

March 24, 2006

Mr. John M. Wrublik  
U.S. Fish and Wildlife Service  
Vero Beach Ecological Services Office  
1339 20<sup>th</sup> 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](mailto: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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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

DISTRIBUTION:

F. Gillespie/P. T. Kuo (RidsNrrDlr)  
R. Franovich (RidsNrrDlrRebb)  
M. Masnik  
H. Nash  
B. Moroney

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NAME:	Y. Edmonds	H. Nash	R. Franovich	F. Gillespie
DATE:	03/222/06	03/232/06	03/242/06	03/24/06

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Florida Power and Light Company

cc:

Mr. William E. Webster  
Vice President, Nuclear Operations  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

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

Marjan Mashhadi, Senior Attorney  
Florida Power & Light Company  
801 Pennsylvania Avenue, NW.  
Suite 220  
Washington, DC 20004

Terry O. Jones  
Site Vice President  
Turkey Point Nuclear Plant  
Florida Power and Light Company  
9760 SW. 344th Street  
Florida City, FL 33035

County Manager  
Miami-Dade County  
111 Northwest 1 Street, 29th Floor  
Miami, Florida 33128

Senior Resident Inspector  
Turkey Point Nuclear Plant  
U.S. Nuclear Regulatory Commission  
9762 SW. 344<sup>th</sup> Street  
Florida City, Florida 33035

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

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

**TURKEY POINT PLANT**

Attorney General  
Department of Legal Affairs  
The Capitol  
Tallahassee, Florida 32304

Michael O. Pearce  
Plant General Manager  
Turkey Point Nuclear Plant  
Florida Power and Light Company  
9760 SW. 344th Street  
Florida City, FL 33035

Walter Parker  
Licensing Manager  
Turkey Point Nuclear Plant  
9760 SW. 344th Street  
Florida City, FL 33035

Mark Warner, Vice President  
Nuclear Operations Support  
Florida Power and Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

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

Mr. Fred Emerson  
Nuclear Energy Institute  
1776 I Street, N.W., Suite 400  
Washington, DC 20006-3708

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