

AEC DISTRIBUTION FOR PART 50 DOCKET MATERIAL
(TEMPORARY FORM)

CONTROL NO: 7692

FILE: ENVIRON

FROM: New York State Dept. of Environ Conservation Albany, N.Y. 12201 Mr. J.L. Biggane			DATE OF DOC 10-12-73	DATE REC'D 10-18-73	LTR X	MEMO	RPT	OTHER
TO: R.C. Clancy			ORIG 1	CC	OTHER	SENT AEC PDR XXX SENT LOCAL PDR XXX		
CLASS	UNCLASS XXX	PROP INFO	INPUT	NO CYS REC'D 1	DOCKET NO: <u>50-220</u> /410			

DESCRIPTION:
Ltr furn info regarding Water Certification
for Nine Mile Point Units 1 & 2.....

ENCLOSURES:

ACKNOWLEDGED

DO NOT REMOVE

PLANT NAME: Nine Mile Point 1 & 2

FOR ACTION/INFORMATION

10-19-73 JB

BUTLER(L) W/ Copies	SCHWENCER(L) W/ Copies	ZIEMANN(L) W/ Copies	✓ REGAN(E) W/4 Copies
CLARK(L) W/ Copies	STOLZ(L) W/ Copies	DICKER(E) W/ Copies	W/ Copies
GOLLER(L) W/ Copies	VASSALLO(L) W/ Copies	KNIGHTON(E) W/ Copies	W/ Copies
KNIEL(L) W/ Copies	SCHEMEL(L) W/ Copies	YOUNGBLOOD(E) W/ Copies	W/ Copies

INTERNAL DISTRIBUTION

✓ REG FILE (2)	TECH REVIEW	DENTON	LIC ASST	A/T IND
✓ AEC PDR (2)	HENDRIE	GRIMES		BRAITMAN
✓ OGC, ROOM P-506A	SCHROEDER	GAMMILL	✓ DIGGS (L)	SALTZMAN
✓ MUNTZING/STAFF	MACCARY	KASTNER	GEARIN (L)	
CASE	KNIGHT	✓ BALLARD	GOULBOURNE (L)	PLANS
GIAMBUSSO	PAWLICKI	SPANGLER	LEE (L)	MCDONALD
BOYD	SHAO		MAIGRET (L)	DUBE
✓ MOORE (L) (BWR)	STELLO	ENVIRO	SERVICE (L)	
DEYOUNG(L) (FWR)	HOUSTON	MULLER	✓ SHEPPARD (E)	INFO
✓ SKOVHOLT (L)	NOVAK	DICKER	✓ SMITH (L)	C. MILES
P. COLLINS	ROSS	KNIGHTON	TEETS (L)	✓ Ziemann
	IPPOLITO	YOUNGBLOOD	WADE (E)	✓ Stolz
✓ REG OPR	TEDESCO	REGAN	WILLIAMS (E)	
FILE & REGION(3)	LONG	PROJECT LDR	WILSON (L)	
MORRIS	LAINAS			
STEELE	✓ BENAROYA	✓ HARLESS		
	VOLLMER			

EXTERNAL DISTRIBUTION

✓ 1 - LOCAL PDR Oswego, N.Y.		
✓ 1 - DTIE(ABERNATHY)	✓ (1) (2) (10) NATIONAL LAB'S <u>ANL</u>	1-PDR-SAN/LA/NY
1 - NSIC(BUCHANAN)	1-R.Schoonmaker, OC, GT, D-323	1-GERALD LELLOUCHE
1 - ASLB(YORE/SAYRE/ WOODARD/"H" ST.	✓ 1-W. PENNINGTON, Rm E-201 GT	BROOKHAVEN NAT. LAB
16 - CYS ACRS HOLDING	1-CONSULTANT'S NEWMARK/BLUME/AGBABIAN	1-AGMED(WALTER KOESTER RM-C-427-GT
	1-GERALD ULRIKSON...ORNL	1-RD..MULLER..F-309 GT

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New York State Department of Environmental Conservation

Albany, N. Y. 12201

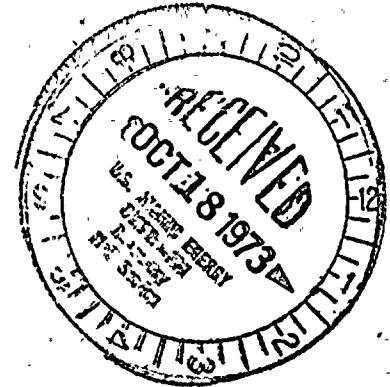
Henry L. Diamond,
Commissioner

50-220

50-410

October 12, 1973

Mr. Richard C. Clancy
Manager, Environmental Engineering
Niagara Mohawk Power
Corporation
300 Erie Boulevard West
Syracuse, New York 13202



Dear Mr. Clancy:

We have reviewed your application of January 5, 1973, pursuant to Section 401 of the Federal Water Pollution Control Act Amendments of 1972 (the "Act").

