



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON TX 77553-1229

JUL 08 2009

Policy Analysis Section

SUBJECT: SWG-2007-00768; STP Nuclear Operating Company, Permit Determination

Mr. Scott Head
Manager, Regulatory Affairs
South Texas Project, Units 3 & 4
4000 Avenue F, Suite A
Bay City, Texas 77414

Dear Mr. Head:

This concerns your request for a permit determination for the proposed South Texas Project, Units 3 & 4 heavy haul road. The project area is located at the existing STP Nuclear Operating Company facility south of Bay City, along the Colorado River, in Matagorda County.

Based on a desk review of the information you submitted and the previously verified jurisdictional wetland and waters delineation, we conclude that the proposed activity will require a Department of the Army permit pursuant to Section 404 of the Clean Water Act. In our review of the proposed project, it seems that the heavy haul road in the permit decision request is designed to offload equipment from the barge facility for construction of the proposed STP Units 3 & 4. Pursuant to 40 CFR 1508.25 and 33 CFR 325 Appendix B, we conclude that the heavy haul road is a connected action to the barge slip and that its interdependence requires that one action, utilization of the heavy haul road, can not proceed unless the other action, dredging of the barge slips, is completed previously or simultaneously. Therefore, the appropriate permitting mechanism is to amend the current STP permit SWG 1994-2054 (formerly 10570(09), which authorized maintenance dredging of the barge slips. Since this permit will not be authorized until issuance of the EIS, maintenance dredging could occur under the existing permit if needed prior to issuance of the new permit. If you wish to modify the barge slips to accommodate the new construction, this action may be also evaluated during this modification request.

If you have any questions concerning this permit determination, please contact Mr. Jayson M. Hudson at the letterhead address or by telephone at 409-766-3108 or email at jayson.m.hudson@usace.army.mil.

Sincerely,

Casey Cutler
Chief, Policy Analysis Section

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US Nuclear Regulatory Commission
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