



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

AUG 29

Ms. Elinor G. Adensam, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Ms. Adensam:

This letter is in response to a telephone conversation between Malcolm Browne, AmerGen Energy Company, and Carrie McDaniel of my staff on July 31, 2001, regarding the July 18, 2001 Biological Opinion (BO) on the continued operation of the Oyster Creek Nuclear Generating Station (OCNGS), located near Forked River, New Jersey. The National Marine Fisheries Service's (NMFS) BO concluded that the continued operation of the OCNGS may adversely affect but is not likely to jeopardize the continued existence of endangered Kemp's ridley, green, or threatened loggerhead sea turtles. NMFS determined that the proposed action is likely to have no effect on endangered leatherback or hawksbill sea turtles.

The BO provided an Incidental Take Statement for threatened and endangered sea turtles, as well as non-discretionary reasonable and prudent measures and terms and conditions that must be undertaken by the Nuclear Regulatory Commission for the incidental take exemption to apply. AmerGen staff expressed concern with the feasibility of several items included in the terms and conditions. While NMFS does not typically alter the Incidental Take Statement after the BO is issued, the following modifications will serve to clarify certain aspects of the terms and conditions necessary for compliance.

1. Term and Condition #2.

Concern: OCNGS staff expressed concern over the proposed inspection schedule that must be followed because plant personnel performing the CWS and DWS trash bar inspections also are responsible for inspection of other facility operations. While intake inspections are already customarily spaced in order to avoid clumping, the precise timing of trash rack inspections may vary from day to day depending upon the other safety and operational duties to be completed. It is imperative that the inspections at the trash racks are spaced at 1-2 hours and 5-6 hours into each 8-hour shift, but NMFS recognizes that certain safety conditions may arise that may delay the trash rack inspections.

Modification: Change third sentence in Term and Condition #2 to read "The schedule of 1-2 hours into each 8-hour shift and 5-6 hours into each 8-hour shift should be followed."

Enclosure 2



2. Term and Condition #5.

Concern: Oftentimes turtles are captured at OCNGS on the weekends, and the appropriate environmental staff is not available to completely fill out the incidental take report within 24 hours. The plant personnel will continue to notify NMFS via telephone within 24 hours of the take, but it was requested that additional time be allotted to effectively complete the take report (e.g., to obtain information on the percent power generating capacity 48 hours before the take).

Modification: The second sentence in Term and Condition #5 should be changed to read "An incident report for sea turtle take (Appendix III) must also be completed by plant personnel and sent to Carrie McDaniel via FAX (978-281-9394) within 2 business days of the take." This modification will ensure the appropriate plant personnel are present to complete the take report and supply the necessary information.

3. Appendix III. Incident Report of Sea Turtle Take - OCNGS

Concern: Intake velocity is related to the number of operating pumps, and recording the number of operating pumps at the time of capture is a more expedient way to determine the approximate intake velocity (as opposed to measuring a suite of additional environmental parameters). The number of pumps operating during the time of the documented take is already included on OCNGS reporting forms.

Modification: Delete intake velocity entry on the Incident Report of Sea Turtle Take, and add "Number of pumps operating at the time of observation" and "Percent of power generating capacity achieved per unit at the time of observation." A revised Incident Report is attached, and the electronic version will be sent to Malcolm Browne via email. While NMFS prefers the incidental take reports to be recorded on Appendix III, an alternative reporting form may be used if all of the information on Appendix III is included.

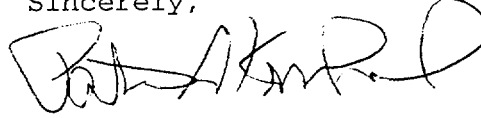
4. Issue: It is our understanding that the OCNGS is now being referred to as the Oyster Creek Generating Station (OCGS). NMFS will refer to the facility as OCGS in the future, but as the Biological Assessment and July 18, 2001 BO referred to the facility as OCNGS, that facility title will continue to be used in this letter and the accompanying modifications in order to alleviate any confusion with the 2001 consultation.

As you requested, attached is a list of qualified individuals and/or facilities that may be able to perform sea turtle necropsies on those turtles found at OCNGS. This list is not exhaustive, but will assist you in coordinating with a stranding facility to conduct the necessary necropsies, as indicated in Term and Condition #8.

