDING
LICENSE RENEWAL OF OYSTER CREEK NUCLEAR GENERATING STATION
(TAC NO. MC7625)

Dear Ms. Kurkul:

The U.S. Nuclear Regulatory Commission (NRC) staff has completed the enclosed draft Supplement 28 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (GEIS), to evaluate the proposed renewal of the Oyster Creek Nuclear Generating Station (OCNGS) operating license for a period of an additional 20 years. The Supplemental Environmental Impact Statement (SEIS) evaluates the proposed action of license renewal for OCNGS, and the NRC is requesting initiation of a Section 7 consultation regarding this proposed action of license renewal.

On September 22, 2005, the National Marine Fisheries Service (NMFS) concluded a Section 7 consultation with the NRC regarding continued operation of OCNGS; the consultation was triggered by an exceedance of the incidental take limit for Kemp's ridley turtles (*Lepidochelys kempfi*). Now the NRC is requesting initiation of another Section 7 consultation without submitting a revised Biological Assessment (BA). As a result of e-mail and telephone communications with Ms. Sara McNulty of your office and because this request closely follows the conclusion of the last Section 7 consultation, the NRC staff will not submit a revision to the BA dated March 29, 2005. Also, the NRC staff has not identified any changes in OCNGS operations since the conclusion of the last Section 7 consultation in September 2005. However, for your review, we have enclosed a copy of the draft SEIS, which has the most up-to-date information regarding OCNGS operations.

Since the NRC's 2005 BA, two incidental takes occurred at OCNGS; both takes were of Kemp's ridley turtles. On July 4, 2005, a dead juvenile male Kemp's ridley turtle was removed from the trash bars at the dilution water intake structure. The turtle was taken to the Marine Mammal Stranding Center (MMSC) for necropsy, the results of which indicate that the turtle likely died of wounds resulting from collision with a boat propeller. The second take was a live Kemp's ridley turtle found on the trash bars at the circulating water intake structure on August 5, 2005. The turtle was taken to the MMSC and then to the Sea Turtle Rescue and Rehabilitation Center in Topsail Beach, North Carolina, for rehabilitation.

P. Kurkul

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OCNGS staff routinely follows standard protocols to remove sea turtles safely from the intake canal and works with the MMSC to rehabilitate injured sea turtles. The NRC staff has determined that license renewal for OCNGS may adversely affect but is not likely to jeopardize the continued existence of Kemp's ridley turtles, green turtles (*Chelonia mydas*), or loggerhead turtles (*Caretta caretta*); the proposed action is not likely to adversely affect leatherback turtles (*Dermochelys coriacea*) and hawksbill turtles (*Eretmochelys imbricata*).

We are requesting your concurrence with our determination. In reaching our conclusion, the NRC staff relied on information provided by the applicant, on research performed by NRC staff, and on information from NMFS. If you have any questions regarding the enclosed draft SEIS or the staff's request, please contact Dr. Michael Masnik, Senior Environmental Project Manager, at 301-415-1191 or by e-mail at mtm2@nrc.gov.

Sincerely,

/RA/

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

Docket No. 50-219

Enclosure:
Draft Supplement 28 to NUREG-1437

cc w/encl: See next page

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Sincerely,

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Adams Accession Nos.:

1. Ltr. To P. Kurkul w/Svc. List: **ML061500190**
2. Draft Supplemental 28 to NUREG-1437 "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (GEIS): **ML061520231**
3. Pkg.: **ML061570467**

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| DATE | 5/ 24 /05 | 5/ 25 /05 | 5/ 25 /05 | 5 / 30 /05 | 5 / 30 /05 |

OFFICIAL RECORD COPY

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