

1.2 Status of Reviews, Approvals, and Consultations

STPNOC has divided its discussion of the status of federal, state, regional, and local environmental protection licenses, permits, reviews, approvals, and consultations, collectively called authorizations, by project phase (i.e., COL issuance, preconstruction, construction, and operation). There were no Native American Tribal Agency authorizations required. Tables 1.2-1 through 1.2-4 identify, for each authorization, the following information:

- Jurisdictional agency
- Authority, law, or regulation that dictates the requirement
- Name of the required authorization
- License or permit number as applicable
- Expiration date of any existing licenses or permits

The tables are structured on the assumption that authorizations for activities in the prior project phase were captured in the table representing the prior work phase and were not repeated in subsequent tables. That is, permits acquired in early work phases would be amended, revised, or resubmitted as necessary to allow follow-on activities. STPNOC has initiated the permit process for several of the state level permits, notably Clean Air Act requirements delegated by EPA to the Texas Commission on Environmental Quality (TCEQ) and Clean Water Act requirements also promulgated to the TCEQ from EPA. The following sections describe the activities to be authorized.

1.2.1 Combined Operating License Issuance

Table 1.2-1 lists authorizations required before NRC issuance of COL. The table includes the following:

- “Endangered Species Act of 1973” (16 U.S.C. 1531-1544, December 28, 1973, as amended 1976 - 1982, 1984, and 1988) - The “Endangered Species Act of 1973” requires federal agencies to ensure that agency action is not likely to jeopardize any species that is listed or proposed for listing as endangered or threatened. Depending on the action involved, the Act requires consultation with the U.S. Fish and Wildlife Service (USFWS) regarding effects on non-marine species, the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) (formerly the National Marine Fisheries Service [NMFS]) for marine species, or both. Because of the proximity of the STP site to the Gulf of Mexico, STPNOC concluded that the NRC would consult with the USFWS and the NOAA Fisheries. In addition, as a matter of policy, the NRC consults with states regarding state-protected species.
- “National Historic Preservation Act of 1966 (16 U.S.C. 470)” - The “National Historic Preservation Act of 1966” requires federal agencies having the authority to license any undertaking to, before issuing the license, take into account the effect of the undertaking on historic properties and to afford the Advisory Council on

Historic Preservation an opportunity to comment on the undertaking. Council regulations provide for establishing an agreement with any State Historic Preservation Officer (SHPO) to substitute state review for Council review (36 CFR 800). STPNOC anticipates that the NRC will consult with the Texas SHPO.

- “The Federal Coastal Zone Management Act of 1972” (16USC1451-1456) - “The Federal Coastal Zone Management Act” imposes requirements on applicants for a federal license to conduct an activity that could affect a state's coastal zone. The Act requires the applicant to certify to the licensing agency that the proposed activity would be consistent with the state's federally approved coastal zone management program. STPNOC certified the proposed project is consistent with the goals and policies of Texas' federally approved Coastal Management Plan on April 22, 2008. The Coastal Coordination Council concurred that the project was consistent with the goals and policies of the Texas Coastal Management Plan on June 9, 2008.
- “Clean Water Act” (33 U.S.C. 1251, et seq.) - The Federal Water Pollution Control Act of 1948, also known as the Clean Water Act, Section 401, requires applicants for a federal license, if conducting an activity that might result in a discharge into navigable waters, to provide the licensing agency a certification from the state that the discharge will comply with applicable Clean Water Act requirements (33 U.S.C. 1341). STPNOC may consult with the TCEQ to secure any required certifications.

1.2.2 Preconstruction Activities

Preconstruction activities may commence before issuance of a Limited Work Authorization (LWA) or COL. Pursuant to 10 CFR 50.10(c), “No person may begin the construction of a production or utilization facility on a site on which the facility is to be operated until that person has been issued either a construction permit under this part, a combined license under part 52 of this chapter, an ESP authorizing the activities under paragraph (d) of this section, or a LWA under paragraph (d) of this section.” Activities that are considered construction are defined by 10 CFR 50.10(a)(1), whereas activities that do not constitute construction are defined by 10 CFR 50.10(a)(2). Activities not defined as construction may be conducted without prior NRC authorization.

As previously noted, COL applicants may begin certain preconstruction activities before issuance of a COL or LWA, including the following:

- Preconstruction planning and exploration activities will include such site activities as soil boring/sampling, installing monitoring wells, or installation of additional geophysical borings as defined in 10 CFR 50.10(a)(2) and the removal and/or relocation of existing facilities in the new plant footprint.
- Site preparation activities will include installation of temporary facilities, construction support facilities, service facilities, utilities, docking and unloading facilities, excavations for facility structures and foundations, and construction of structures, systems, or components (SSCs) that do not constitute construction as defined by 10 CFR 50.10(a)(1).

