



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

Teleconference with the Florida Power & Light Company Regarding Endangered and Threatened Species Reporting at Turkey Point Nuclear Generating Unit Nos. 3 and 4

June 7, 2021

**TELECONFERENCE DATE**

May 20, 2021

**PARTICIPANTS**

U.S Nuclear Regulatory Commission (NRC)

Briana Arlene, Conservation Biologist & ESA Consultation Coordinator

Dan Orr, Senior Resident Inspector

Matt Endress, Senior Resident Inspector

Mark King, Senior Reactor Systems Engineer

Florida Power & Light Company (FPL)

Jodie Eldridge, Environmental Services Manager

Steven Catron, Fleet Licensing Manager

Michael Lloret, Wildlife Biologist

Andre Harper, Plant Senior Supervisor – Land Utilization

Olga Hanek, Licensing

Robert Hess, Turkey Point Licensing Manager

**BACKGROUND**

This teleconference was held to clarify FPL's obligations to report incidents related to endangered and threatened species protected under the Endangered Species Act. Requirements concerning such reporting originate from the FWS's July 25, 2019, biological opinion and NRC's regulations at 10 CFR 50.72, as follows.

2019 FWS Biological Opinion

Requirements:

"FPL must notify the Service's Vero Beach office (772) 562-3909 and NRC at [endangeredspecies@nrc.gov](mailto:endangeredspecies@nrc.gov) within 24 hours whenever a dead or injured crocodile or indigo snake is observed within the power complex or along an access road."

"Upon locating a dead, injured, or sick threatened or endangered species, initial notification must be made to the Service's Vero Beach office (772) 562-3909, NRC at [endangeredspecies@nrc.gov](mailto:endangeredspecies@nrc.gov), and the Service's law enforcement office (305) 526-2994.

Secondary notification should be made to the Florida Fish and Wildlife Conservation Commission; South Region 8535 Northlake Blvd; West Palm Beach, Florida; 33412; 1-800-282-8002.”

#### 10 CFR 50.72(b)(2)(xi) Four-Hour Reporting

Requirement:

“Any event or situation, related to the health and safety of the public or on-site personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made. Such an event may include an on-site fatality or inadvertent release of radioactively contaminated materials.”

NUREG-1022, Revision 3, Example:

“The licensee notified the U.S. Fish & Wildlife Service and a State agency that an endangered species of sea turtle was found in its circulating water structure trash bar. No press release was planned. An ENS notification is required because of the notification of State and Federal agencies regarding the taking of an endangered species. (The NRC has statutory responsibilities regarding protection of endangered species.)”

#### **TELECONFERENCE NOTES**

The NRC and FPL discussed various incident scenarios and what type of reporting each scenario would require. The attached table summarizes these scenarios.

#### **FOLLOW UP ACTIONS**

None

#### **ENCLOSURES**

Turkey Point Endangered Species Act Reporting Requirements

Docket Nos.: 50-250 and 50-251

ADAMS Accession No. ML21158A058

*FPL was provided an opportunity to review and comment on this teleconference summary prior to its finalization.*

## Turkey Point Endangered Species Act Reporting Requirements

Scenario	Reporting Requirements	
	Biological Opinion	10 CFR 50.72
<p><b>Dead or injured crocodile or indigo snake within the power complex or along an access road</b></p> <p>This includes the following categories of take:</p> <ul style="list-style-type: none"> <li>• Dead causal</li> <li>• Dead non-causal</li> <li>• Injured causal</li> <li>• Injured non-causal</li> </ul> <p>The FWS interprets “power complex or along an access road” to mean the action area, as described in the biological opinion on p. 14 and in Figure 1.<sup>(a)</sup></p>	<p>24-hr notifications apply as follows.</p> <p>PHONE</p> <ul style="list-style-type: none"> <li>• Notify FWS Vero Beach at (772) 562-3909.</li> </ul> <p>EMAIL</p> <ul style="list-style-type: none"> <li>• Notify NRC by email at <a href="mailto:endangeredspecies@nrc.gov">endangeredspecies@nrc.gov</a>.</li> <li>• Notify FWS and/or FWC by email.<sup>(b)</sup> <ul style="list-style-type: none"> <li>○ For crocodiles, notify FWS and FWC at <a href="mailto:Lindsay_Nester@fws.gov">Lindsay_Nester@fws.gov</a>, <a href="mailto:John_Wrublik@fws.gov">John_Wrublik@fws.gov</a>, <a href="mailto:Laura_Brandt@fws.gov">Laura_Brandt@fws.gov</a>, and <a href="mailto:Ryan.Ford@myFWC.com">Ryan.Ford@myFWC.com</a>.</li> <li>○ For indigo snakes, notify FWS at <a href="mailto:Lindsay_Nester@fws.gov">Lindsay_Nester@fws.gov</a>.</li> </ul> </li> <li>• Include a detailed description of the incident, the condition of the crocodile, a map indicating where the incident occurred, and photographs of the crocodile and project site, when possible.<sup>(c)</sup></li> </ul>	<p>4-hr ENS report applies because FWS and FWC are notified.</p>
<p><b>Discovery of a dead, injured, or sick threatened or endangered species</b></p> <p>This includes all non-causal deaths, injuries, or sickness of any listed species including, but not limited to, crocodiles and eastern indigo snakes.</p> <p>The FWS interprets this requirement to apply to the action area.<sup>(a)</sup></p>	<ul style="list-style-type: none"> <li>• Notify FWS Vero Beach and FWS law enforcement by phone at (772) 562-3909 and (305) 526-2994, respectively.</li> <li>• Notify NRC by email at <a href="mailto:endangeredspecies@nrc.gov">endangeredspecies@nrc.gov</a>.</li> <li>• Notify FWC by phone at (800) 282-8002.</li> </ul>	<p>4-hr ENS report applies because FWS and FWC are notified.</p>
<p><b>Any event or situation, related to [...] protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made.</b></p>	<p>Biological opinion reporting requirements <u>also</u> apply if an event falls into one of the above categories.</p>	<p>4-hr ENS report applies.</p>
<p><sup>(a)</sup> The FWS made this clarification in a May 3, 2021, teleconference, and a May 17, 2021, email from Lindsay Nester, FWS, to Briana Arlene, NRC.</p> <p><sup>(b)</sup> Although not explicitly stated in the biological opinion, in an email from Lindsay Nester, FWS, to Briana Arlene, NRC, dated May 17, 2021, the FWS has requested that FPL also notify certain FWS and FWC staff members by email when a dead or injured crocodile or indigo snake is discovered in the action area.</p> <p><sup>(c)</sup> Although not explicitly stated in the biological opinion, in an email from John Wrublik, FWS, to Michael Lloret, FPL, dated May 14, 2021, the FWS requested that FPL include this information when reporting a dead or injured crocodile or indigo snake is discovered in the action area.</p>		