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 AUTH.NAME AUTHOR AFFILIATION
 DIAZ-SOLTERO, H. Commerce, Dept. of, National Marine Fisheries Service
 RECIP.NAME RECIPIENT AFFILIATION
 MATTHEWS, D.B.

SUBJECT: Revises incidental take statement of 970207 biological opinion on impacts to marine endangered species from continued operation of circulating water sys of St Lucie Generating Plant.

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, Maryland 20910

MAY 8 1998

Mr. David B. Matthews
Chief, Generic Issues and
Environmental Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation
United States Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Matthews:

This letter revises the incidental take statement (ITS) of the February 7, 1997 biological opinion on impacts to marine endangered species from the continued operation of the circulating water system of the St. Lucie Nuclear Generating Plant. This revised ITS is the result of a January 20, 1998 meeting between National Marine Fisheries Service (NMFS) Southeast Regional Office staff, the NRC, the Florida Department of Environmental Protection (FDEP), and Florida Power & Light (FPL). This meeting was a requirement of the ITS. The meeting results have been summarized in a February 9, 1998 memorandum from Mr. Len Wiens, NRC project manager for the St. Lucie Plant.

Based on the information presented at the meeting, we are not changing the conclusion of the biological opinion that the continued operation of the circulating water system at the St. Lucie Plant is not likely to jeopardize the continued existence of threatened or endangered species under our jurisdiction. The annual, incidental, lethal take levels specified in the ITS, likewise, are not being changed. Modifications are being made, however, to terms and conditions numbers 6, 7, 9, and 10 of the ITS. The purpose of these modifications is to facilitate FPL's incorporation of the terms and conditions into their NRC operating license, to clarify the intent of the terms and conditions, and to update requirements based on progress in 1997 towards implementation of the ITS. Terms and conditions numbers 6, 7, 9, and 10 are modified as follows; all other terms and conditions remain unchanged.

6) FPL must implement a program to monitor for turtles at the cooling water intake wells. The program should include visual inspections of the intake wells by plant operation, security, or biology personnel. It must also include provisions for notifying appropriate response personnel if turtles are detected and for safely removing turtles from

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the intake well. FPL must provide NMFS with a proposal for this intake well monitoring program by June 20, 1998, for NMFS review and approval.

7) Considering the high levels of turtle entrapment at the St. Lucie Plant intake canal in recent years, the possibility of future increases, and the poor understanding of the factors contributing to the rate of turtle entrapment, FPL must design and implement a study to elucidate the effect of various factors on turtle entrapment. These factors may include, but are not limited to, the influence of characteristics of sea turtle behavior, population dynamics, and plant operational characteristics or environmental factors on turtle capture rates. FPL shall provide NMFS with the proposed plan for conducting this study by August 31, 1998. Once the plan is approved and the study is initiated, FPL must report quarterly on progress in this regard and provide a final report by January 31, 2000.

* * *

9) FPL shall continue to conduct, under proper permits and authority, the ongoing sea turtle nesting programs and public service turtle walks.

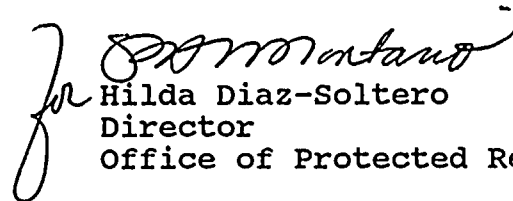
10) Monthly reports covering sea turtle entrapment, capture, rehabilitation, and release efforts, turtle mortalities, and any pertinent, unusual events shall be furnished to NMFS. In addition, an annual report discussing these same topics and also the inspection and maintenance of the barrier nets and the operation of the Taprogge cleaning system and any associated sponge ball loss shall be furnished to NMFS. Also, a meeting shall be convened between FPL, NRC, and NMFS to discuss endangered and threatened species information and developments at the St. Lucie Plant approximately every two years beginning January 2000.

Reinitiation of formal consultation is still required if: (1) the amount or extent of taking specified in the incidental take statement is met or exceeded, (2) new information reveals effects of the action that may affect listed species or critical habitat (when designated) in a manner or to an extent not previously considered, (3) the identified action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in the biological opinion, or (4) a new species is listed or critical habitat designated that may be affected by the identified action.

I look forward to your continued cooperation in future efforts to conserve our protected marine resources. Please call David

Bernhart, Protected Resources Division, Southeast Region at (813) 570-5312, if you have any further questions.

Sincerely,


Hilda Diaz-Soltero
Director
Office of Protected Resources