

30-230/410

FILE NUMBER

NRC DISTRIBUTION FOR PART 50 DOCKET MATERIAL

TO: Mr. J. M. Toennies Niagara Mohawk Pwr Corp Syracuse, N.Y.		FROM: Dept of the Army Buffalo, N.Y. 14207 Paul F. Gaume		DATE OF DOCUMENT 5/24/78
<input checked="" type="checkbox"/> LETTER <input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> COPY		<input type="checkbox"/> NOTORIZED <input checked="" type="checkbox"/> UNCLASSIFIED		DATE RECEIVED 6/5/78
PROP		INPUT FORM		NUMBER OF COPIES RECEIVED 1 CC.

DESCRIPTION

ENCLOSURE Forwarding Dept of the Army's permit allowing Applicant to construct a submerged intake structure and a submerged discharge structure connected to shore by tunnel No 1, and a submerged intake structure connected to shore No 2 in Lake Ontario at Subject Facility, Oswego County, N.Y.

PLANT NAME : NINE MILE POINT UNITS 1 & 2
jcm 06/07/78

1 ENCL

SAFETY		FOR ACTION/INFORMATION		ENVIRONMENTAL	
ASSIGNED AD:			ASSIGNED AD:	V. MOORE (LTR)	
BRANCH CHIEF:			BRANCH CHIEF:	REGAN	
PROJECT MANAGER:			PROJECT MANAGER:	NORRIS	
LIC. ASST:			LIC. ASST:	M. DUNCAN	
				B. HARLESS	

INTERNAL DISTRIBUTION			
<input checked="" type="checkbox"/> REG FILES	SYSTEMS SAFETY	PLANT SYSTEMS	SITE SAFETY &
REG FILES DSB - Mail Desk	R. MATTSON	TEDESCO	ENVIRON ANALYSIS
I & E	SCHROEDER	BENAROYA	DENTON & MULLER
OELD		LATNAS	CRUTCHFIELD
GOSSICK & STAFF	ENGINEERING	IPPOLITO	
HANAUER	KNIGHT	F. ROSA	ENVIRON TECH
MTPC	BOSNAK		ERNST
CASE	STHWEIL	OPERATING REACTORS	BALLARD
BOYD	PAWLICKT	STELLO	YOUNGBLOOD
		EISENHUT	
PROJECT MANAGEMENT	REACTOR SAFETY	SHAO	SITE TECH
SKOVHOLT	ROSS	BAER	GAMMILL (2)
P. COLLINS	NOVAK	BUTLER	
HOUSTON	ROSZTOCZY	GRIMES	SITE ANALYSIS
MELTZ	CHECK		VOLLMER
HEITEMES			BUNCH
SK	AT & I		J. COLLINS
	SALTZMAN		KREGER
	RUTBERG		

EXTERNAL DISTRIBUTION		CONTROL NUMBER
LPDR:	NAT LAB:	781580003
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NSIC		
REG V (J. HANCHETT)		
16 CYS SENT CATEGORY	FO ACRS	

DEPARTMENT OF THE ARMY
U.S. Army Engineer District, Buffalo
1776 Niagara Street
Buffalo, New York 14204

REGULATORY DOCKET FILE COPY

mld

NCBCO-S Re: 77-486-6

24 May 1978

Mr. J.M. Toennies
Director, Environmental Affairs
Niagara Mohawk Power Corporation
300 Erie Boulevard West
Syracuse, NY 13202

RECEIVED DISTRIBUTION
SERVICES UNIT
1978 JUN 5 PM 12 49
US NRC
DISTRICT SERVICES
BRANCH

Dear Mr. Toennies:

Enclosed is a Department of the Army permit to perform the work described in the referenced Public Notice.

In accordance with the second paragraph of your letter of 19 May 1978, please note the special condition added to the permit allowing two years time for the commencement of the work. Also please note condition (n) of the permit which requires that our office be informed of the commencement and completion of the authorized work. Forms for this purpose are enclosed. Also enclosed is a Notice of Authorization which must be conspicuously displayed at the site of work.

