

APPENDIX A

TO

FACILITY CONSTRUCTION PERMIT AND OPERATING LICENSE NO. [XXX]

VICTORIA COUNTY STATION, UNITS 1 AND 2

EXELON NUCLEAR TEXAS HOLDINGS, LLC

DOCKET NO. 52-[XXX]

ENVIRONMENTAL PROTECTION PLAN

(NONRADIOLOGICAL)

SEPTEMBER 2008

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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 VCS Units 1 and 2. The principal objectives of the EPP are as follows:

- (a) To ensure that the facility is constructed and operated in a manner consistent with the information considered in the preparation of the Final Environmental Impact Statement (FEIS) for the combined license COL (Reference 1).
- (b) Coordinate NRC requirements and maintain consistency with other federal, state, and local requirements for environmental protection.
- (c) Keep the NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

2.0 Environmental Protection Issues

The other purpose of this EPP is to ensure that environmental impacts associated with construction and operation of VCS will not exceed, in any significant respect, the impacts assessed in the FEIS.

3.0 Consistency Requirements

3.1 Construction Activities

The licensee shall take mitigating actions so as to avoid unnecessary adverse environmental impacts from construction activities. These mitigating actions are identified in [Table 1](#). These actions include conducting activities in accordance with various environmental permit requirements.

The licensee shall maintain records of construction activities.

3.2 Operations

The licensee shall take mitigating actions so as to avoid any unnecessary adverse environmental impacts from facility operation. These mitigating actions are identified in [Table 2](#). These actions include conducting activities in accordance with various environmental permit requirements.

3.3 Reporting Related to the TPDES Permit and State Certification

Violations of the Texas Pollutant Discharge Elimination System (TPDES) permit or the state water quality certification (pursuant to Section 401 of the Clean Water Act) shall be reported to the NRC by submitting of copies of the reports required by the TPDES permit or certification.

Changes and additions to the TPDES permit or the state certification shall be reported to the NRC within 30 days following the date the change is approved. If a permit or certification, in part or in its

entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted.

The NRC shall be notified of changes to the effective TPDES Permit proposed by the licensee by providing the NRC with a copy of the proposed change at the same time it is submitted to the Texas Commission on Environmental Quality (TCEQ). The notification of a licensee-initiated change shall include a copy of the requested revision submitted to the TCEQ.

3.4 Changes

The licensee may make changes in construction activities, make changes in station design or operation, or perform tests or experiments affecting the environment provided such changes, tests, or experiments do not involve an unreviewed environmental question, and do not constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0. Changes in construction activities, 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.

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 as modified by the NRC staff's testimony to the Atomic Safety and Licensing Board (ASLB), environmental impact appraisals, or in any decisions of the ASLB; (2) a significant change in effluents or power level; or (3) a matter not previously reviewed and evaluated in the documents specified in (1) of this section, that may have a significant adverse environmental impact. 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 onsite areas previously disturbed during site preparation and plant construction. When the evaluation indicates that such activity involves an unreviewed environmental question or constitutes a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0, the licensee shall provide prior written notification to the NRC.

The licensee shall maintain records of changes in construction activities, changes in facility design or operation, and of tests and experiments carried out pursuant to this section. These records shall include a written evaluation which provides 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 his Annual Environmental Operating Report (in accordance with Section 5.4.1) brief descriptions, analyses, interpretations, and evaluations of such changes, tests, and experiments.

3.5 Changes Required for Compliance with Other Environmental Law

Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with other federal, state, or local environmental statutes, regulations, permits, or orders 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 Operations Center within 24 hours (followed by a written report in accordance with Section 5.4) any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to construction activities or plant operation under this license. The following are examples of unusual or important environmental events: excessive bird impaction events, onsite plant or animal disease outbreaks, mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973, fish kills, unusual increase in nuisance organisms or conditions, and unanticipated or emergency discharge of waste water or chemical substances.

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 used 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 affect 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 plant. 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 to 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 1 of each year. The period for the first report shall begin with the date of issuance of the COL, and the initial report shall be submitted prior to May 1 of the year following issuance of the COL.

The report shall include summaries and analyses of the results of the environmental protection activities required by this 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 also include:

- (a) A list of EPP noncompliances and the corrective actions taken to remedy them.
- (b) A list of changes in station design or operation, tests, and experiments made in accordance with Section 3.4 which involved a potentially significant unreviewed environmental issue.
- (c) A list of nonroutine reports submitted in accordance with Section 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 Nonroutine Reports

A written report shall be submitted to the NRC within 60 days of occurrence of a nonroutine event that has a significant unanalyzed impact on the environment. The report shall (a) describe, analyze, and evaluate the event, including the 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 the 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 section 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.

6.0 References

1. To be included upon issuance of the FEIS.

Table 1
Mitigating Actions for Construction-Related Activities

1. A Texas Pollutant Discharge Elimination System (TPDES) General Permit and Storm Water Pollution Prevention Plan (SWPPP) would be in place to implement best management practices and erosion and sedimentation control measures during construction.
2. Noise and dust controls would be implemented where feasible.
3. Upon completion of construction activities, temporarily disturbed land would be stabilized to the extent practicable.
4. Impacts to federally jurisdictional waters would be mitigated in coordination with the U.S. Army Corps of Engineers.
5. The U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and the Texas Parks and Wildlife Department have been contacted regarding the presence of state or federally listed species that could potentially be affected by VCS construction and operation. Additional interaction would be initiated, as warranted.
6. Protection of resources in the Texas Coastal Zone would be coordinated with the Texas Coastal Coordination Council, as applicable.
7. Cultural resource surveys and mitigation, if necessary, would be performed in coordination with the Texas Historical Commission (THC).
8. A Spill Prevention, Control, and Countermeasures Plan (SPCCP) would be prepared for construction activities, in accordance with 40 CFR, Part 112.
9. Construction workers would have safety training and personal protective equipment during construction. A worker health and safety monitoring program would be provided at the VCS site.
10. First-aid capabilities would be provided at the construction site and construction contractors would be required to comply with safety regulations.

Table 2
Mitigating Actions for Operations-Related Activities

1. Cultural resource surveys and mitigation, if necessary, would be performed in coordination with the Texas Historical Commission (THC).
2. Mitigation of potential impacts from cooling basin discharges would be accomplished through: (1) appropriate design and operation of the discharge system, (2) compliance with the requirements of the facility's Texas Pollutant Discharge Elimination System (TPDES) permit, and (3) monitoring and reporting in accordance with the TPDES permit.
3. Mitigation of potential impacts from the raw water makeup (RWMU) system intake would be accomplished through appropriate design and operation of the intake system.
4. Personnel and public access to the cooling basin would be controlled by administrative controls and security patrols.
5. A Spill Prevention, Control, and Countermeasures Plan (SPCCP) would be prepared for the facility in accordance with 40 CFR, Part 112.
6. A Texas Pollutant Discharge Elimination System (TPDES) permit and Storm Water Pollution Prevention Plan (SWPPP) would be in place during facility operation. The SWPPP would include the use of best management practices.
7. The U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and the Texas Parks and Wildlife Department have been contacted regarding the presence of state or federally listed species that could potentially be affected by VCS construction and operation. Additional interaction would be initiated, as warranted.
8. Radiological protection programs would manage and limit doses to workers.