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October 13, 1995

U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attn: Document Control Desk

Dear Sirs:

Subject: Oyster Creek Nuclear Generating Station  
Docket 50-219  
Sea Turtle Biological Opinion

As suggested by John Moulton, NRC Sea Turtle Project Coordinator, during our October 10th conference call, Jay Vouglitois and I have reviewed the initial version of the Biological Opinion dated September 21, 1995 and would like to offer certain editorial comments (see Attachment I). Please note that we have italicized any additions to the original text. We appreciate the opportunity to offer this input and feel our comments will add to the clarity and accuracy of the document.

If you have any questions or require any additional information, please do not hesitate to contact me at (609) 971-4124 or Jay Vouglitois at (609) 971-4021.

Very truly yours,

Malcolm Browne

MEB/mmj  
Attachment

cc: A. Dromerick, USNRC  
M. Masnik, USNRC  
J. Moulton, USNRC  
J. Vouglitois, OCNGS

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Comments on Oyster Creek Nuclear Generating Station Biological Opinion (September 21, 1995 draft)

<u>Item #</u>	<u>Page/Paragraph</u>	<u>Comment</u>
1.	General	<p>It is our understanding that following the establishment of an Incidental Take Allowance at a particular facility such as OCNGS that reinitiation of formal consultation under Section 7 of the Endangered Species Act occurs only if the Incidental Take Allowance is exceeded. This is stated clearly in the last paragraph on Page 12 of 24 (entitled "REINITIATION OF CONSULTATION"): "Reinitiation of formal consultation is required if: (1) the amount or extent of taking specified in the incidental take statement <u>is exceeded</u> (underlining added for emphasis)...." However, the above conflicts with other statements in the document (such as the third paragraph of the transmittal letter) which states that reinitiation is required if in a given year: "...twelve sea turtles are taken and/or there is a lethal take of one Kemp's ridley or one green turtle."</p> <p>For clarity, as well as consistency with the REINITIATION OF CONSULTATION section of the Opinion, we suggest revision of references to reinitiation to read as follows: "Reinitiation of consultation is required if, during any one year, <i>more than</i> fifteen (the sum of the allowable takes from each species) sea turtles are taken and/or there is a lethal take of <i>more than</i> one Kemp's ridley OR <i>more than</i> one green turtle. "Similarly, we suggest that the first paragraph of page 13 of 24 be revised as follows: "The Incidental Take Allowance extends for a period of five years from the date of this biological opinion. Reinitiation of consultation is required if, during any one year, <i>more than</i> fifteen sea turtles are taken and/or there is a lethal take of <i>more than</i> one Kemp's ridley OR <i>more than</i> one green turtle."</p>

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<u>Item #</u>	<u>Page/Paragraph</u>	<u>Comment</u>
2.	p. 2 of 24 fifth full para.	<p>This paragraph is misleading as to the function of the Dilution Water System (DWS). The Circulating Water System (CWS) pumps water from the intake canal to cool the OCNGS main condenser which is subsequently discharged directly into the discharge canal as a heated effluent. The DWS does not pump water into any equipment within the plant, but rather pumps ambient temperature water from the intake canal directly into the discharge canal to mix with and thereby reduce the temperature of the OCNGS thermal effluent. The DWS is operated in accordance with the provisions of the OCNGS NJPDES Discharge to Surface Water Permit.</p> <p>Therefore, the following revision to this paragraph is suggested: "Water used to cool the condensers and associated systems is drawn into the OCNGS from the <i>intake canal</i> (south fork of Forked River) through 6 intake bays at the Circulating Water System (CWS) and is subsequently discharged into the discharge canal as a heated effluent. Ambient temperature water is pumped from the intake canal through the 6 intake bays at the Dilution Water System (DWS) and discharged directly into the discharge canal, where it mixes with and reduces the temperature of the heated effluent. The intake at each bay is screened by trash racks, which extend ...."</p>
3.	p. 2 of 24 last para.	<p>Suggest replacing the last sentence with the following for clarity: "By contrast, the intake velocity at the DWS is 2.4 ft/sec when both pumps are operating. <i>The DWS pumps are operated in accordance with the requirements of the OCNGS NJPDES Discharge to Surface Water Permit. Up to two of the three DWS pumps are operated to reduce potential thermal effects in the receiving waters. One or two of the DWS pumps are typically in operation when sea turtles are likely to use the area.</i>"</p>

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<u>Item#</u>	<u>Page/Paragraph</u>	<u>Comment</u>
4.	p. 6 of 24 fourth full para.	Suggested rewording: "The two major threats to sea turtles at the OCNGS are impingement at <i>either the CWS or DWS intake</i> and possible cold stunning...."
5.	p. 6 of 24 last para.	Reference to intake screens in first sentence should actually read intake trash bars rather than intake screens: "Most sea turtles likely to occur in the project area are large enough that they would not pass through the intake <i>trash bars</i> , which are constructed...."
6.	p. 7 of 24 fourth full para.	Same as Item 5. above: "Debris is cleaned from the intake <i>trash bars</i> by a trash rake...."
7.	p. 8 of 24 second full para.	Correct dates of incidental captures are as follows: "There have been 9 incidental captures of sea turtles associated with operations at the OCNGS (4 at the CWS intake trash bars and 5 at the DWS intake trash bars) between <i>June 25, 1992 and July 12, 1994</i> (Table 1)."

