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 RECIP. NAME RECIPIENT AFFILIATION
 MIAKIAZ, J. Niagara Mohawk Power Corp.

SUBJECT: Informs of State of NY concurrence w/consistency certification re coastal mgt program. Comments on FES provided.

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STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231

GAIL S. SHAFFER
SECRETARY OF STATE

January 30, 1985

Mr. Joseph Miakiaz
Niagara Mohawk Power Corporation
Environmental Affairs Department
300 Erie Boulevard West
Syracuse, New York 13202

RE: F-84-440
Operating License for Niagara Mohawk Power
Corporation/Nine Mile Point Unit 2
Docket No. 50-410

Dear Mr. Miakiaz:

The Department of State has completed its evaluation of your Federal Consistency Assessment Form and certification that the above proposed permit activity complies with New York State's approved Coastal Management Program, and will be conducted in a manner consistent with this program.

Pursuant to 15 CFR Section 930.63, and based upon the project information submitted, the Department of State concurs with your consistency certification. This concurrence is without prejudice to, and does not obviate the need to obtain all other applicable licenses, permits, and approvals required under existing State statutes.

The U.S. Nuclear Regulatory Commission is being notified of this decision by copy of this letter.

Though we were able to reach our decision based on the information contained in various sections of the Environmental Report and DES, we are offering comments pertaining to your "Assessment of Nine Mile Point Nuclear Station Unit 2 with New York State Coastal Policies." The following comments should enable you to improve this section for the FES.

1. Several policies were not included that directly relate to the operation and siting of major electricity generating facilities. The following should be incorporated in an updated policy assessment, should it be prepared. For your convenience, we are providing the references to the enclosed list of State coastal policies.

Policy 2, "Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters," and in particular, item 7 under the listing of water dependent uses (page 3) apply to the evaluation of Unit 2.

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Policy 5, "Encourage the location of development in areas where public services and facilities essential to such development are adequate," applies in two ways. First, impacts on municipal water supplies should be addressed here even though they appear to be negligible. Second, the requirement to locate facilities in areas of concentrated development does not apply to certain uses. Under the list of excepted uses, item 6 (page 10) qualifies Unit 2 as an exception.

Policy 11, "Buildings and other structures will be sited in the coastal areas so as to minimize damage to property and the endangering of human lives caused by flooding and erosion," should also be referenced since substantial efforts have been made to have buildings elevated above the flood plain and protected from wave energy during storms.

2. With respect to policies that were included in your assessment, we have the following suggestions:

Policy 9 -- Given the topography, security requirements and safety policies, we agree that the site is not appropriate for water-dependent access development. Facilities within a ten mile range of Unit 2, however, do not adequately satisfy existing demand for public access. We suggest that you delete the statement that demand is adequately met, and alter your conclusion to reflect that the access limitations at Unit 2 would: (1) probably exist without the project due to topography; and (2) be unavoidable due to operating constraints.

