



Tennessee Valley Authority  
1101 Market Street, LP 3R  
Chattanooga, Tennessee 37402-2801

**R. M. Krich**  
Vice President  
Nuclear Licensing

March 9, 2010

10 CFR 50.4

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555-0001

Sequoyah Nuclear Plant, Units 1 and 2  
Facility Operating License Nos. DPR-77 and DPR-79  
NRC Docket Nos. 50-327 and 50-328

**Subject: Department of Army Permit File No. 2009-00654 Approved Changes**

The enclosure provides an approved change to Sequoyah Nuclear Plant Department of Army Permit File No. 2009-00654 as required by Sequoyah Nuclear Plant Environmental Technical Specification Section 5.5.2, Changes in Permits and Certifications. The change allows the addition of a launching/loading boat ramp on the Tennessee River.

Please direct questions concerning this issue to James W. Proffitt at (423) 843-6651.

Respectfully,

R. M. Krich

Enclosure:  
Department of Army Permit File No. 2009-00654 Approved Changes

cc (Enclosure):

NRC Regional Administrator – Region II  
NRC Senior Resident Inspector – Sequoyah Nuclear Plant

A001  
NRR

**ENCLOSURE**

**TENNESSEE VALLEY AUTHORITY  
SEQUOYAH NUCLEAR PLANT**

**DEPARTMENT OF ARMY PERMIT FILE NO. 2009-00654  
APPROVED CHANGES**



**DEPARTMENT OF THE ARMY**  
**NASHVILLE DISTRICT, CORPS OF ENGINEERS**  
 Eastern Regulatory Field Office  
 501 Adesa Blvd., Suite 250  
 LENOIR CITY, TENNESSEE 37771

February 9, 2010

REPLY TO

Eastern Regulatory Field Office

**SUBJECT: File No. 2009-00654; Proposed Launching/Loading Ramps, Tennessee River Mile 484.8 R, Hamilton County, Tennessee**

Tennessee Valley Authority  
 Sequoyah Nuclear Plant  
 Attn: Mr. Christopher R. Church  
 PO Box 2000  
 OPS 4A-SQN  
 Soddy Daisy, TN 37384

Dear Mr. Church:

This is in regard to your recent application for a Department of the Army (DA) permit for your proposed subject activities. Your project has been assigned File No. 2009-00654.

Based upon our review of the information provided, we have determined that the work is approved as stated below and is subject to all conditions attached to this permit. The work must also be in accordance with the plans submitted with your application. **Please sign and return the enclosed "Certification of Work" form upon completion of the work.**

We have determined that your proposed boat ramps have been previously permitted under authority of DA Nationwide Permit (NWP) #36 Launching Ramps, which became effective March 19, 2007. The proposed work must be constructed in accordance with the enclosed plans and conditions. It should be noted that if you fail to comply with any of the conditions, this authorization may be modified, suspended, or revoked and an individual permit may be required pursuant to 33 CFR 330.5(d).

The notification that the work is approved under the Nationwide Permit mentioned above is valid until two years from date of letter unless the NWP is modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to obtain verification that the permit is still valid.

The State of Tennessee has issued a 401 water quality certification for the NWP. Consequently, the proposed work must also be constructed in accordance with the enclosed State Conditions.

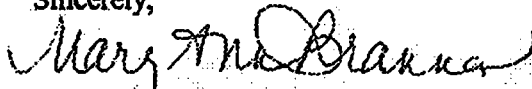
-2-

You are also responsible for obtaining any other federal, state, and/or local permits, approvals, or authorizations.

If changes in the location or plans of the work are necessary, revised plans should be submitted promptly to this office. No deviation should be made in the approved plans without *first obtaining approval* from this office.

If you have any questions, please contact me at the above address or telephone (865)986-7296.

