

July 17, 2003

Mr. J. A. Stall  
Senior Vice President, Nuclear and  
Chief Nuclear Officer  
Florida Power and Light Company  
P.O. Box 14000  
Juno Beach, Florida 33408-0420

SUBJECT: REINITIATION OF CONSULTATION UNDER SECTION 7 OF THE  
ENDANGERED SPECIES ACT FOR THE ST. LUCIE NUCLEAR PLANT  
(TAC NOS. MB5940 AND MB5941)

Dear Mr. Stall:

In a letter dated August 23, 2002, we notified you that the U.S. Nuclear Regulatory Commission (NRC) had requested reinitiation of consultation with the National Marine Fisheries Service (NMFS), Southeast Regional Office, with respect to green and loggerhead turtles (*Chelonia mydas* and *Caretta caretta*) incidently captured in the intake canal of the St. Lucie plant. The request was based on the fact that during 2001 the plant met the incidental take limit for sea turtles as set by the Incidental Take Statement (ITS) issued as part of the May 4, 2001, Biological Opinion (Opinion).

In a letter dated September 20, 2002, you provided the NRC staff with detailed information on the six green and loggerhead mortalities that occurred during Calendar year 2001 and described the planned modifications to the intake canal and the existing turtle excluder (block) net. The NRC staff forwarded this information to the NMFS in a letter dated February 10, 2003. In that letter, the staff concluded that the turtle mortalities in 2001 were an unusual occurrence, that the ITS contained in the Opinion remained appropriate and valid, and that modifications to the canal and block net system should minimize or prevent future episodes of higher than expected mortality. The staff also stated that it had no plans to initiate formal consultation at this time.

In the enclosed letter dated May 9, 2003, the NMFS stated its agreement with the NRC staff conclusions and indicated that consultation was concluded. The NRC staff plans no further action on this matter.

If you have any questions, please contact me at (301) 415-3974.

Sincerely,

/RA/

Brendan T. Moroney, Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

Enclosure: NMFS letter dated May 9, 2003

cc w/enclosure: See next page

July 17, 2003

Mr. J. A. Stall  
Senior Vice President, Nuclear and  
Chief Nuclear Officer  
Florida Power and Light Company  
P.O. Box 14000  
Juno Beach, Florida 33408-0420

SUBJECT: REINITIATION OF CONSULTATION UNDER SECTION 7 OF THE  
ENDANGERED SPECIES ACT FOR THE ST. LUCIE NUCLEAR PLANT  
(TAC NOS. MB5940 AND MB5941)

Dear Mr. Stall:

In a letter dated August 23, 2002, we notified you that the U.S. Nuclear Regulatory Commission (NRC) had requested reinitiation of consultation with the National Marine Fisheries Service (NMFS), Southeast Regional Office, with respect to green and loggerhead turtles (*Chelonia mydas* and *Caretta caretta*) incidently captured in the intake canal of the St. Lucie plant. The request was based on the fact that during 2001 the plant met the incidental take limit for sea turtles as set by the Incidental Take Statement (ITS) issued as part of the May 4, 2001, Biological Opinion (Opinion).

In a letter dated September 20, 2002, you provided the NRC staff with detailed information on the six green and loggerhead mortalities that occurred during Calendar year 2001 and described the planned modifications to the intake canal and the existing turtle excluder (block) net. The NRC staff forwarded this information to the NMFS in a letter dated February 10, 2003. In that letter, the staff concluded that the turtle mortalities in 2001 were an unusual occurrence, that the ITS contained in the Opinion remained appropriate and valid, and that modifications to the canal and block net system should minimize or prevent future episodes of higher than expected mortality. The staff also stated that it had no plans to initiate formal consultation at this time.

In the enclosed letter dated May 9, 2003, the NMFS stated its agreement with the NRC staff conclusions and indicated that consultation was concluded. The NRC staff plans no further action on this matter.

If you have any questions, please contact me at (301) 415-3974.

Sincerely,

/RA/

Brendan T. Moroney, Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

Enclosure: NMFS letter dated May 9, 2003

cc w/enclosure: See next page

DISTRIBUTION:

PUBLIC	PDII-2 R/F	EHackett	AHowe	BMoroney	BClayton
JTappert	MMasnik	JWilson	JMunday,RII	OGC	ACRS

Enclosure: ML031600873

Ltr: ML031980598

Package: ML031980603

OFFICE	PDII-2/PM	PDII-2/LA	RLEP/SC	OGC	PDII-2/SC
NAME	BMoroney	BClayton	JTappert	SUttal	BMozafari for: AHowe
DATE	07/09/03	07/09/03	07/09/03	07/17/03	07/17/03

OFFICIAL RECORD COPY

Mr. J. A. Stall  
Florida Power and Light Company

**ST. LUCIE PLANT**

cc:  
Senior Resident Inspector  
St. Lucie Plant  
U.S. Nuclear Regulatory Commission  
P.O. Box 6090  
Jensen Beach, Florida 34957

Mr. R. E. Rose  
Plant General Manager  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957

Craig Fugate, Director  
Division of Emergency Preparedness  
Department of Community Affairs  
2740 Centerview Drive  
Tallahassee, Florida 32399-2100

Mr. Terry Patterson  
Licensing Manager  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957

M. S. Ross, Attorney  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Vice President, Nuclear Plant Support Services  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Mr. Douglas Anderson  
County Administrator  
St. Lucie County  
2300 Virginia Avenue  
Fort Pierce, Florida 34982

Mr. Rajiv S. Kundalkar  
Vice President - Nuclear Engineering  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Mr. William A. Passetti, Chief  
Department of Health  
Bureau of Radiation Control  
2020 Capital Circle, SE, Bin #C21  
Tallahassee, Florida 32399-1741

Mr. J. Kammel  
Radiological Emergency  
Planning Administrator  
Department of Public Safety  
6000 SE. Tower Drive  
Stuart, Florida 34997

Mr. William Jefferson, Jr.  
Site Vice President  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957

Roy E. Crabtree, Ph. D.  
Region Administrator  
National Marine Fisheries Service  
Southeast Regional Office  
9721 Executive Center Drive North  
St. Petersburg, FL 33702