Table 1.2-2 identifies authorizations required before initiation of preconstruction activities.

1.2.3 Construction Activities

In accordance with 10 CFR 50.10(d)(1), “Any person to whom the Commission may otherwise issue either a license or permit under Sections 103, 104.b, or 185 of the Act for the facility of the type specified in § 50.21(b)(2), § 50.22, or a testing facility, may request an LWA allowing that person to perform the driving of piles, subsurface preparation, placement of backfill, concrete, or permanent retaining walls within an excavation, installation of the foundation, including placement of concrete, any or which are for systems, structures, or components (SSC) of the facility for which either a construction permit or combined license is otherwise required under paragraph (c) of this section.”

STPNOC may seek NRC issuance of an LWA pursuant to 10 CFR 50.10(d) and seek the necessary authorizations required to perform construction activities defined under 10 CFR 50.10(a)(1).

Table 1.2-3 lists authorizations required before construction activities begin. STPNOC will not initiate these activities before obtaining an LWA or COL.

1.2.4 Operation

Table 1.2-4 lists authorizations required prior to the start of operation.

Table 1.2-1 Authorizations/Permits Required for Combined License

Item	Agency	Authority	Requirement	Activity Covered	Permit Issued or Authorization Obtained/Status
1.1	USFWS	Endangered Species Act of 1973	Consultation regarding potential to adversely impact protected species (non-marine species)	Concurrence with no adverse impact or consultation on appropriate mitigation measures <u>Triggering Activity:</u> Cannot modify habitat of endangered or threatened species without authorization from USFWS, including clearing of vegetation or earth-moving activities	Complete. NRC will need formal consultation with USFWS
1.2	NOAA Fisheries	Endangered Species Act of 1973	Consultation regarding potential to adversely impact protected marine species	Concurrence with no adverse impact or consultation on appropriate mitigation measures	Complete
1.3	Texas Historical Commission (THC)	National Historic Preservation Act, (36 Code of Federal Regulations (CFR) 800), Texas Historical Commission Texas Administrative Code (T.A.C.) Title 13, Part 2	Consultation regarding potential to adversely affect historic resources	Confirm site construction or operation would not affect protected historic resources <u>Triggering Activity:</u> Authorization must be obtained before excavation or soil disturbance in area where historic resources are located.	Complete
1.4	NOAA, Texas Coastal Coordination Council (CCC)	Coastal Zone Management Act, Texas Coastal Management Plan implemented through CCC	Consistency review	NRC license, any individual Section 404 permit.	Complete
1.5	TCEQ	Federal Clean Water Act (FCWA) (33 United States Code (U.S.C.) 1251 et seq.). T.A.C. Title 30, Part 1, Chapter 307, 308	Section 401 Certification	Certify that issuance of the COL will not result in a violation of state water quality standards.	Certification Request submitted 02/2009

Table 1.2-1 Authorizations/Permits Required for Combined License (Continued)

Item	Agency	Authority	Requirement	Activity Covered	Permit Issued or Authorization Obtained/Status
1.6	DOE	Nuclear Waste Policy Act (42 U.S.C 10101 et seq.) and 10 CFR Part 961	Spent Fuel Contract	DOE's Standard Contract for disposal of spent nuclear fuel contained in 10 CFR Part 961 is being modified by the Department. The Nuclear Energy Institute (NEI) is actively engaged with DOE in revising the language in the Standard Contract. It is expected that this revision will be completed and the Standard Contract will be entered into by the end of 2008.	2008

