

Corps inspector has the authority to stop construction or maintenance while awaiting the resolution of the problem. The licensee shall immediately inform the D2SI – New York Regional Engineer of the circumstances surrounding the cessation of construction, operation, or maintenance activities. The licensee shall not resume construction, operation, or maintenance activities until notified by the D2SI – New York Regional Engineer that the problem or situation has been resolved.

Article 307. *Regulating (or Operating) Plan.* The licensee shall, at least 60 days prior to start of construction, submit for approval an operating plan, describing (a) the designed mode of hydropower operation, (b) reservoir flow diversion and regulation requirements for operation of the Corps project during construction as established by the Corps, and (c) integration of the operation of the hydroelectric facility into the Corps' emergency action plan. In addition, the licensee, prior to start of power plant operation, shall enter into an operating Memorandum of Agreement (MOA) with the Corps describing the detailed operation of the power facilities acceptable to the Corps. The MOA shall specify any restrictions needed to protect the primary purposes of the Corps project for navigation, recreation, water quality, and flood control. The Commission's Division of Dam Safety and Inspections (D2SI) – New York Regional Engineer shall be invited to attend meetings regarding the agreement. The MOA shall be subject to revision by mutual consent of the Corps and licensee as experience is gained by actual project operation. Should the licensee and the Corps fail to reach an agreement, the matter will be referred to the Director, Office of Energy Projects for resolution. Copies of the regulating plan and signed MOA between the Corps and the licensee and any revision thereof shall be furnished to the Director, Office of Energy Projects, and the D2SI – New York Regional Engineer.

Article 308. *No Claim.* The licensee shall have no claim under this license against the United States arising from the effect of any changes made in the operation or reservoir levels of the Corps project.

Article 309. *Corps' Written Approval.* The licensee shall provide the Commission's Division of Dam Safety and Inspections (D2SI) – New York Regional Office two copies of all correspondence between the licensee and the Corps. The D2SI – New York Regional Engineer shall not authorize construction of any project work until the Corps' written approval of construction plans and specifications, quality control and inspection program, and temporary emergency action plan have been received by the Regional Engineer.

Article 310. *As-Built Drawings.* Within 90 days of completion of all construction activities authorized by this license, the licensee shall file for Commission approval, revised Exhibits A, F, and G including the fishing pier and access ramp within the project boundary, to describe and show those project facilities as-built. A courtesy copy shall be filed with the Commission's Division of Dam Safety and Inspections (D2SI) – New York