Revised plans must be submitted to our office if material changes in the location or plans of the work are necessary because of unforeseen or altered conditions, or otherwise. These revised plans must receive the approval required by law before construction is started.

Please acknowledge receipt of the permit.

Sincerely yours,

PAUL F. GAUME, Chief
Regulatory Functions Branch

- 5 Incl
1. Permit
2. Form 8
3. Form 9
4. ENG Form 4336
5. C.G. Notice

CF: Permits
Coburn
EPA (NY, NY)
Jennings
USF&WS (Cortland, NY)
USF&WS (Newton, MA)
NOAA
USCGA (VA)

✓ U.S. Nuclear Reg. Com.

1781580003



DEPARTMENT OF THE ARMY

PERMIT

REIMBURSABLE COSTS
GOVERNMENT INSPECTORBUFFALO DISTRICT
CORPS OF ENGINEERS
BUFFALO, NY 14207

MDCO-S

NO. 77-486-6

23 May 1978

(EFFECTIVE DATE)

(EXPIRATION DATE)

Referring to written request dated 16 September 1977 for a permit to:

- (X) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbor Act of March 3, 1879 (33 U.S.C. 403);
- () Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 401 of the Federal Water Pollution Control Act (86 Stat. 816, Pub. L. 92-500);

Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202 is hereby authorized by the Secretary of the Army: to construct a submerged intake structure and a submerged discharge structure connected to shore by tunnel No. 1, and a submerged intake structure connected to shore by tunnel No. 2 in Lake Ontario at Nine Mile Point Nuclear Station, Oswego County, New York. The tunnels will be in rock below the lake bottom; all of the material removed from the tunnels and lake bottom will be deposited on the Niagara Mohawk Power Corporation's upland property in the vicinity of Lake Road. The work will be in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit. Subject to the following conditions:

GENERAL CONDITIONS:

- a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.
- b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Federal Water Pollution Control Act of 1972 (Pub. L. 92-500; 86 Stat. 816), the Marine Protection, Research and Sanctuaries Act of 1972 (Pub. L. 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.
- c. That when the activity authorized herein involves a discharge during its construction or operation, of any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.
- d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.
- e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.
- f. That the permittee agrees that it will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.
- g. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
- h. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plan and drawings attached hereto.
- i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it obviate the requirement to obtain state or local assent required by law for the activity authorized herein.
- j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension; (2) the reasons for this action; and, (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within 10 days following receipt of this notice of suspension the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension, or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not started on or before one year from the date of issuance of this permit unless otherwise specified and is not completed on or before three years from the date of issuance of this permit unless otherwise specified, this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition 1 hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

SPECIAL CONDITIONS:

Also see ATTACHED SHEET

() That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

() That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

(x) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

() That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

() That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

() That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for years from the date of issuance of this permit (ten years unless otherwise indicated).

() That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

() That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the FWPCA and published in 40 CFR 230.

() That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities.

() That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution.

() That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State Wild and Scenic River System.

THIS PERMIT SHALL BECOME EFFECTIVE ON THE DATE OF THE DISTRICT ENGINEER'S SIGNATURE. PERMITTEE HEREBY ACCEPTS AND AGREES TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

DANIEL D. LUDWIG, P.E., COL, CE

DISTRICT ENGINEER

23 May 1978

DATE

By Richard C. Liberty Vice President
PERMITTEE
May 16, 1978
DATE

TRANSFeree HEREBY AGREES TO COMPLY WITH
THE TERMS AND CONDITIONS OF THIS PERMIT.

TRANSFeree

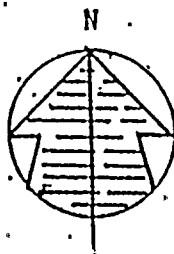
DATE

SPECIAL CONDITION:

(x) That the permittee agrees to reimburse the U.S. Army Corps of Engineers for the cost of a sweep survey required after completion of the activity authorized herein, to determine that the intake structures and discharge diffuser nozzles provide the clearance below low water datum as specified in the permit, and to determine that no refuse piles or ridges have been left on the lake bottom.

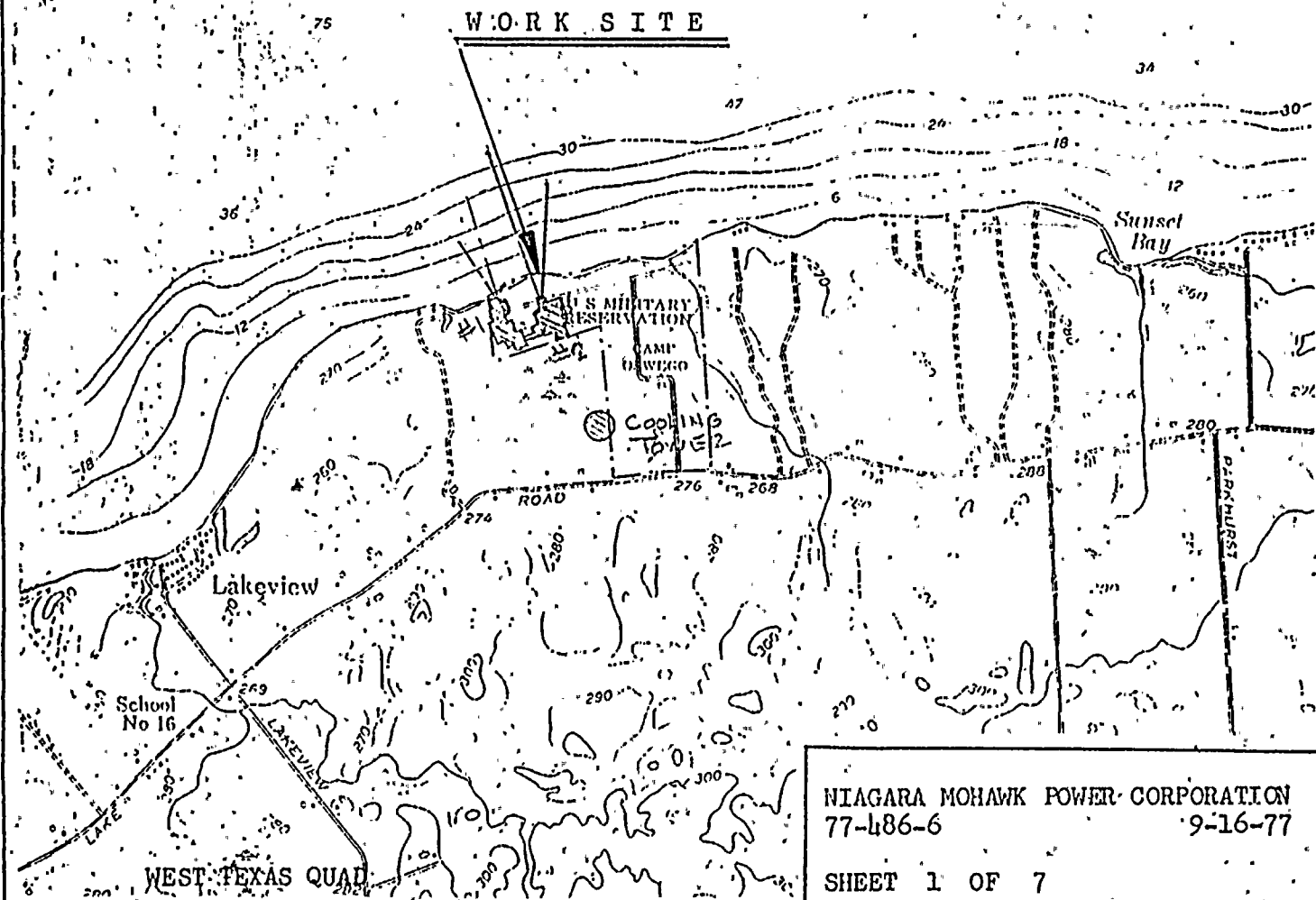
(x) General Condition (o) is hereby amended to read as follows:

That if the activity authorized herein is not started on or before two years from the date of issuance of this permit unless otherwise specified and is not completed on or before three years from the date of issuance of this permit unless otherwise specified, this permit, if not previously revoked or specifically extended, shall automatically expire.



L A K E
O N T A R I O

WORK SITE

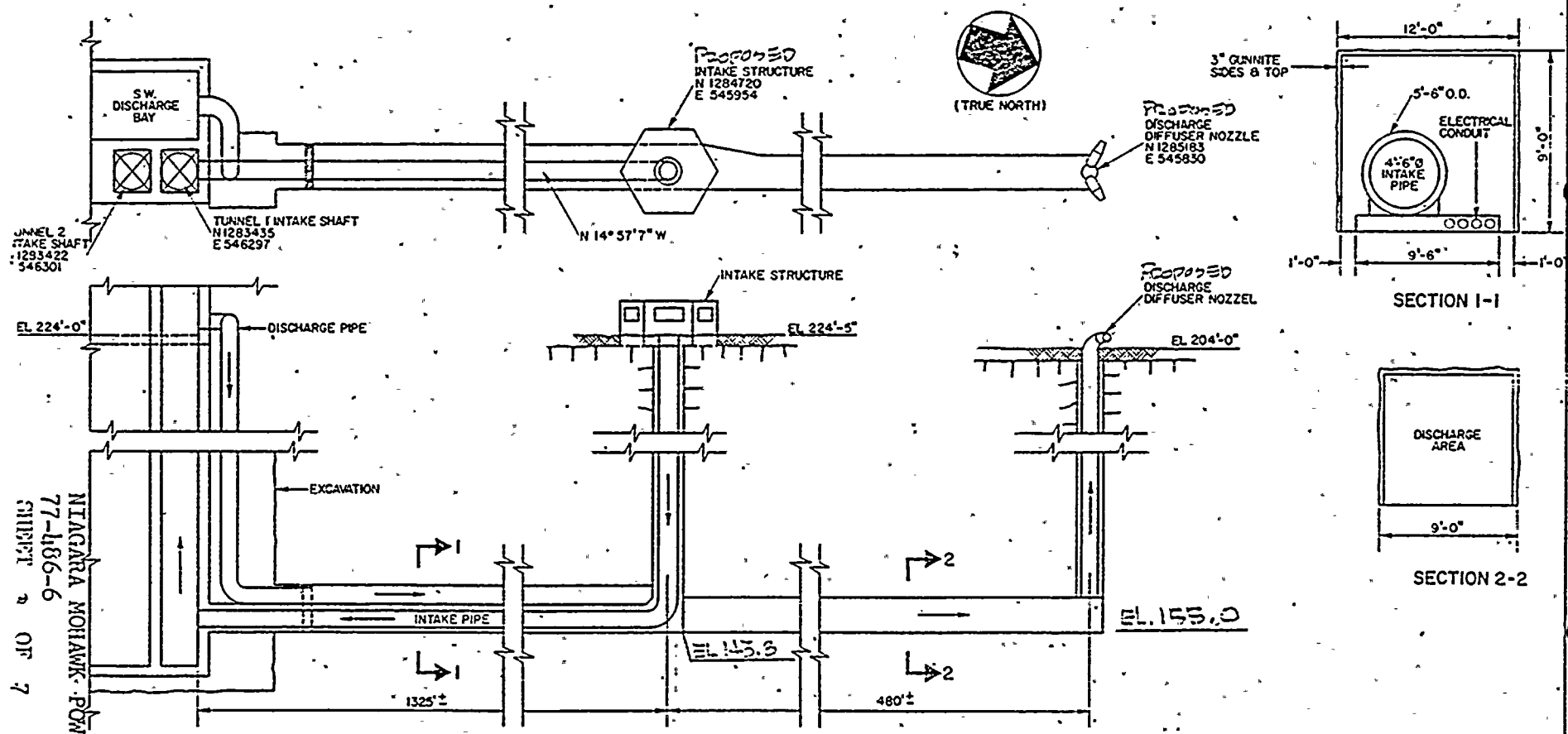


NIAGARA MOHAWK POWER CORPORATION