Sincerely,



Mary Ann Brannan  
Regulatory Specialist  
Operations Division

Enclosures

Copies Furnished:

Tennessee Department of Environment and Conservation  
Division of Water Pollution Control  
540 McCallie Avenue  
Suite 550  
Chattanooga, TN 37402

Tennessee Valley Authority (via email)  
Chattanooga, TN

# ATTENTION

**YOU ARE REQUIRED TO SUBMIT THIS SIGNED  
CERTIFICATION REGARDING THE COMPLETED ACTIVITY  
AND ANY REQUIRED MITIGATION.**

I hereby certify that the work authorized by Permit No. 2009-00654  
and any required mitigation was done in accordance with the Corps  
authorization, including any general or special conditions.

\_\_\_\_\_  
Permittee Signature

Date \_\_\_\_\_

Submit this signed certification to the office checked below:



Eastern Regulatory Field Office  
Spring Cress Business Park  
501 Adesa Blvd.  
Suite B250  
Lenoir City, TN 37771

TRM 484.4 R, Hamilton Co TN  
Commercial



5  
US Army Corps  
of Engineers,  
Nashville District

# Nationwide Permit Conditions

File No. 2009-00654

The following General Conditions must be followed in order for any authorization by NWP to be valid:

1. **Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the US. (c) The permittee understands and agrees that, if future operations by the US require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the US. No claim shall be made against the US on account of any such removal or alteration.

2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. **Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. **Migratory Bird Breeding Areas.** Activities in waters of the US that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is related to a shellfish harvesting activity authorized by NWP 4 and 48.

6. **Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. **Adverse Effects from Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. **Management of Water Flows.** To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g. stream restoration or relocation activities).

10. **Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the US during periods of low-flow or no-flow.

13. **Removal of Temporary Fills.** Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations and revegetated, as appropriate.

14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. **Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, US Forest Service, US Fish and Wildlife Service).

16. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. **Endangered Species.** (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-

federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS, the District Engineer may add species-specific regional endangered species conditions to the NWP.

(b) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their World Wide Webpages at <http://www.fws.gov/> and <http://www.noaa.gov/fisheries.html> respectively.

18. Historic Properties. No activity which may affect historic properties listed or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Prospective permittees should beware that section 110k of the NHPA (16 USC 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur.

19. Designated Critical Resource Waters. Critical resource waters including state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment. (a) Discharges of dredged or fill material into waters of the US are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The activity must be constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the US to the maximum extent practicable at the project site (i.e. on site). Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

21. Water Quality Certification. The activity must comply with case specific conditions added by the Corps or by the state, Indian Tribe, or USEPA in its section 401 Water Quality Certification. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal water is constructed under NWP14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed 1/3-acre.

23. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with NWP verification, the permittee may transfer the NWP verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the NWP verification must be attached to the letter, and the letter must contain the following statement: When the structures or work authorized by this NWP are still in existence at the time the property is transferred, the terms and conditions of this NWP, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below:

Transferee \_\_\_\_\_

Date \_\_\_\_\_

24. Compliance Certification. Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification form is included with this verification.

25. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

**Further Information:**

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

**36. Boat Ramps.** Activities required for the construction of boat ramps, provided the activity meets all of the following criteria:

(a) The discharge into waters of the United States does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or in the form of pre-cast concrete planks or slabs, unless the 50 cubic yard limit is waived in writing by the district engineer;

(b) The boat ramp does not exceed 20 feet in width, unless this criterion is waived in writing by the district engineer;

