

ATTACHMENT 6

DRAFT LANGUAGE FOR THE ENVIRONMENTAL PROTECTION PLAN

(Provided Electronically)

DRAFT

APPENDIX B

TO

COMBINED OPERATING LICENSE NO. [#####]

SOUTH TEXAS PROJECT

UNITS 3 & 4

STP NUCLEAR OPERATING COMPANY, ET AL.

DOCKET NUMBER: PROJ0749

ENVIRONMENTAL PROTECTION PLAN

(NONRADIOLOGICAL)

SEPTEMBER 2007

DRAFT

**SOUTH TEXAS PROJECT
UNITS 3 & 4**

**ENVIRONMENTAL PROTECTION PLAN
(NONRADIOLOGICAL)**

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1.0 Objectives of the Environmental Protection Plan

The purpose of the Environmental Protection Plan (EPP) is to provide for protection of nonradiological environmental resources during construction and operation of the nuclear facility. The principal objectives of the EPP are as follows:

- 1) Verify that the facility is operated in an environmentally acceptable manner, as established by the Final Environmental Impact Statement (FEIS) and other NRC environmental impact assessments.
- 2) Coordinate NRC requirements and maintain consistency with other Federal, State and local requirements for environmental protection.
- 3) Keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

Environmental issues identified in the FEIS which relate to water quality matters are regulated by the licensee's Texas Pollutant Discharge Elimination System (TPDES) permit.

2.0 Environmental Protection Issues

In the FEIS dated **[Insert Date]** (NUREG-**[XXXX]**), the staff considered the environmental impacts associated with the construction and operation of the South Texas Project Units 3 & 4. The environmental impacts associated with the construction activities authorized by 10 CFR 52.25 and impacts associated with operations in accordance with the facility Combined Operating License (COL) are expected to be less than or equal to the impacts assessed in the FEIS.

3.0 Consistency Requirements

3.1 Construction Activities

The licensee shall take the necessary actions identified in NUREG-[XXXX] to avoid unnecessary environmental impacts from construction activities. These actions include conducting construction activities in accordance with various environmental permit requirements.

The licensee shall maintain records of construction activities. These records shall include an assessment of whether the environmental impact of construction activities is consistent with that evaluated in the EIS.

3.2 Operations

The licensee shall take the necessary actions identified in NUREG-[XXXX] to avoid unnecessary environmental impacts. These actions include operating the facility in accordance with various environmental permit requirements.

3.3 Reporting Related to the Clean Water Act

The certifications and permits required under the Clean Water Act provide mechanisms for protecting water quality and aquatic biota. The NRC will rely on the decisions made by the U.S. Environmental Protection Agency and the State of Texas under the authority of the Clean Water Act for any requirements for water quality and aquatic monitoring.

The licensee shall provide the NRC with a copy of the TPDES permit issued by the Texas Commission on Environmental Quality (TCEQ) under Chapter 26 Texas Water Code and Title 30 Texas Administrative Code within 60 days of approval.

3.4 Plant Design and Operation

The licensee may make changes in plant design or operation or perform tests or experiments affecting the environment provided such activities do not involve an unreviewed environmental question and do not involve a change in the EPP (this provision does not relieve the licensee of the requirements of 10 CFR 50.59 or Appendix A to 10 CFR Part 52). Changes in plant design or operation or performance of tests or experiments which do not affect the environment are not subject to the requirements of this EPP. Activities governed by Section 3.5 are not subject to the requirements of this Section.

Before engaging in additional construction or operational activities which may significantly affect the environment, the licensee shall prepare and record an environmental evaluation of such activity. Activities are excluded from this requirement if all measurable nonradiological environmental effects are confined to the on-site areas previously disturbed during plant construction. When the evaluation indicates that such activity involves an unreviewed environmental question, the licensee shall provide a written evaluation of such activity and

obtain prior NRC approval. When such activity involves a change in the EPP, such activity and change to the EPP may be implemented only in accordance with an appropriate license amendment as set forth in Section 5.3 of this EPP

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns:

- 1) A matter which may result in a significant increase in any adverse environmental impact previously evaluated in the FEIS, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board;
- 2) A significant change in effluents or power level; or
- 3) A matter not previously reviewed and evaluated in the FEIS, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in plant design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include written evaluations which provide bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question or constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0. The licensee shall include, as part of the Annual Environmental Operating Report (per Subsection 5.4.1), brief descriptions, analyses, interpretations, and evaluations of such changes, tests and experiments.

3.5 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with other Federal, State, and local environmental regulations are not subject to the requirements of Section 3.4.

4.0 Environmental Conditions

4.1 Unusual or Important Environmental Events

The licensee shall evaluate and report to the NRC Operation Center within 24 hours (followed by a written report in accordance with Subsection 5.4.2) any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to construction or operation. The following are examples: unusual onsite plant or animal disease outbreaks; mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973; unusual fish kills; unusual increase in nuisance organisms or conditions; and unanticipated or emergency discharge of waste water or chemical substances that impact waters of the State.

Routine monitoring programs are not required to implement this condition.

5.0 Administrative Procedures

5.1. Review and Audit

The licensee shall provide for review and audit of compliance with the EPP. The audits shall be conducted independently and shall not be conducted by the individual or groups responsible for performing the specific activity. A description of the organization structure utilized to achieve the independent review and audit function and results of the audit activities shall be maintained and made available for inspection.

5.2 Records Retention

The licensee shall make and retain records associated with this EPP in a manner convenient for review and inspection and shall make them available to the NRC on request.

The licensee shall retain records of construction and operation activities determined to potentially effect the continued protection of the environment until the date of termination of the license. Records of modifications to station structures, systems and components determined to potentially affect the continued protection of the environment shall be retained for the life of the station. All other records, data and logs relating to this EPP shall be retained for five years or, where applicable, in accordance with the requirements of other agencies.

5.3 Changes in Environmental Protection Plan

Requests for changes in the EPP shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revisions to the EPP.

5.4 Reporting Requirements

5.4.1 Routine Reports

An Annual Environmental Operating Report describing implementation of this EPP for the previous year shall be submitted to the NRC prior to May 15 of each year. The period for the first report shall begin with the date of issuance of the Combined Licenses for Units 3 & 4, and the initial report shall be submitted prior to May 15 of the year following issuance of the Combined Licenses for Units 3 & 4. At the discretion of the licensee, the Annual Environmental Operating Report for Units 3 & 4 may be combined with the Annual Operating Report submitted for STP Units 1 & 2.

The report shall include summaries and analyses of the results of the environmental protection activities required by EPP for the report period, including a comparison with related preoperational studies, operational controls (as appropriate), and previous nonradiological environmental monitoring reports, and an assessment of the observed impacts of the plant

operation on the environment. If unexpected harmful effects or evidence of trends toward irreversible damage to the environment are observed, the licensee shall provide a detailed analysis of the data and a proposed course of mitigating action.

The Annual Environmental Operating Report shall include:

- (1) a list of EPP noncompliances and the corrective actions taken to remedy them
- (2) a list of changes in station design or operation, tests, and experiments made in accordance with Subsection 3.4 which involved a potentially significant unreviewed environmental questions
- (3) a list of nonroutine reports submitted in accordance with Subsection 5.4.2.

In the event that some results are not available by the report due date, the report shall be submitted noting and explaining the missing results. The missing results shall be submitted as soon as possible in a supplementary report.

5.4.2 Non-routine Reports

A written report shall be submitted to the NRC within 60 days of occurrence of a nonroutine event that has a significant impact on the environment. The report shall:

- (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact, and plant operating characteristics;
- (b) describe the probable cause of the event;
- (c) indicate the action taken to correct re reported event;
- (d) indicate the corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems; and
- (e) indicate the agencies notified and their preliminary responses.

Events reportable under this subsection which also require reports to other Federal, State or local agencies shall be reported in accordance with those reporting requirements in lieu of the requirements of this subsection. The NRC shall be provided with a copy of such report at the same time it is submitted to the other agency.