77-486-6 9-16-77

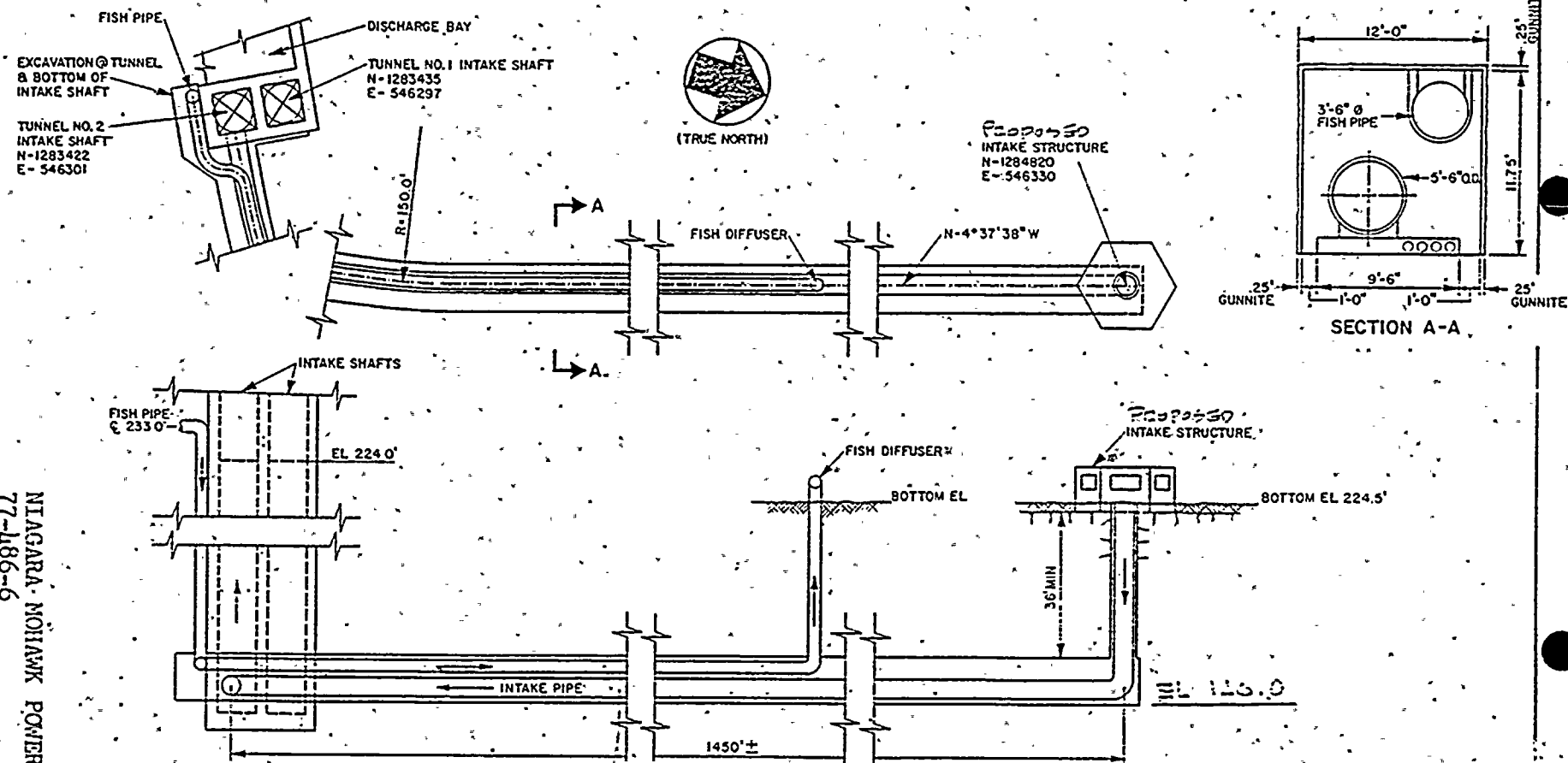
SHEET 1 OF 7



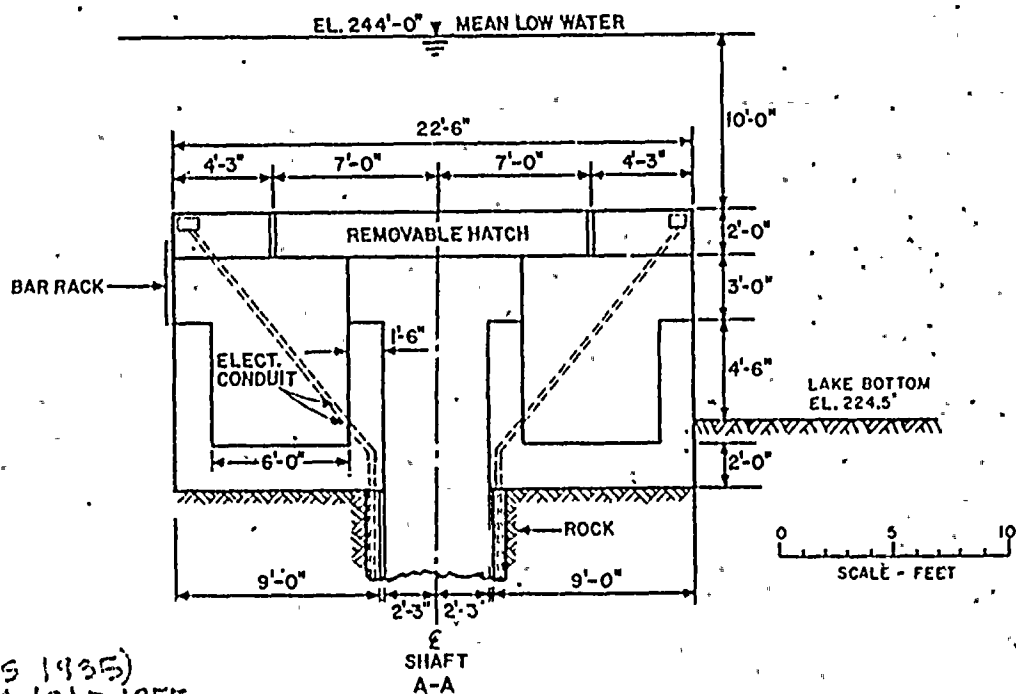