The modifications outlined in this letter will apply to the continued operation of OCNGS for the life of the July 18, 2001 BO, unless future correspondence indicates otherwise. If you have any questions

concerning these comments or the section 7 consultation process in general, please contact Carrie McDaniel at (978) 281-9388.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia A. Kurkul', written over a rectangular box.

Patricia A. Kurkul
Regional Administrator

Enclosures

cc: Malcolm Browne, AmerGen
Anita Riportella, F/NER-SH
Julie Williams, GCNE
Jim Wilson, NRC

File code: 1514-05(A) NRC - Oyster Creek reinitiation

List of Northeast Region Marine Mammal Stranding Network Contacts
 Supplied to educators & researchers re: obtaining parts from stranded marine mammals
Last updated March 2000

State	Email& coworkers	Address	Phone (T), /Fax (F)
ME	stodd@ecology.coa.edu	Sean Todd, Ph.D, Director, Allied Whale, College of the Atlantic, 105 Eden Street, Bar Harbor, ME 04609	T 207-288-5015 F 207-288-4126
ME NH MA	cmerigo@neaq.org <u>Assistants:</u> brubinstein@neaq.org (Belinda Rubinstein)	Connie Merigo New England Aquarium Central Wharf Boston, MA 02110	T 617-973-6551 F 617-720-5098
CT RI	rnawojchik@mysticaquarium.org	Rob Nawojchik Mystic Aquarium 55 Coogan Blvd. Mystic, CT 06355-1997	T 860-572-5955 x107 F 860-572-5969
NY	KDurhamNY@aol.com Radigi@aol.com (Robert DiGiovanni)	Kim Durham Riverhead Foundation for Marine Research 431 East Main St. Riverhead, NY 11901	T 631-369-9840 x22 T 631-369-9841 F 631-369-9826
NJ	mmsc@bellatlantic.net	Bob Schoelkopf Marine Mammal Stranding Center PO Box 773 Brigantine, NJ 08203	T 609-266-0538 F 609-266-6300
DE	Leon Spence Edna Stetzar Susan Thurman (no e-mail) lspence@state.de.us estetzar@state.de.us	Leon Spence DE Division of Fish & Wildlife 89 Kings Hwy Dover, DE 19903	T 302-739-4782 F 302-653-3431
MD	SKNOWLES@dnr.state.md.us CDRISCOLL@dnr.state.md.us (Cindy Driscoll)	Susan Knowles Maryland Department of Natural Resources Oxford Cooperative Laboratory 904 South Morris St. Oxford, MD 21654	T 410-226-5901 F 410-226-5925

MD	dschofield@aqua.org	David Schofield Marine Animal Rescue Program National Aquarium in Baltimore 501 East Pratt St, Pier 3, Baltimore, MD 21202-3194	T 410-576-3853 T 410-576-1098
VA	jmusick@vims.edu ktlm@vims.edu (Kate Mansfield)	Jack Musick Virginia Institute of Marine Science College of William and Mary Gloucester Point, VA 23062	T 804 -684-7317 F 804-642-7097
VA	mswingle@city.virginia-beach.va.us vmsmstranding@erols.com (Wendy Walton, Holly Fearnbach)	Mark Swingle Virginia Marine Science Museum 717 General Booth Blvd. Virginia Beach, VA 23451	T 757-437-6159 F 757-437-6428

D:\MyFiles\stranding network\network lists\allnetwk.share.adr.wpd

APPENDIX III
Incident Report of Sea Turtle Take - OCNGS

Photographs should be taken and the following information should be collected from all turtles (alive and dead) found in association with the OCNGS. Please submit all necropsy results (including sex and stomach contents) to NMFS upon receipt.

