UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of	)	
	)	
TENNESSEE VALLEY AUTHORITY	)	Docket Nos. STN 50-518
	)	STN 50-519
(Hartsville Nuclear Plants	)	STN 50-520
Units 1A, 2A, 1B, and 2B)	)	STN 50-521

STIPULATION

In response to the Appeal Board Order in ALAB-554[1/] and in order to provide assurance that the pink muckett pearly mussel (Lampsilis orbiculata) will be protected during construction of the Hartsville Discharge Diffuser, it is hereby stipulated by and between Counsel for the NRC Staff, Counsel for the Applicant, and Counsel for the Intervenors, that the following underlined wording, if approved by the Appeal Board, will amend the Hartsville Monitoring Plan[2/] and Construction Permit:

Diffuser Excavation Period[3/]

1. Prior to initiation of the dredging activity, the Permittee shall give three weeks written notice of the planned construction schedule to the NRC Staff, the Intervenor, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency and the State of Tennessee.

1/ Tennessee Valley Authority (Hartsville Nuclear Plant, Units 1A, 2A, 1B, 2B), ALAB-554, ___NRC___ (July 11, 1979).

2/ Reported at 8 NRC 523-526.

3/ Hartsville, supra, at 525.

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2. Sedimentation traps will continue to be placed at the same stations used in the prediffuser excavation period. The traps will be returned twice per 8-hour dredging crew working shift (once after 4 hours and once after 8 hours) during excavation of approximately the first 1,000 cubic yards of material.[1/] Additional sedimentation traps will be placed at the same stations to provide a measure of the aggregate (total) deposition of silt which results from the construction activity during the excavation period. Applicant will determine the depth of sediment deposited in the traps. If one-quarter inch or more aggregate sediment is found to have been deposited in at least two sample traps, dredging will be stopped. Dredging may be resumed if later observation of sediment traps shows that the aggregate sediment deposition has been reduced to less than one-quarter inch. Before using any artificial means to remove the sediment, Applicant will obtain the concurrence of the Department of Interior.

1/ 8 NRC 525, item 1.

3. Turbidity levels of the river above and below the dredging activities will be measured at 1-meter depth intervals from surface to the bottom and averaged over the water column to document changes in natural turbidity levels resulting from these activities. Samples will be taken hourly during excavation. Natural turbidity levels of record as defined in the Hartsville Nuclear Plant's ER will be the feedback criteria for regulating the rate of instream dredging. Maximum documented levels of turbidity are 85 ppm (JTU).[1/]

4. Measurement of light intensity in the water column will be performed with a submarine photometer both above and below the dredging activities. Measurements will be made hourly during excavation. A 50 percent reduction in the depth of 0.1 percent of the light transmission at some selected point at the mussel bed relative to an upstream location (above the dredging activities) will be the feedback criteria for instituting corrective mitigative actions.[2/]

5. Should the aggregate silt deposition or turbidity levels [illegible] t penetration data indicate a need for mitigative action, [illegible]spector will report his findings and make his recommendation to the project environmental engineer, who will present these findings and recommendations to the project manager. The project manager will make the decision on the mitigative actions to be taken, i.e., to slow down or halt construction.[3/]

1/ 8 NRC 525, item 2.

2/ 8 NRC 525, item 3.

3/ 8 NRC 525, item 4.

6. Dissolved oxygen, pH conductivity, and temperature profiles will be made at upstream and downstream locations to document any perturbations of these parameters. 1/

7. During blasting activities, mussels will be placed by scuba divers at established intervals from the area of the blasting to determine if mussels on the Dixon Island bed are harmed by shock waves from these activities. 2/ No threatened or endangered species will be used.

8. Within 30 days after completion of the dredging activity, the Permittee shall submit to the NRC Staff a summary report of the results of the monitoring plan with copies to the Intervenors, the U.S. Fish and Wildlife Service, the U. S. Environmental Protection Agency and the State of Tennessee.

L. Dow Davis

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Counsel for NRC Staff

L. Dow Davis for

Alvin H. Gutterman, Esq.
Counsel for TVA

L. Dow Davis for

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1/ 8 NRC 525, item 5.

2/ 8 NRC 525, item 6.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "STIPULATION", dated August 1, 1979, in the above-captioned proceeding, have been served on the following, by deposit in the United States mail, first class, this 1st day of August, 1979.

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