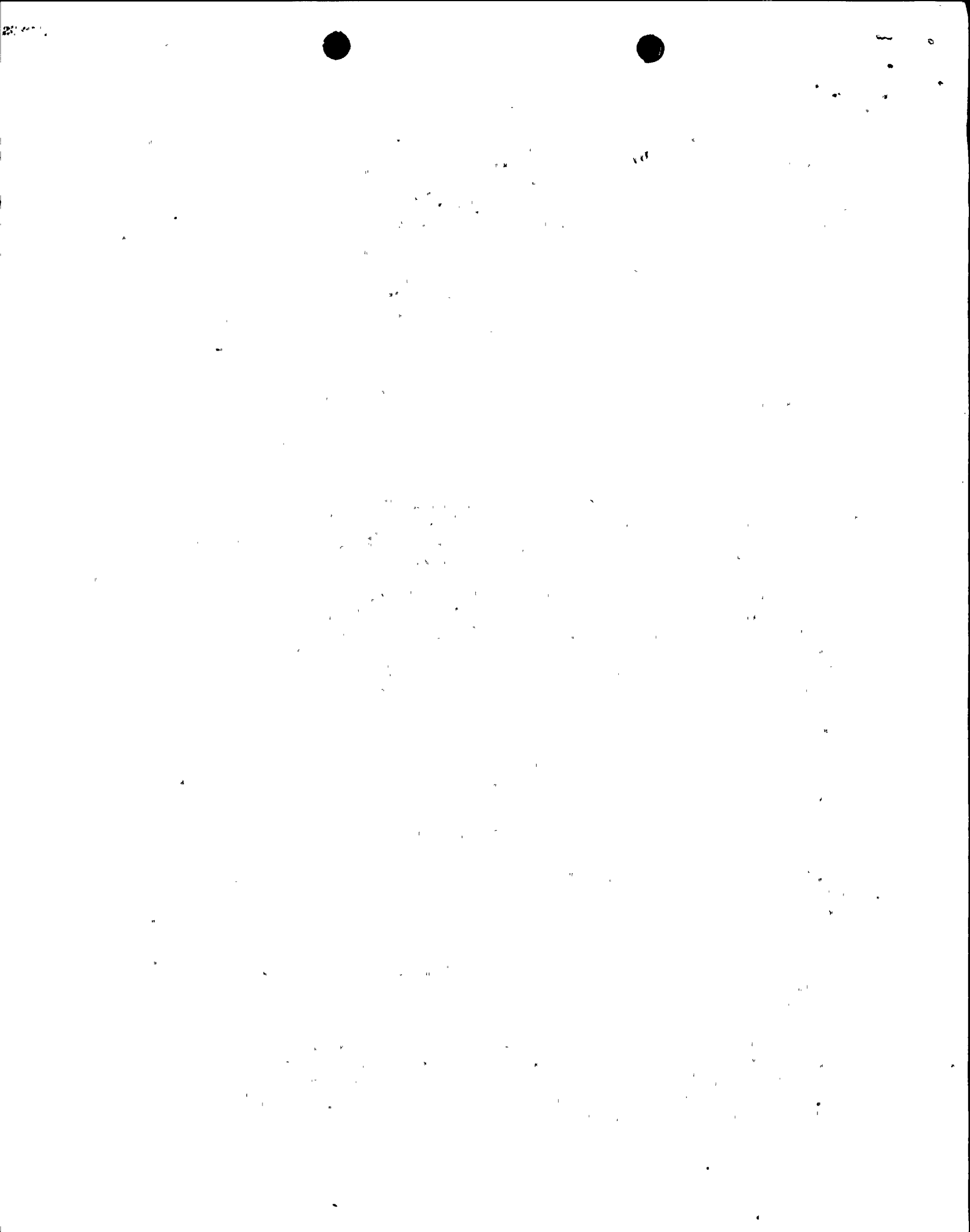
Policy 25 -- Although the overall visual character of the area may not be significantly impacted, further explanation of existing visual features and their visual interaction with Unit 2 would be beneficial. An assessment of this policy should include a brief inventory of the natural and man-made visual resources which contribute to the area's scenic quality. Such an inventory would include the adjacent power facilities and natural physiography. The discussion should then demonstrate how these inventoried visual resources are protected, restored or enhanced.

Another aspect of scenic quality has been overlooked. The planned landscaping and revegetation will, in part, mitigate visual impacts at industrial sites in general.

Policy 36 -- Unirradiated nuclear fuel is also a hazardous material that must be prevented from entering coastal waters. The methods ensuring transportation and storage safety should be referenced here. Further, a demonstrated ability to meet restitution requirements in the event of hazardous waste releases to coastal waters needs to be presented here.

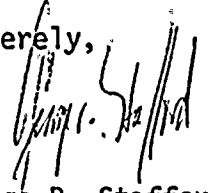
Policy 37 -- The assessment should address the stormwater drainage system design. As a technical recommendation, we suggest including a simple form of mitigation to reduce potential water quality-related effects of stormwater runoff.

To reiterate, we are providing these comments to improve the submitted consistency assessment. We suggest that you incorporate these comments in an updated assessment. Should you elect to do so, please provide this Department with a copy. You may also want to have the assessment incorporated in the Nuclear Regulatory Commission's Final Environmental Statement.



Should you have any questions, please don't hesitate to call me at (518) 474-3643.

Sincerely,

A handwritten signature in black ink, appearing to read "George R. Stafford". The signature is written in a cursive style with some vertical lines extending upwards from the letters.

George R. Stafford
Coastal Programs Administrator

GRS:TH:js
cc: U.S. Nuclear Regulatory Commission