Based upon the foregoing, and that public notice was duly given pursuant to Part 608.16 of the Official Compilation of Codes, Rules and Regulations of the State of New York, the Department of Environmental Conservation, (the "Department") hereby issues this certification with conditions to the above-mentioned application of January 5, 1973, for certification, in accordance with Section 401 of the Act, that, as of the date hereof, there is no applicable effluent limitation or other limitation under Section 301 (b) and 302 of the Act, and there is no standard under Sections 306 and 307 of the Act applicable to the activity which Niagara Mohawk Power Corporation ("NMPC") proposes to conduct (i.e., construction of its Nine Mile Point Unit No. 2 Nuclear Generating Facility on Lake Ontario in the Town of Scriba, Oswego County, New York).

This certification with conditions is issued with the full understanding and acknowledgement by NMPC that the State of New York, in cooperation with the U. S. Environmental Protection Agency, is in the process of promulgating revised thermal criteria in order to bring such criteria into conformity with the Act.

Furthermore, it is intended that both Nine Mile Point Units No. 1 and 2 will be required to comply with the above-mentioned revised criteria. NMPC does not hereby waive its right to seek relief from compliance as authorized under Section 316 (a) of the Act or other provisions of law.

Pursuant to Section 401 (d) of the Act, and in accordance with the requirements of the New York State Environmental Conservation Law and the Official Compilation of Codes, Rules and Regulations of the State of New York, particularly Parts 700-704, Classification and Standards of Quality and Purity of Waters of

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New York State, this certification hereby sets forth the following requirements which shall become conditions on any federal license or permit for the heretofore described proposed activity of NMPC:

1. The present design and operation of Unit #1 has resulted in large fish kills. The proposed Unit 2 intake is conceptually the same as Unit 1. Although the proposed Unit 2 intake velocity will be less than that of Unit 1, Unit 2 will draw an increased volume of water. The existing information concerning fish impingement with varying intake water velocities and volumes of water withdrawn is insufficient to predict accurately the long-term impact the proposed Unit 2 intake system would have on aquatic organisms. For these reasons, it is felt that the best estimate for potential impact of Unit 2 must be based on the experience from Unit 1. Therefore, the Unit 2 intake design as proposed has not been proven acceptable, and no construction of this structure as proposed shall be permitted until the evaluation of the economic and environmental impacts of the present and alternative intake systems is made by the applicant in order to determine a preferred system for installation. This evaluation must be submitted to the Department of Environmental Conservation and receive the Department's approval prior to any construction of the intake system. Whenever the applicant believes it has accumulated information which can clearly demonstrate that the operation of Unit 2 will not result in large fish kills, the applicant may petition the Department of Environmental Conservation to reconsider its decision regarding the proposed Unit 2 intake system.
2. Department acceptance and approval of an intake system shall be based upon studies and the submission of reports which show conclusively that, fish expected to be near the proposed intake structure, can, and will, avoid entrapment in the structure, or: an evaluation of alternate intake structures which reduce to an acceptable level, or eliminate, entrapment. Alternates to be evaluated should include:
 1. Design changes of offshore intake structure, reducing entrapment;
 2. Relocation of offshore intake;
 3. A shoreline intake with a horizontal traveling screen or other structure to prevent fish entrapment.

In the event that fish entrapment cannot be eliminated, studies and reports are required which evaluate alternate systems of handling entrapped fish to reduce or eliminate mortality. Alternate systems to be evaluated should include:

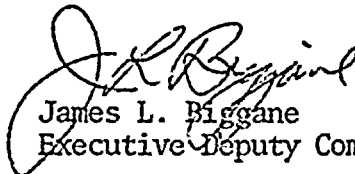


1. Horizontal traveling screens to guide fish to a bypass;
 2. Modified Beloit-Passavant screens;
 3. Louvers for guiding fish to a bypass;
 4. Incline plane screen.
3. Progress reports of studies previously referred to and required in this certification shall be forwarded by NMPC first class mail to the Commissioner, New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12201 every two months, commencing with the second month following the month of this certification. The final report of such studies shall be forwarded in the same manner, three months prior to the date of completion of final design of the intake system.
4. A copy of any other reports for Nine Mile Point Unit No. 2 pertaining to the environment which NMPC submits to any federal, state or local agency, shall also be submitted to the Department.
5. This certification with conditions shall not be deemed to modify, extend, or affect in any manner any order of the Commissioner of Environmental Conservation against Niagara Mohawk Power Corporation; does not constitute a condonation of any violation of any order or release, compromise, or waiver of any rights or any course of action which the Commissioner of Environmental Conservation has or may have against NMPC because of any violation of any order; and does not preclude compliance of the discharge from Nine Mile Point Unit No. 2 with any permit with respect to such discharge which may be hereafter issued by the Commissioner.

This certification with conditions is issued solely for the purpose of Section 401 of the Act.

A copy of this certification with conditions is being forwarded to the Director of Regulations, U.S. Atomic Energy Commission, and the Regional Administrator of the Environmental Protection Agency.

Sincerely,



James L. Biggane
Executive Deputy Commissioner

Regulatory

File Cy.