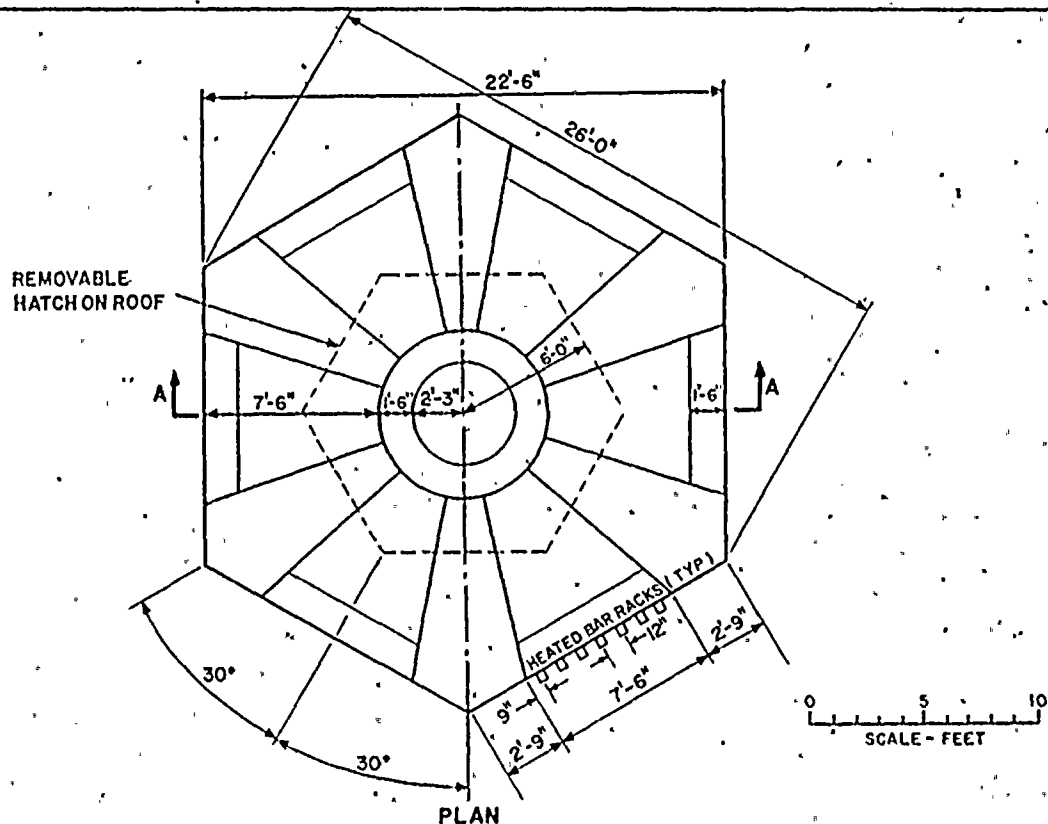
East Power Luth. Ch. of NY
10 Columbus Circle
New York, NY 10017