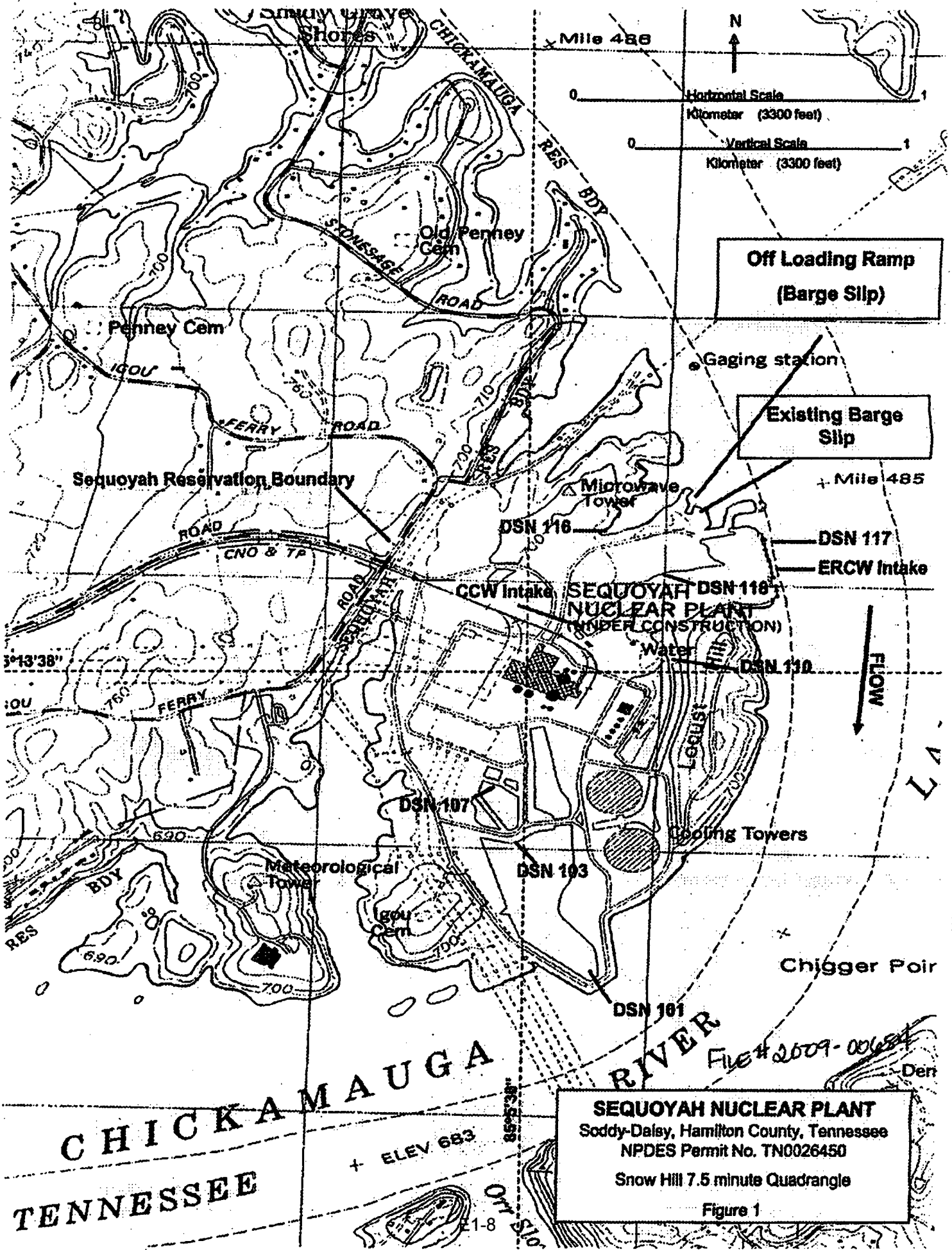
(c) The base material is crushed stone, gravel or other suitable material;

(d) The excavation is limited to the area necessary for site preparation and all excavated material is removed to the upland; and,

(e) No material is placed in special aquatic sites, including wetlands. The use of unsuitable material that is structurally unstable is not authorized. If dredging in navigable waters of the United States is necessary to provide access to the boat ramp, the dredging may be authorized by another NWP, a regional general permit, or an individual permit.