Observer's full name: _____

Reporter's full name: _____

Species Identification (Key attached): _____

Site of Impingement (CWS or DWS, Bay #, etc.): _____

Date animal observed: _____ Time animal observed: _____

Date animal collected: _____ Time animal collected: _____

Date rehab facility contacted: _____ Time rehab facility contacted: _____

Date animal picked up: _____ Time animal picked up: _____

Environmental conditions at time of observation (i.e., tidal stage, weather):

Date and time of last inspection of screen: _____

Water temperature (°C) at site and time of observation: _____

Number of pumps operating at time of observation: _____

Average percent of power generating capacity achieved per unit at time of observation: _____

Average percent of power generating capacity achieved per unit over the 48 hours previous to observation: _____

Sea Turtle Information: *(please designate cm/m or inches)*

Fate of animal (circle one): dead alive

Condition of animal *(include comments on injuries, whether the turtle is healthy or emaciated, general behavior while at OCNGS)*: _____

(please complete attached diagram)

Carapace length - Curved: _____ Straight: _____

Carapace width - Curved: _____ Straight: _____

Existing tags?: YES / NO *Please record all tag numbers.* Tag # _____

Photograph attached: YES / NO

(please label species, date, location of impingement on back of photograph)

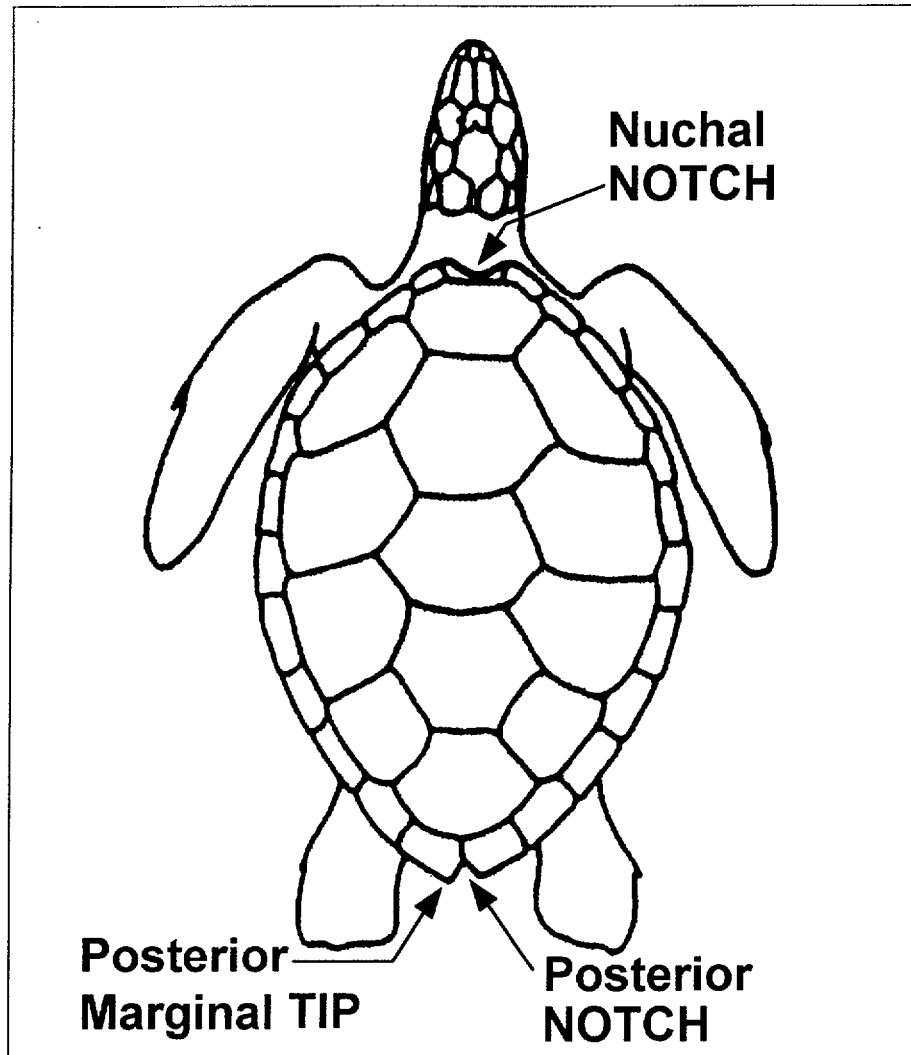
All information should be sent to the following address:

National Marine Fisheries Service Northeast Region
Protected Resources Division
One Blackburn Drive
Gloucester, MA 01930
Attention: Carrie McDaniel

Phone: (978) 281-9388
FAX: (978) 281-9394

APPENDIX III, continued (**Incident Report of Sea Turtle Take**)

Draw wounds, abnormalities, tag locations on diagram and briefly describe below.



Description of animal: