

## Appendix A. Required Government Approvals or Permits

8/30/12

Prior to construction and operation of a new reactor, applicants are required to hold certain federal, state, and local environmental permits, as well as meet applicable federal and state statutory requirements. NRC's Environmental Standard Review Plan, NUREG-1555 directs NRC staff to review required permits and approvals to determine the status, identify environmental concerns, and evaluate potential administrative problems that could delay or prevent agency authorization.

The table below lists the environmentally related authorizations, permits, and certifications potentially required by federal, state, regional, local, and affected Native American tribal agencies related to the construction and operation of a potential new nuclear unit. State, tribal, and local requirements are included in general terms and would have to be determined on a site-specific basis. This list was generated based on the requirements enumerated in the three recent ESP EISs and also the environmental report submitted by the applicant for the COL for the North Anna site.

### Federal Agency Authorizations, Permits, or Certifications

Agency	Authority	Requirement	Activity Covered
EPA	Clean Water Act	Clean Water Act, Section 402 (40 CFR Parts 122-125, Parts 401-471, excluding Part 403)) (EPA is the permitting authority for unauthorized States/Territories: DC, ID, MA, NH, NM, Indian Lands, Puerto Rico and some territories)	<p>NPDES permits are required for discharges of pollutants to waters of the U.S. These permits include technology-based and water-quality based effluent limitations, designed to control these discharges. Permits are also required for stormwater discharges associated with industrial activity and from construction activities disturbing one acre or more and for stormwater discharges from industrial activities during operation of steam electric power plants. These permits may also require operators to develop and implement pollution prevention plans to further control discharges.</p> <p>Cooling water intake structures are also regulated through NPDES permits under Clean Water Act, section 316(b) (Variances from water quality standards for thermal effluent limits in NPDES permits may be granted under Clean Water Act section 316(a) in certain cases. See 40 CFR 125 Subparts H, I, and J).</p>

<b>Agency</b>	<b>Authority</b>	<b>Requirement</b>	<b>Activity Covered</b>
EPA	Clean Water Act, Section 307 (40 CFR Parts 403, 405-471)	(Pretreatment program requirements)	Discharges of non-domestic wastes to publicly owned treatment works (POTWs) must be controlled as necessary to prevent pass-through or interference and protect uses of POTW biosolids.
NRC	Atomic Energy Act of 1954, 10 CFR 51	Environmental report	Site approval for a nuclear power station separate from an application for a standard design certification or COL
NRC	Atomic Energy Act (AEA), 10 CFR 51, 10 CFR 52.17	EIS	Environmental effects of construction and operation of a reactor
NRC	10 CFR Part 50	Construction permit	Construction of a new NPP
NRC	10 CFR 52, Subpart A	Early site permit	Approval of the site for one or more nuclear power facilities, and approval of limited construction per 10 CFR 50.10(e)(1)
NRC	10 CFR 52, Subpart C	Combined license	NRC requirements and procedures applicable to issuance of combined licenses for nuclear power facilities
NRC	10 CFR 30	Byproduct materials license	NRC license to possess special nuclear materials
NRC	10 CFR 70	Special nuclear materials license	NRC license to possess nuclear fuel
Federal Aviation Administration	49 USC 1501; 14 CFR 77.13	Construction notice	Notice of erection of structures (>200 feet) potentially impacting air navigation.
U.S. Coast Guard	14 USC 81, 83, 85, 633/49 USC 1655(b)	Siting navigation markers	Authorization to protect river navigation from hazards connected with temporary construction activities in the river.
U.S. Army Corps of Engineers	33 CFR 209	Dredge and fill discharge permit	Permit for discharge of dredged spoils
U.S. Army Corps of Engineers	Clean Water Act, 33 USC 1251, 1344; 40 CFR 123	Section 404 permit	Aquatic resource alteration permit (wetland filling, stream alteration), disturbing or crossing wetland areas or navigable waters
U.S. Army Corps of Engineers	Rivers and Harbors Act, Section 10; 33 USC 403	Section 10 permit	Impacts to navigable waters of the United States
U.S. Army Corps of Engineers	Marine Protection, Research, and Sanctuaries Act, 33 USC 1401, 1413	Section 103 permit	Permit for the transportation of dredged material for the purpose of dumping it into ocean waters
U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration Fisheries	Endangered Species Act, Section 7	Consultation	Impacts to endangered or threatened species and habitat

<b>Agency</b>	<b>Authority</b>	<b>Requirement</b>	<b>Activity Covered</b>
U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration Fisheries	Endangered Species Act, Section 10	Incidental take permit	Project-related mortality and modification of critical habitat of federally listed threatened or endangered species
U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration Fisheries	Marine Mammal Protection Act	Exemptions from take prohibition	Any project-related take of any marine mammal
U.S. Fish and Wildlife Service	Migratory Bird Treaty Act, 16 USC 703	Consultation	Consultation concerning potential impacts to migratory birds