**Notification:** The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge into waters of the United States exceeds 50 cubic yards, or (2) the boat ramp exceeds 20 feet in width. (See general condition 27.) (Sections 10 and 404)

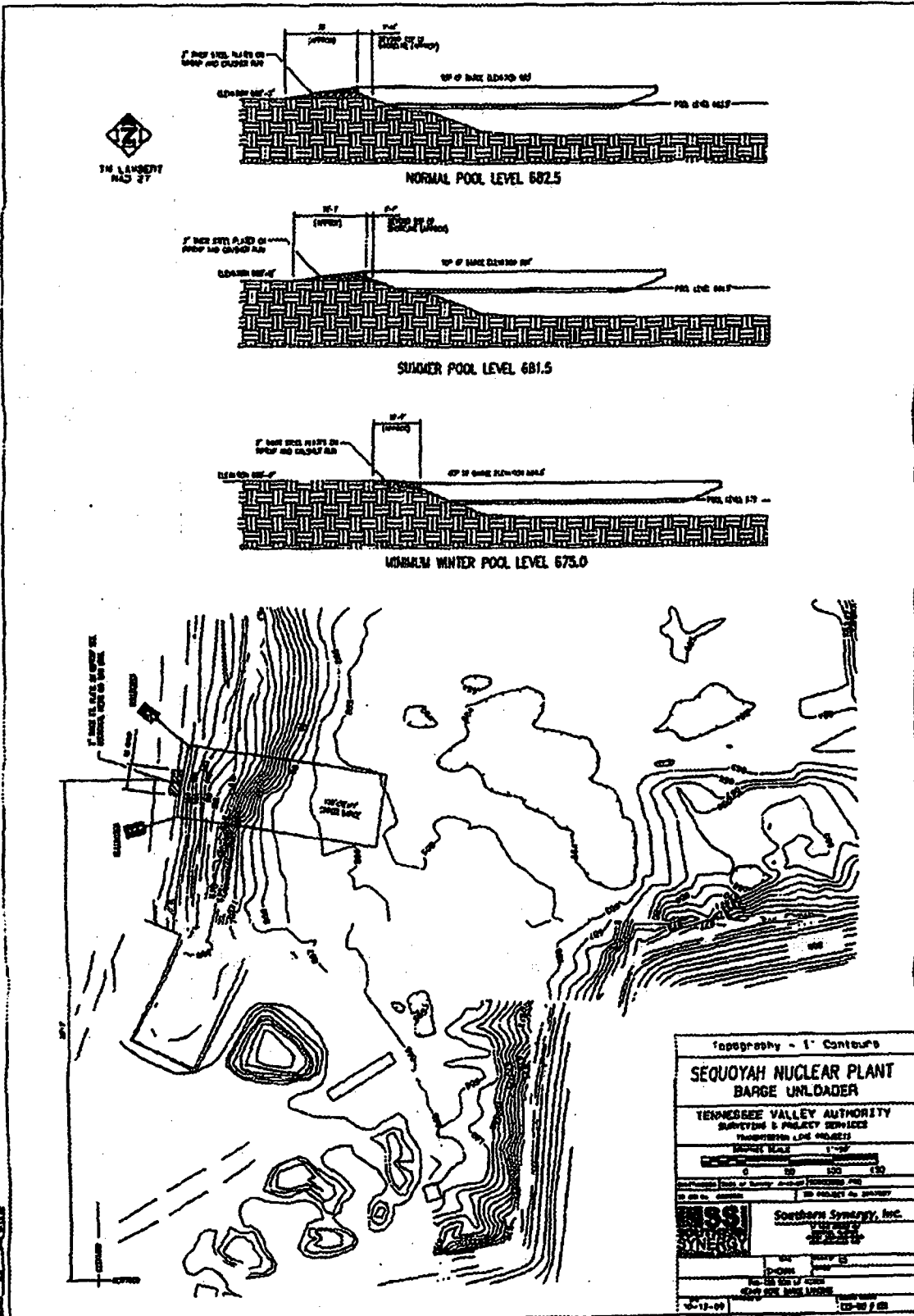




**SEQUOYAH NUCLEAR PLANT**  
 Soddy-Daisy, Hamilton County, Tennessee  
 NPDES Permit No. TN0026450  
 Snow Hill 7.5 minute Quadrangle  
 Figure 1

File # 2509-00684

FIGURE 2



FILE # 2009-00684





The figure below shows the area of land to be prepped for offload. This section of ground is expected to be excavated from Point A sloping up at a maximum grade of 5% until reaching surface elevation at Point B.

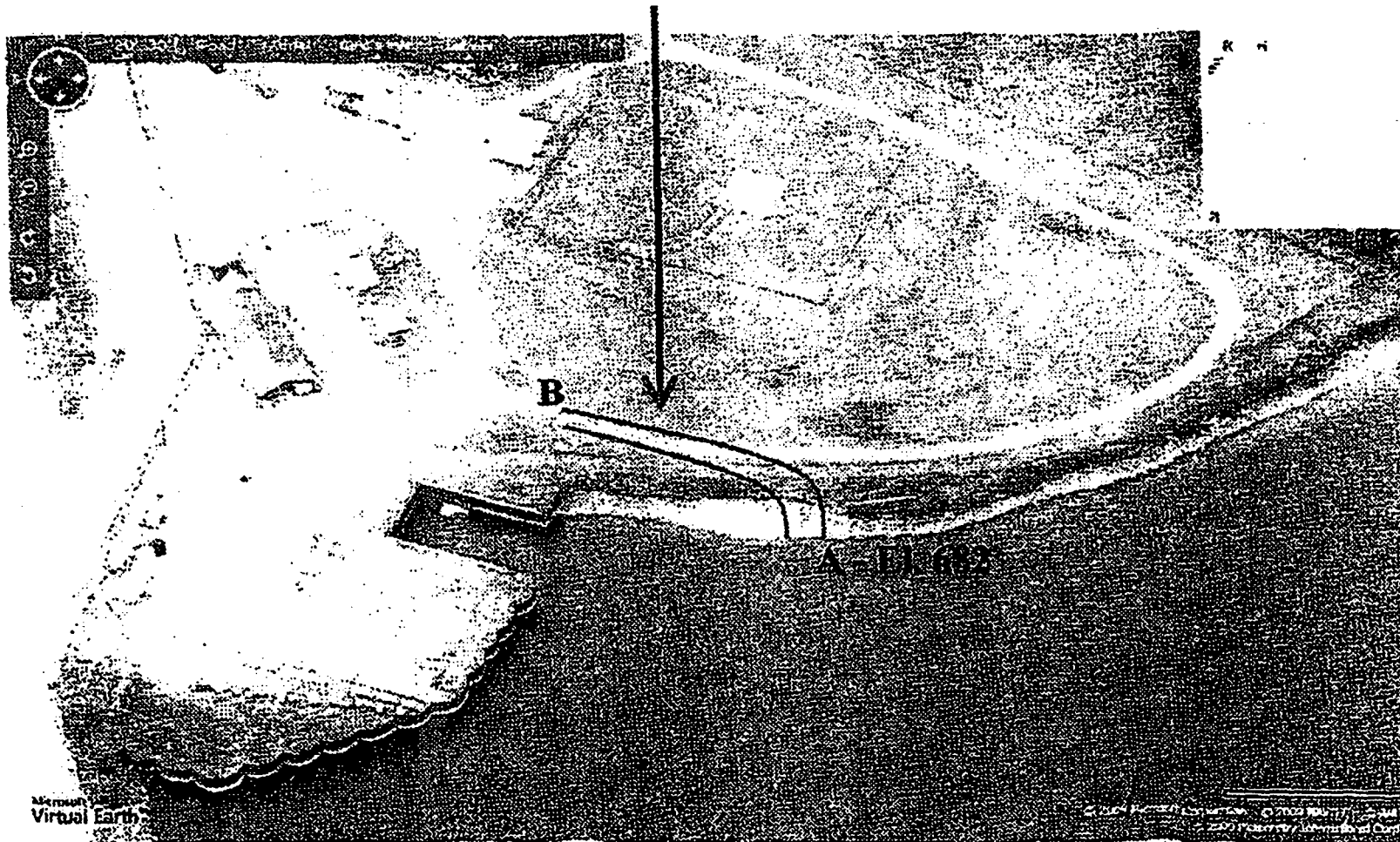
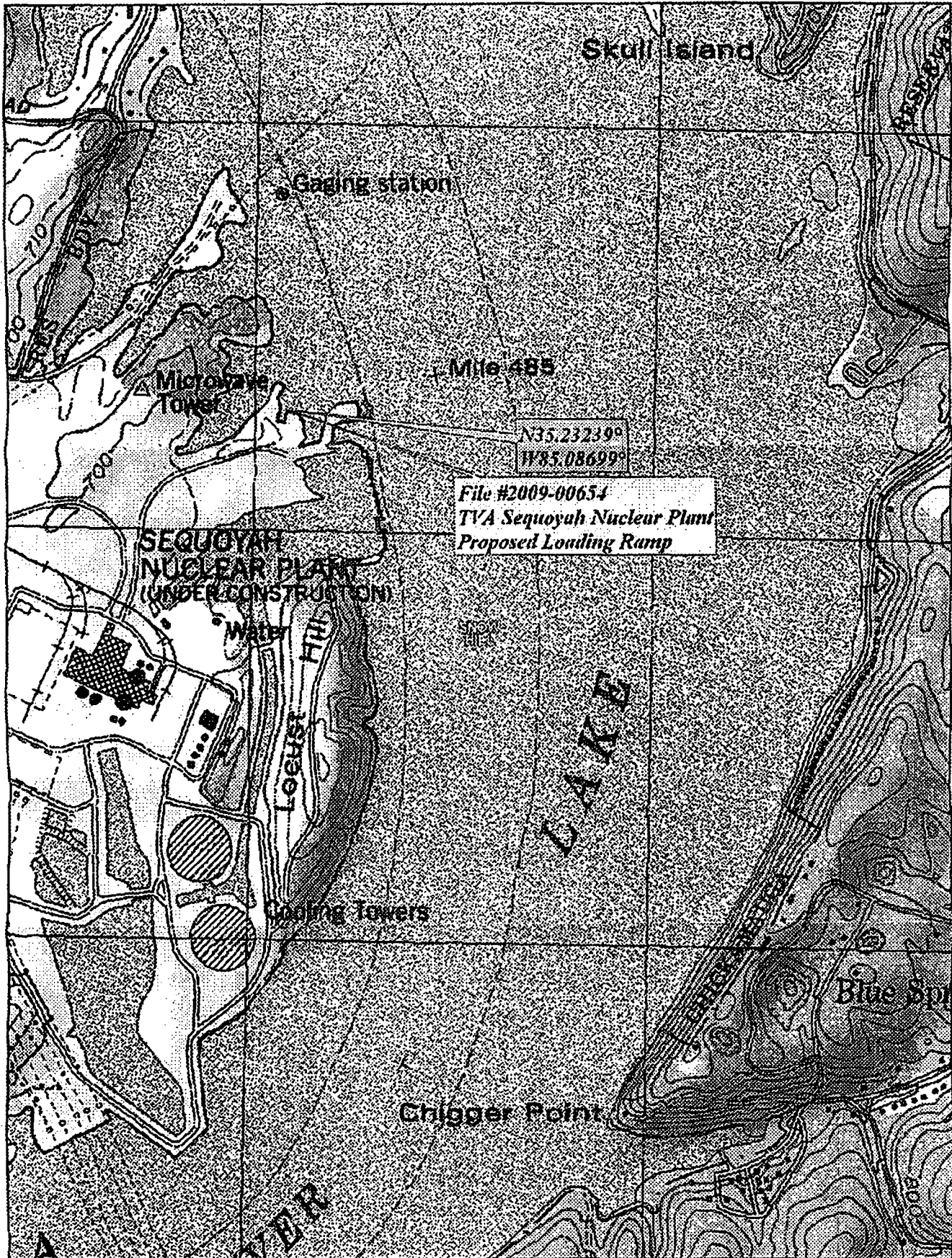


FIGURE 5

FILE # 0009-00654



DELORME

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www.delorme.com

Scale 1 : 12,800  
1" = 1070 ft