Table 1.2-2 Authorizations/Permits Required for Preconstruction Activities

Item	Agency	Authority	Requirement	Activity Covered	Permit Issued or Authorization Obtained/Status
2.1	USACE	FCWA, Section 404, 33 CFR 323	Section 404 Permit	Disturbance or crossing wetland areas or navigable waters	Permit Determination Request submitted 06/2009
2.2	USACE	FCWA, Section 404, 33 CFR 323	Dredge and Fill Discharge Permit	Maintenance dredging of intake structure on Colorado River (Covered under current permit No. 14848 Exp. Date: 12/31/2009)	Renewal when required
2.3	USACE	Rivers and Harbors Act	Section 10 Permit	Maintenance dredging of barge slip (Covered under current permit No. 10570 Exp. Date: 12/31/2014)	Renewal when required
2.4	United States Department of Transportation	49 Code of FR 107, Subpart G Registration for Hazardous Materials Transportation	Certificate of Registration	Renew existing two-year registration for transportation of hazardous (Covered under current permit No. 061506 551 0960P Exp. Date: 6/30/2008)	Renewal when required
2.5	USFWS	Migratory Bird Treaty Act, 50 CFR 21	Compliance with requirements of Act	Adverse impacts on protected species and/or their nests. To be performed concurrently with item 1.1	Complete. NRC will need formal consultation with USFWS
2.6	Federal Aviation Administration	14 CFR 77	Construction Notice	Notice of erection of structures (>200 feet high) potentially impacting air navigation	12/2011
2.7	Texas Parks and Wildlife Department (TPWD)	Resource Protection (T.A.C. Title 31, Part 2, Chapter 69) Wildlife (T.A.C. Title 31, Part 2, Chapter 65)	Consultation regarding potential to adversely impact state listed protected species	Adverse impacts on state listed protected species and/or their habitat. To be performed concurrently with item 1.1	Complete

Table 1.2-2 Authorizations/Permits Required for Preconstruction Activities (Continued)

Item	Agency	Authority	Requirement	Activity Covered	Permit Issued or Authorization Obtained/Status
2.8	TCEQ	Federal Clean Air Act (FCAA), General Air Quality Rules (T.A.C. Title 30, Part 1, Chapter 101, 111, 116)	Air Quality Construction Permit	Construction of air emission sources - diesel combustion generator, diesel generators, vents and other air sources regulated by TCEQ <u>Triggering Activity:</u> Permit must be obtained before excavation for or construction of foundation or footings supporting air emitting facilities	Complete
2.9	TCEQ	FCAA, General Air Quality Rules (T.A.C. Title 30, Part 1, Chapter 101, 111, 116)	Air Quality Construction Permit	Construction air emission sources: Concrete batch plant (CBP) Sand blast facility and surfacing coating facility <u>Triggering Activity:</u> Authorization must be obtained before excavation for or construction of foundation or footings supporting air emitting facilities	12/2010 (Obtained by Constructor)
2.10	Texas Department of State Health Services	FCAA, 40 CFR Part 61, Subpart M, Texas Asbestos Health Protection (T.A.C. Title 25, Part 1, Chapter 295, Subchapter C)	Notice of intent for asbestos renovation, encapsulation, or demolition	Building demolition or renovation activities and asbestos abatement projects	As required
2.11	TCEQ	FCWA, Texas Water Code (TWC) Chapter 26; T.A.C. Title 30, Part 1, Chapter 205, 279, 307, 308	Renewal of or amendment to existing Texas Pollutant Discharge Elimination System (TPDES) Permit	Regulates discharge of pollutants to surface water <u>Triggering Activity:</u> Amended TPDES permit must be issued prior to excavation for or construction of foundation or footings to support wastewater treatment plant components for expanded capacity.	12/2009

Table 1.2-2 Authorizations/Permits Required for Preconstruction Activities (Continued)

Item	Agency	Authority	Requirement	Activity Covered	Permit Issued or Authorization Obtained/Status
2.12	TCEQ	FCWA, TWC Chapter 26	General Permit for Storm Water Discharges Associated With Construction Activity	Discharge storm water from site during construction <u>Triggering Activity:</u> Authorization must be obtained prior to exposure of soils from activities such as clearing, grading and excavating.	10/2009 (Obtained by Constructor)
2.13	TCEQ	T.A.C. Title 30, Part 1, Chapter 290	TCEQ approval of modification of public water system	Modify treatment, storage, distribution of potable water system as needed for expansion Approval of plans and specifications or TCEQ determination that approval is not required must occur before construction commences on any new or expanded component of water system, including water well, storage, treatment or distribution lines.	As required
2.14	Coastal Plains Groundwater Conservation District (CPGCD)	Rules of the CPGCD, Chapter 3, Subchapter A	Groundwater Well Permit	New groundwater well installation and operation	As required
2.15	TCEQ	FCWA, TWC, Ch. 26	TPDES General Permit	Discharge of uncontaminated groundwater encountered during construction will be included in TPDES General Permit for construction activities	12/2009 (Obtained by Constructor)
2.16	CPGCD	Rules of the CPGCD, Chapter 8	Capping and plugging of groundwater wells	Capping and plugging of monitoring wells at completion of subsurface investigation	As required
2.17	TCEQ	T.A.C. Title 30, Part 1, Chapter 334	Certificate of Annual Tank Registration	All underground storage tanks that are in use or capable of being used for petroleum products and certain chemicals	As required

Table 1.2-2 Authorizations/Permits Required for Preconstruction Activities (Continued)

Item	Agency	Authority	Requirement	Activity Covered	Permit Issued or Authorization Obtained/Status
2.18	TCEQ	T.A.C. Title 30, Part 1, Chapter 335	Notice of Registration	Onsite disposal of Class III industrial solid waste consisting of earth and earth-like products, concrete, rock, bricks, and land clearing debris (Registration No. 30651)	As required
2.19	TCEQ	T.A.C. Title 30, Part 1, Chapter 335	Notice of Registration	Offsite disposal of industrial solid wastes (Registration No. 30651)	As required
2.20	TCEQ	T.A.C. Title 30, Part 1, Chapter 295, 297	Water Rights	Use of additional makeup water from Colorado River (Covered under existing water rights: (Registration No. 14-5437)	Complete
2.21	TCEQ	T.A.C. Title 30, Part 1, Chapter 350	Texas Risk Reduction Program	Relocation of hazardous waste accumulation area	Not Applicable
2.22	TCEQ	T.A.C. Title 30, Part 1, Chapter 321; FCWA; TWC, Chapter 26	Notice of Registration	Relocation of existing pond related to car wash and vehicle washdown	12/2010
2.23	Matagorda County	Flood Plain Management Plan C Zone Requirements	Land Disturbing Activity and Construction Permit	Land disturbing activities within the boundaries of Matagorda County including new construction and renovation of buildings	As required
2.24	NRC	10 CFR 30	Byproduct license	Approval to possess special nuclear material (SNM)	01/2012
2.25	NRC	10 CFR 70	Special Nuclear Materials License	Approval to possess fuel	01/2012

Table 1.2-2 Authorizations/Permits Required for Preconstruction Activities (Continued)

Item	Agency	Authority	Requirement	Activity Covered	Permit Issued or Authorization Obtained/Status
2.26	TCEQ	T.A.C. Title 30, Part 1, Chapter 312	Revision of existing onsite sludge disposal permit	Possible need to relocate and/or expand area for land application of sewage sludge <u>Triggering Activity:</u> Permit amendment must be issued prior to first application of sewage sludge at new location	8/2008 Permit Expires. No Renewal Required.
2.27	TCEQ	Federal Clean Water Act (FCWA) (33 United States Code (U.S.C.) 1251 et seq.). T.A.C. Title 30, Part 1, Chapter 307, 308	Section 401 Certification	Compliance with water quality standards Any additional TCEQ requirements will be incorporated into individual Section 404 permit.	See Item 2.1
2.28	TCEQ	T.A.C. Title 30, Part 1, Chapter 290	Revision or new permit to operate a public water system - Notice of Termination	Operate a public noncommunity water system (if required for Site Redress)	As required
2.29	CPGCD	Rules of the CPGCD, Chapter 8	Capping and plugging of groundwater wells	Capping and plugging of monitoring wells at completion of subsurface investigation (If required for Site Redress)	As required
2.30	TCEQ	RCRA, T.A.C. Title 30, Part 1, Chapter 334	Certificate of Annual Tank Registration - Notice of Termination	All underground storage and aboveground storage tanks that are in use or capable of being used for petroleum products and certain chemicals. Tank removal/abandonment (if required for Site Redress)	As required

Table 1.2-3 Authorizations/Permits Required for Construction Activities^[1]

Item	Agency	Authority	Requirement	Activity Covered	Permit Issued or Authorization Obtained/Status
3.1	NRC	10 CFR 52, Subpart C or 10 CFR 50.10(d)	COL	Safety-related and important to safety construction for a nuclear power facility	01/2012
3.2	NRC	Atomic Energy Act (AEA), 10 CFR 51, 10 CFR 52.17	EIS	Environmental effects of construction and operation of a reactor	Purpose of this submittal
3.3	USFWS	Migratory Bird Treaty Act, 50 CFR 21	Compliance with requirements of Act	Adverse impacts on protected species and/or their nests. To be performed concurrently with Item 1.1.	See Item 1.1
3.4	TPWD	Resource Protection (T.A.C. Title 31, Part 2, Chapter 69) Wildlife (T.A.C. Title 31, Part 2, Chapter 65)	Consultation regarding potential to adversely impact state listed protected species	Adverse impacts on state listed protected species and/or their habitat. To be performed concurrently with Item 1.1.	See Item 1.1

[1] Assumes STPNOC obtained the authorizations/permits identified in Table 1.2-2.