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<u>Item</u>	<u>Page/Paragraph</u>	<u>Comment</u>
8.	p. 8 of 24 last para.	Two proposed revisions as follows: "When the plant is operational, all flow in the south fork is diverted into the <i>CWS and DWS</i> intakes, ...."and "...unless the cause of death is readily visible (such as a traumatic propeller injury or an advanced state of decomposition) or is revealed through necropsy."
9.	p. 10 of 24 fourth full para.	Proposed revision: "...returns of live entrained organisms or dead fish and other material dumped from the <i>traveling screens</i> may provide food...."
10.	p. 11 of 24 top para.	Proposed revision: "...maintenance dredging of <i>Barnegat Inlet</i> , which increases water volume <i>flowing through the inlet</i> , makes the bay more accessible to turtles, the frequency of impingements at OCNGS may increase after each dredging episode and decrease as the <i>inlet</i> fills with sediment,...."

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<u>Item</u>	<u>Page/Paragraph</u>	<u>Comment</u>
11.	p. 11 of 24 top para.	Proposed revision: "No turtles have been sighted <i>during many years of biological sampling efforts conducted by or for the OCNGS. Such sampling occurred during all twelve months of the year, day and night, at the plant intake structures as well as the intake and discharge canals and the mouths of Cedar Creek, Forked River, Oyster Creek, and Double Creek. Trawl sampling was conducted on the bottom, gillnet sampling was conducted at the surface to mid-depth, and seines sampled the entire water column in nearshore areas.</i> "
12.	p. 11 of 24 second full para.	Proposed revision: "Approximately 16,500 hours of impingement sampling (24 - 54 hours/week) was conducted <i>at the CWS intake year-round, day and night from 1975-1985, with no turtles sighted.</i> "
13.	p. 14 of 24 Term/Condition	Term/Condition 4 of the Incidental Take Statement specifies that the CWS and DWS intake trash bars "...must be cleaned daily from June 1 to October 31." Although the June-October sea turtle season includes the periods of the year when the debris loading is typically greatest at OCNGS and the times between cleanings is shortest, there will be infrequent situations when the trash rake/trash cart system is temporarily out of service to receive either preventive maintenance or repairs. Therefore, it would be impossible to perform daily cleanings in such a case if the equipment were out of service for over 24 hours during the sea turtle season.

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<u>Item</u>	<u>Page/Paragraph</u>	<u>Comment</u>
14.	p. 15 of 24 Term/Condition 6&7	<p>Term/Condition 7 of the Incidental Take Statement states that "Live turtles that exhibit no signs of illness or injury are to be taken to an authorized agent of the Sea Turtle Stranding and Salvage Network (STSSN) to be evaluated, tagged, and released."</p> <p>This has been and will continue you to be the policy at OCNGS; all such sea turtles will be taken to the Marine Mammal Stranding Center, the local agent of the STSSN. Term/Condition 6 of the Take Statement states that "Live sea turtles are to be inspected for signs of illness or injury. Any ill or injured turtle is to be given appropriate medical attention, and must not be released until its condition has improved...."</p> <p>It is our preference at OCNGS to also take any such ill or injured sea turtles from OCNGS to the Marine Mammal Stranding Center as soon as practicable. We would like clarification/assurance that this action plan meets the intent of the Take Statement.</p>
15.	p. 15 of 24 Term/Condition 8	<p>The point is made on page 9 of 24 of the Opinion that "Identification of the sex of immature turtles is very difficult without the training of a qualified herpetologist...."</p> <p>In light of this, it is suggested that Term/Condition 8 of the Incidental Take Statement be revised as follows: "<i>If possible</i>, identification of sex should be determined and stomach contents should be identified to determine whether waste products...."</p>

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<u>Item</u>	<u>Page/Paragraph</u>	<u>Comments</u>
16.	p. 15 of 24 Term/Condition 10	<p>Term/Condition 10 of the Take Statement indicates that "...a record of when inspections of the intake trash bars were conducted." We would like clarification as to what sort of record or documentation is suitable to meet this requirement. Our current practice is for the Operations personnel who perform the inspections to sign on multiple-page Intake Tour Sheets indicating that inspections of the intake trash bars were conducted twice per 8 hour shift during the sea turtle season. Because a separate Tour Sheet is completed each day and each consists of a considerable amount of data unrelated to the subject inspections, the amount of paperwork involved would constitute several hundred pages. In lieu of copies of the Tour Sheets, would it be sufficient for OCNGS to provide NMFS a signed statement indicating that the intake trash bars at both the CWS and the DWS intakes were inspected at least twice per 8-hour shift during the entire sea turtle season (June through October) and that individual inspections during each shift were not "clumped".</p> <p>In addition, please note that as described in GPUN's Biological Assessment (Section 7.3.1.1.): "The first inspection will normally be conducted one to two hours into the work-shift; the second inspection will normally be performed five to six hours into the work-shift. Although emergencies or other responsibilities may periodically prohibit strict adherence to this schedule, the intent of the schedule is to prevent the individual inspections from being clustered together in a relatively short time period."</p>



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<u>Item</u>	<u>Page/Paragraph</u>	<u>Comment</u>
17.	p. 15 of 24 Term/Condition 11	Suggested revision for clarity/consistency: "...Reinitiation of consultation is required if, during any one year, <i>more than fifteen sea turtles</i> are taken and/or there is a lethal take of <i>more than one Kemp's ridley OR more than one green turtle.</i>