



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

March 11, 2019

Mr. Charles McFeaters
Site Vice President
Salem Generating Station
PSEG Nuclear LLC
P.O. Box 236
Hancocks Bridge, New Jersey 08038-0236

SUBJECT: TRANSMITTAL OF THE NATIONAL MARINE FISHERIES SERVICE'S
NOVEMBER 23, 2018, AMENDMENT TO INCIDENTAL TAKE STATEMENT
FOR SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2, AND
HOPE CREEK GENERATING STATION

Dear Mr. McFeaters:

This letter is formal notification to PSEG Nuclear LLC (PSEG) that the National Marine Fisheries Service (the Service) clarified the amount of sea turtle take allowed during the renewed license terms of Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem), and Hope Creek Generating Station (Hope Creek) in the enclosed letter¹ to the U.S. Nuclear Regulatory Commission (NRC). In the letter, the Service amends the Incidental Take Statement of its Biological Opinion for Salem and Hope Creek. This correspondence follows the NRC staff's informal transmittal of an electronic copy of the Service's amendment to Mr. Kenneth Strait, PSEG Nuclear Environmental Affairs, on December 14, 2018.

Background

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the Service issued a Biological Opinion for Salem and Hope Creek on July 17, 2014.² The opinion considers the effects of continued operation of Salem and Hope Creek under the terms of Renewed Facility Operating Licenses DPR-70, DPR-75, and NPF-57 on shortnose sturgeon (*Acipenser brevirostrum*), Atlantic sturgeon (*A. oxyrinchus oxyrinchus*), and three species of sea turtles (*Caretta caretta*, *Chelonia mydas*, and *Lepidochelys kempii*). The opinion includes an Incidental Take Statement that exempts certain take of sturgeon and sea turtles impinged or captured during operation of Salem and Hope Creek for the remainder of the renewed license terms. On

¹ National Marine Fisheries Service (NMFS). Letter from M. Asaro, NMFS, to B. Grange, NRC. Subject: Clarification and amendment to Salem and Hope Creek Incidental Take Statement. November 23, 2018. Agencywide Documents Access and Management System (ADAMS) Accession No. [ML18348A467](#).

² National Marine Fisheries Service. Endangered Species Act Section 7 Consultation Biological Opinion for Continued Operation of Salem and Hope Creek Nuclear Generating Stations. NER-2010-6581. July 17, 2014. 246 p. ADAMS Accession No. [ML14202A146](#).

June 17, 2015,³ the NRC issued Amendment Nos. 308, 290, and 198⁴ to the Salem and Hope Creek renewed facility operating licenses. The amendments revised Appendix B, “Environmental Protection Plans (Non-Radiological)” to clarify that PSEG “shall adhere to the specific requirements within the currently applicable Incidental Take Statement, to the Biological Opinion,” among other changes.

On an ongoing basis, PSEG reports to the NRC and the National Marine Fisheries Service the incidental take of sturgeon and sea turtles in accordance with the terms and conditions of the Biological Opinion and the NRC renewed licenses. PSEG reported the collection of a deceased Kemp’s ridley sea turtle at Salem on August 27, 2018.⁵ The individual was the third of its species that PSEG personnel had collected since the Service issued the July 17, 2014, Biological Opinion. In reviewing PSEG’s incidental take report for this event, NRC staff and Service staff identified a discrepancy between the body of the Service’s Biological Opinion and the Incidental Take Statement of the Opinion. While the body of the Opinion described one number of anticipated Kemp’s ridley mortalities causally related to Salem operations, the Incidental Take Statement identified a different number. A table in the Incidental Take Statement also omitted a number for the allowable level of impingement or collection of dead Kemp’s ridley at the Salem, Unit 2 trash bars. To rectify this mistake, the Service agreed to send the NRC a letter clarifying the allowable level of Kemp’s ridley incidental take and amending the Biological Opinion’s Incidental Take Statement.