Table 1.2-4 Authorizations/Permits Required for Operation

Item	Agency	Authority	Requirement	Activity Covered	Permit Issued or Authorization Obtained/Status
4.1	TCEQ	FCWA, T.A.C. Title 30, Part 1, Chapter 307, 308, 309, and 317	Amendment to existing TPDES Permit	Regulates limits of pollutants in liquid discharge to surface water TPDES Permit No. 01908. Expiration date: 12/1/09.	As required or as discharge information becomes available
4.2	TCEQ	Revision of existing Title V Operating Permit	Operation of air emission sources	Update existing permit as necessary (Permit No.: 0801 Expiration Date: 1/25/2011)	As required or as emissions information becomes available
4.3	CPGCD	Rules of the CPGCD, Chapter 3, Subchapter A, B	Groundwater Well Permit	Installation and operation of new groundwater well(s)	As required
4.4	TCEQ	T.A.C. Title 30, Part 1, Chapter 295, 297	Water Rights	Use of additional makeup water from Colorado River (Covered under existing water rights)	See 2.21
4.5	TCEQ	T.A.C. Title 30, Part 1, Chapter 335	Revision/new permit for Industrial/Hazardous Waste	Industrial/Hazardous waste generation, storage, and disposal activities	As required
4.6	TCEQ	T.A.C. Title 30, Part 1, Chapter 327	Spill Prevention and Control	Procedures for reporting spills of hazardous materials on site (Covered in the STPEGS Integrated Spill Contingency Plan)	As required
4.7	TCEQ	T.A.C. Title 30, Part 1, Chapter 328	Waste Minimization and Recycling	Program for waste reduction (Covered in the STPEGS Source Reduction and Waste minimization Program)	As required

Table 1.2-4 Authorizations/Permits Required for Operation (Continued)

Item	Agency	Authority	Requirement	Activity Covered	Permit Issued or Authorization Obtained/Status
4.8	State of Tennessee Department of Environment and Conservation Division of Radiological Health	Tennessee Department of Environment and Conservation Rule 1200-2-10.32	Revision of existing Tennessee Radioactive Waste License-for-Delivery	Transportation of radioactive waste into the state of Tennessee	If required
4.9	State of Utah Department of Environmental Quality Division of Radiation Control	R313-26 of the Utah Radiation Control Rules	Revision of existing General Site Access Permit	Transportation of radioactive materials into the State of Utah	If required
4.10	TCEQ	Multi-sector storm water Permit	Revision of Storm Water Pollution Prevention Plan	Areas meeting the definition of industrial activity to be added to current program	As required
4.11	NRC	10 CFR 51	Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions	This part contains environmental protection regulations applicable to NRC's domestic licensing and related regulatory functions. Subject to certain limitations described in this part, these regulations implement Section 102(2) of the NEPA of 1969, as amended.	If required
4.12	NRC	10 CFR 61	Licensing Requirements for Land Disposal of Radioactive Wastes	The regulations in this Part establish procedures, criteria, and terms and conditions for the licensing of land disposal facilities intended to contain byproduct source, and SNM.	If required

Table 1.2-4 Authorizations/Permits Required for Operation (Continued)

Item	Agency	Authority	Requirement	Activity Covered	Permit Issued or Authorization Obtained/Status
4.13	NRC	10 CFR 71	Packaging and Transportation of Radioactive Material	The regulations in this part provide requirements, procedures, and standards for packaging, preparation for shipment, and transportation of licensed material. It provides the requirements for an application for NRC approval of a transportation package and the standards for packages, including lifting and tie down standards, radiation standards, and requirements for fissile material, irradiated nuclear fuel, and plutonium packages.	If required

Table 1.2-4 Authorizations/Permits Required for Operation (Continued)

Item	Agency	Authority	Requirement	Activity Covered	Permit Issued or Authorization Obtained/Status
4.14	NRC	10 CFR 72	Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste	Part 72 of Title 10 of the CFR establishes requirements, procedures, and criteria for the issuance of licenses to receive, transfer, and possess power reactor spent fuel and other associated radioactive materials in an independent spent fuel storage installation and the terms under which the Commission will issue such a license. Part 72 also establishes the requirements, procedures, and criteria for issuing licenses to DOE to receive, transfer, package, and possess power reactor spent fuel, high-level radioactive waste, and other associated radioactive materials in a monitored retrievable storage installation. If the currently approved spent fuel storage casks listed in Section 214 of Part 72 are not certified to store the new types of reactor spent fuel, new or current casks will have to be certified for that purpose.	If required