**State Authority under Federal Statutes (including delegated or authorized authority)**

<b>Program</b>	<b>Authority</b>	<b>Activity</b>
Waste Management	Resource Conservation and Recovery Act	Storage and transportation of hazardous materials
Air Quality	Clean Air Act, Title V	Permit for operation of air emission sources
	Clean Air Act	Construction and operation of minor air emission sources
Water Resources	Clean Water Act, Section 307 (40 CFR Parts 403, 405-471)  (Pretreatment program requirements)	Discharges of non-domestic wastes to publicly owned treatment works (POTWs) must be controlled as necessary to prevent pass-through or interference and protect uses of POTW biosolids.
	Clean Water Act, Section 401	State water quality certification of activities for which a federal permit is sought and that may discharge pollutants.
	Clean Water Act, Section 402 (40 CFR Parts 122-125, Parts 401-471, excluding Part 403)) (EPA is the permitting authority for unauthorized States/Territories: DC, ID, MA, NH, NM, Indian Lands, Puerto Rico and some territories)	NPDES permits are required for discharges of pollutants to waters of the U.S. These permits include technology-based and water-quality based effluent limitations, designed to control these discharges. Permits are also required for stormwater discharges associated with industrial activities and from construction activities disturbing one acre or more and for stormwater discharges from industrial activities during operation of steam electric power plants. These permits may also require operators to develop and implement pollution prevention plans to further control discharges.  Cooling water intake structures are also regulated through NPDES permits under Clean Water Act, Section 316(b). Thermal variances for NPDES discharges can be allowed if consistent with the requirements of Section 316(a).

	Clean Water Act, Section 404 state administration (to date, only MI and NJ have assumed the program) (40 CFR 123)	Permit for the discharge of dredge or fill material into waters of the U.S. (and any other waters the state/tribe has identified).
	Clean Water Act, State Programmatic General Permit (Section 404)	Permit for the discharge of dredge or fill material into waters of the U.S. (and any other waters the state/tribe has identified). This is a general permit issued by the USACE for specified waters within the state/tribe. The state permit is accepted as complying with the federal Clean Water Act 404 permit requirements. This is overseen by USACE.
Cultural and Historical Resources	National Historic Preservation Act, Section 106	Confirmation that site and transmission line right-of-way are not considered historic preservation areas under 36 CFR Part 800, Consultation with State Historic Preservation Officer as required.
Coastal Zone Management	Coastal Zone Management Act, Section 307	Certification that action is consistent with the state's coastal zone management program.

### Activities That May Require State Authorizations, Permits, or Certifications

Program	Activities
Miscellaneous / Construction	<ul style="list-style-type: none"> <li>• Approval for construction of new generating facility</li> <li>• Underground storage tank regulations</li> <li>• Storage tanks containing petroleum products</li> <li>• Certificate that the present and future public convenience and necessity require or will require the operation of such equipment for facility</li> <li>• Special equipment permissions such as use of lift crane, dome lighting mast</li> <li>• Construction/ modification of surface water discharge structures</li> <li>• Construction of transmission lines crossing waterways or state highways</li> <li>• Construction of waste treatment facilities</li> <li>• Construction of temporary sewage treatment unit</li> <li>• Operation of temporary sewage treatment unit</li> </ul>
Ecology	<ul style="list-style-type: none"> <li>• Ecological monitoring programs</li> <li>• Consultation/coordination with state wildlife agency on state-listed species</li> </ul>
Waste Management	<ul style="list-style-type: none"> <li>• Hazardous waste management regulations</li> <li>• Non-hazardous solid waste management regulations and criteria</li> <li>• Transportation of sanitary waste water (sanitary waste water hauling permit)</li> <li>• Disposal of sludge (sludge disposal operating permit)</li> <li>• Transportation of non-hazardous waste water or sludge</li> <li>• Disposal of waste from additional waste streams (supplemental waste streams permit)</li> <li>• Recovery and recycling of refrigerants Refrigerant (Recovery/ Recycling Equipment Certifications)</li> </ul>
Air Quality	<ul style="list-style-type: none"> <li>• Annual re-certification of air emission sources (registration)</li> <li>• Permit for the construction and/or operation of air emissions equipment</li> <li>• State regulations for the prevention of significant deterioration of air quality</li> <li>• Open burning of petroleum products for backup generators (open burning permit)</li> </ul>

Program	Activities
Water	<ul style="list-style-type: none"> <li>• General permit to discharge storm water during operations</li> <li>• Permit to withdraw surface water (unless otherwise regulated by state)</li> <li>• General permit to discharge storm water from site during construction</li> <li>• Termination of coverage under the general permit for storm water discharge from construction site activities</li> <li>• Termination of coverage under the general permit for storm water discharge associated with operational site activities</li> <li>• General Permit for storm water discharges from industrial activity</li> <li>• Termination of coverage under the general permit for storm water discharge associated with operations activities</li> <li>• Surface water and groundwater use and protection regulations</li> <li>• Water quality criteria for intrastate, interstate, and coastal waters</li> <li>• Regulations for the certification of municipal and domestic waste water facility operators</li> <li>• Withdrawal of water from a public surface water source</li> <li>• Treatment of waste water discharge</li> <li>• Disposal or discharge of dredge or fill materials into waters of the state/tribe or impacts to these waters</li> </ul>
Historic. and Cultural Resources	<ul style="list-style-type: none"> <li>• Determinations/approvals related to historic preservation areas</li> </ul>

**County Authorizations, Permits, or Certifications (Examples)**

- Zoning permit for construction of the plant
- County dust control permit