Allowable Sea Turtle Take Clarification and Incidental Take Statement Amendment

In the enclosed November 23, 2018, letter from the National Marine Fisheries Service, the Service clarifies that the allowable level of sea turtle take is accurately described in the “Effects of the Action” and “Integration and Synthesis of Effects” sections of the July 17, 2014, Biological Opinion. With regard to Kemp’s ridley sea turtles, the Biological Opinion states in these sections that the Service:

...expect[s] the impingement of four Kemp’s ridleys between now and when the operating licenses expire. Using the past mortality rates, we expect three of these turtles to be dead with no more than two of those deaths due to impingement at the intakes. (113-114)

The enclosed letter from the Service also amends the July 17, 2014, Incidental Take Statement by replacing the table entitled “Impingement/Collection of Sea Turtles at the Trash Bars” that appears on page 190 with textual descriptions of allowable sea turtle take to clarify the amount of take exempted by the Incidental Take Statement. With this amendment, the body of the Biological Opinion and the Incidental Take Statement of the opinion are now consistent regarding the allowable level of sea turtle incidental take.

³ U.S. Nuclear Regulatory Commission. Letter from C. Parker, NRC, to R. Braun, PSEG Nuclear LLC. Subject: Hope Creek Generating Station and Salem Nuclear Generating Station, Unit Nos. 1 and 2, Issuance of Amendments Re: Update of Appendix B to the renewed facility operating licenses. June 17, 2015. ADAMS Accession No. [ML15141A271](#).

⁴ The NRC issued a correction to Hope Creek Amendment No. 198 on June 24, 2015. See: U.S. Nuclear Regulatory Commission. Letter from C. Parker, NRC, to R. Braun, PSEG Nuclear LLC. Subject: Hope Creek Generating Station – Correction to Amendment No. 198 regarding update of Appendix B to the renewed facility operating license. June 24, 2015. ADAMS Accession No. [ML15174A127](#).

⁵ PSEG Nuclear LLC. Incident Report Sea Turtle Take – PSEG Salem Generating Station. August 27, 2018. ADAMS Accession No. [ML18241A043](#).

Applicability to the Salem and Hope Creek Renewed Licenses

Appendix B of the Salem and Hope Creek renewed licenses require PSEG to adhere to the specific requirements within the currently applicable National Marine Fisheries Service's Incidental Take Statement. With this letter, the NRC affirms that the "currently applicable" Incidental Take Statement is the Incidental Take Statement of the Service's July 17, 2014, Biological Opinion, as amended by the Service's November 23, 2018, letter. PSEG needs to take no further action for these changes to apply.

If you have any questions regarding this letter, please contact Ms. Briana Grange, Biologist, at 301-415-1042 or by e-mail at briana.grange@nrc.gov.

Sincerely,

/RA/

Benjamin Beasley, Chief
Environmental Review and NEPA Branch
Division of Materials and License Renewal
Office of Nuclear Reactor Regulation

Docket Nos.: 50-272, 50-311, and 50-354

Enclosure:
NMFS letter dated November 23, 2018

cc w/enclosures: Listserv



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

March 11, 2019

Mr. Eric Carr
Site Vice President
Hope Creek Generating Station
PSEG Nuclear LLC
P.O. Box 236
Hancocks Bridge, New Jersey 08038-0236

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HOPE CREEK GENERATING STATION DATED MARCH 11, 2019

DISTRIBUTION:

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PUBLIC

EndangeredSpecies Resources
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RidsNRRPMHopeCreek Resource
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[Julie Crocker, NMFS \(julie.crocker@noaa.gov\)](mailto:julie.crocker@noaa.gov)
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[Kenneth Strait, PSEG \(kenneth.strait@pseg.com\)](mailto:kenneth.strait@pseg.com)

ADAMS Accession Nos.
ML19011A033 (Package)
ML19011A032 (Letter)
ML18348A467 (Enclosure)

***concurred via email**

OFFICE	AB:MENB:DMLR	LA:MRPB:DMLR	PM:LSPP:DORL	OGC:NLO	BC:MENB:DMLR
NAME	BGrange*	YEdmonds*	JKim*	RSusko*	BBeasley
DATE	1/15/19	1/16/19	2/12/19	1/23/19	3/11/19

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