NO. 1 INTAKE TUNNEL & DIFFUSER

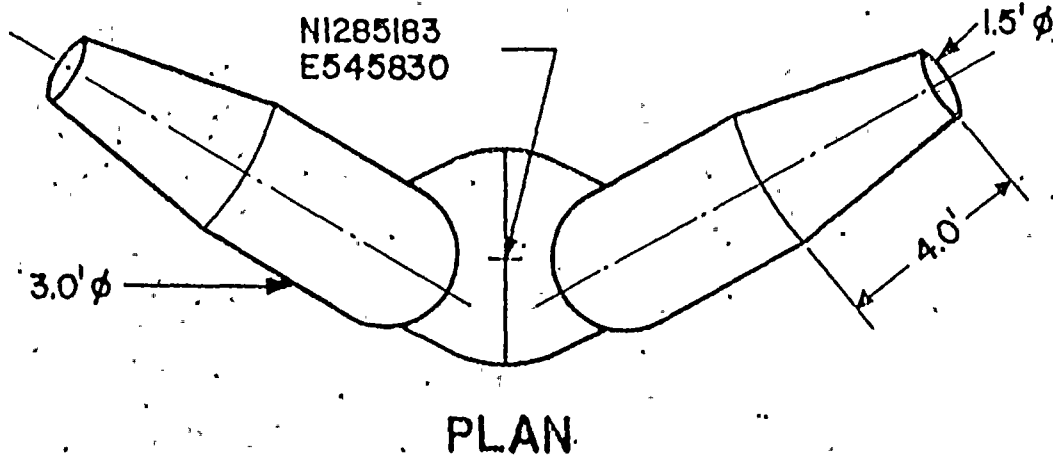


NO. 2 INTAKE STRUCTURE

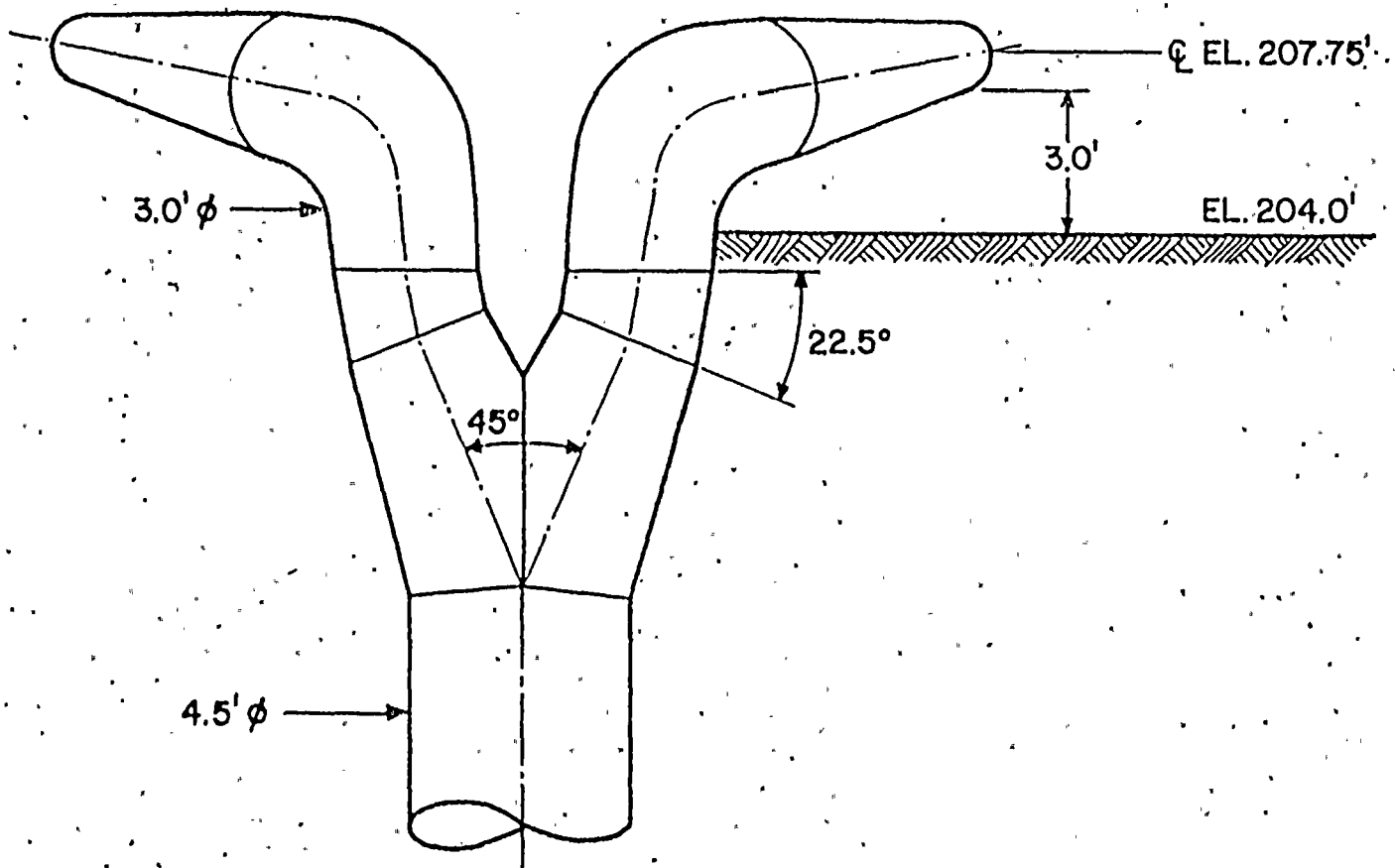


NOTE:
 DATUM - (USLS 1935)
 TO CONVERT TO IGLD, 1955
 SUBTRACT 1.2 FEET
 FROM THE ELEVATIONS
 SHOWN ON DRAWINGS

INTAKE STRUCTURE



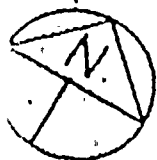
W.S. EL. 244.0' (MEAN LOW WATER)



DISCHARGE DIFFUSER

LAKE

ONTARIO



UNIT 1

UNIT 2



2000'

DISPOSAL AREA

