



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

OCT - 6 2000

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:

The National Marine Fisheries Service (NMFS) has received your September 18, 2000, letter requesting the reinitiation of formal consultation, pursuant to section 7 of the Endangered Species Act of 1973, as amended (ESA), on the effects of the Oyster Creek Nuclear Generating Station (OCNGS) on endangered and threatened species.

Several species of endangered and threatened sea turtles are present in the vicinity of the OCNGS, located on the Forked River and Oyster Creek, New Jersey. Loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempi*), and green (*Chelonia mydas*) sea turtles are present in the project area during the warmer months, generally coinciding with water temperatures greater than 18° C.

The previous impacts of the OCNGS on sea turtles were addressed in a formal consultation and subsequent biological opinion dated September 21, 1995. As stated in the terms and conditions of this opinion, the existing biological opinion and incidental take statement were to expire five years from the signature date. Thus, OCNGS coverage under the ESA expired on September 21, 2000. As any additional turtle takes that occur will not be covered under the ESA until the requested formal consultation is completed and the biological opinion is signed, the NMFS will attempt to expedite this formal consultation. However, additional information is needed before formal consultation can proceed.

Please supplement the submitted biological assessment (BA) with the following information:

- Provide specifics on the three turtles taken since the date of the BA, July 2000: the green turtle on August 3; the Kemp's ridley on August 28; and the loggerhead on September 18. Please provide information on the details of each take and any necropsy results.
- Provide possible reasons for the increase in turtle takes in 2000. Given that there have been large number of turtles taken in 2000 as compared to other years, what additional measures would help reduce the numbers of turtles incidentally taken at the OCNGS?
- Discuss potential theories as to why more turtles in the past six years have been captured at the dilution water system in comparison to the circulating water system. Based on the information submitted, only two out of twelve turtles were taken at the circulating water



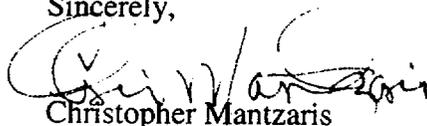
system (the turtle taken on September 18, 2000, was not included in these results as the final incident report with the location of take has not yet been received).

- Update the necropsy results for the turtles previously captured. Please provide details on the necropsy results and probable cause of death for the Kemp's ridley taken on July 1, 1994; the Kemp's ridley taken on July 12, 1994; and the green taken on October 23, 1999. Furthermore, if necropsies were performed on the Kemp's ridley taken on September 4, 1997, and the Kemp's ridley taken on July 2, 2000, please provide results from these analyses as well.
- Update the sea turtle stranding data discussed in the BA. Specifically, data in Table 5-2 and Figure 5-5 only extend to 1994, while Figure 5-6 only presents data from 1977 to 1984. The New Jersey annual strandings in Table 5-1 range from 1977 to 2000, but are current strandings numbers available for the other figures and tables? If so, these data should be included in the BA.
- Update the data in Section 5.0, Information on Sea Turtle Species. If updated population estimates and stranding numbers for each species are available, please incorporate these current numbers into the BA. Additionally, updated strandings and incidental captures in the periodic trawl and seine sampling in Barnegat Bay are necessary to provide a complete picture of sea turtles in the project area.

Once this additional information is submitted, the NMFS will determine if all of the information required to initiate a formal consultation has been received. If so, formal consultation will proceed. The ESA and the section 7 regulations require that formal consultation be concluded within 90 calendar days of initiation, and the biological opinion be delivered to the action agency within 45 days after the conclusion of formal consultation. Until the final biological opinion is completed and signed, NMFS recommends that the Nuclear Regulatory Commission continue to implement the requirements identified in the September 21, 1995, biological opinion.

If you have any questions concerning these comments or the section 7 consultation process in general, please contact Carrie McDaniel of my staff at (978) 281-9388.

Sincerely,



Christopher Mantzaris
Assistant Regional Administrator
for Protected Resources

cc: Malcolm Browne, AmerGen
Colligan, F/NER3
Collins, GCNE
Riportella, F/NER-SH