

Part 3 Appendix B
Revision 1

Tennessee Valley Authority (TVA)
Clinch River Nuclear (CRN) Site, Roane County, Tennessee Environmental Protection Plan

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1.0 Objective of the Environmental Protection Plan

The purpose of the Environmental Protection Plan (EPP) is to ensure that the United States (U.S.) Nuclear Regulatory Commission (NRC) is kept informed of issues pursuant to the Endangered Species Act of 1973, as amended (ESA) and other environmental matters pertinent to the Clinch River Small Modular Reactor (SMR) Project, if and when any NRC-licensed activities commence with respect to the Clinch River SMR Project. This EPP is intended to be consistent with Federal, state, and local requirements for environmental protection.

2.0 Environmental Protection Issues

This EPP applies to the licensee's actions affecting the environmental resources evaluated in project-related Environmental Impact Statements (EISs) associated with the issuance of a Combined License Application (COLA) for the construction and operation of a new nuclear plant at the Clinch River Nuclear Plant (CRN) Site as well as the licensee's actions that may affect any newly discovered environmental resources.

2.1 Aquatic Resources Issues

Federal agencies other than the NRC, such as the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE), have jurisdiction to regulate aquatic resources under the Federal Water Pollution Control Act (Clean Water Act or CWA). Under the Tennessee Valley Authority (TVA) Act (16 USCA §§831 et seq) as well as TVA policies and programs, TVA has responsibilities approving construction, operation, and maintenance of dams, appurtenant works, or other obstructions affecting navigation and flood control on rivers and streams in the Tennessee Valley Region. Additionally, TVA is responsible for monitoring, maintaining and improving water quality and aquatic habitats in the Tennessee River Watershed in cooperation with EPA, USACE, and state water quality agencies in the seven Tennessee Valley states (Alabama, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia). Certain water quality environmental considerations, including effluent limitations, monitoring requirements, and mitigation measures, are regulated under the licensee's CWA permits, such as National Pollutant Discharge Elimination System (NPDES) and Section 404 permits. Nothing within this EPP shall be construed to place additional requirements on the regulation of aquatic resources except the imposition of requirements in a Biological Opinion under the ESA (see Section 2.3).

Appropriate consultations with Federal, state, and local agencies have been initiated. TVA plans to apply for and receive any required authorizations prior to initiating preconstruction, construction, or operational activities. The licensee will utilize Best Management Practices (BMPs), conservation measures, and/or appropriate mitigation measures as recommended by U.S. Fish and Wildlife Service (USFWS) based on the results of formal or informal ESA consultation.

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2.2 Terrestrial Resources Issues

Several statutes govern the regulation of terrestrial resources. For example, the USFWS regulates matters involving the protection and taking of bald and golden eagles in accordance with the Bald and Golden Eagle Protection Acts. Appropriate consultations with federal, state, and local agencies have been initiated. TVA plans to apply for and receive any required authorizations and permits prior to initiating preconstruction, construction, or operational activities. The licensee will utilize BMPs, conservation measures, and/or appropriate mitigation measures as recommended by USFWS based on results of ESA consultation.

2.3 Endangered Species Act of 1973

The NRC may be required to protect some aquatic and terrestrial resources. In accordance with ESA Section 7, the licensee shall comply with the Reasonable and Prudent Measures and implementing Terms and Conditions set forth in the Incidental Take Statement of such a Biological Opinion issued to NRC or TVA. If any Federally listed species or critical habitat occurs in an area affected by construction of the plant that was not previously identified as occurring in such areas, including species and critical habitat that were not previously Federally listed, the licensee shall inform the NRC in accordance with the Reporting Provision in Section 4.1 of this EPP. Similarly, the licensee shall inform the NRC of discovery of any take, as defined in the ESA, of a federally listed species or destruction or adverse modification of critical habitat; including any take permitted under an existing Biological Opinion. During plant operation, TVA shall inform the NRC within four hours of discovery of or having impacted either critical habitat or a federally listed species. These notifications shall be made to the NRC Operations Center via the Emergency Notification System. Since TVA is a federal agency, TVA would typically act as the lead action agency in any such ESA consultation. The licensee shall provide any necessary information to the NRC should the NRC initiate an independent consultation under the ESA.

Additionally, the licensee shall inform the NRC of any onsite mortality, injury, or unusual occurrence of any species protected by the ESA. During construction such reporting shall be done in accordance with the reporting provision in Section 4.1 of this EPP. During plant operations, the NRC shall be informed within four hours of discovery, followed by a written report in accordance with Section 4.1. Such incidents shall be reported regardless of causal relation to construction.

3.0 Consistency Requirements

The licensee shall notify the NRC of any permits or certifications obtained concerning aquatic or terrestrial species by providing the NRC with a copy of said permits or certifications at the time of issuance. Further, the licensee shall notify the NRC of any proposed changes to said permits or certifications at the same time a change request is submitted to the permitting agency. The licensee shall provide the NRC with a copy of the application for and/or renewal of permits or certifications at the same time the application is submitted to the permitting agency.

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Changes to or renewals of these permits or certifications shall be reported to the NRC by the licensee within 30 days following the later of the date the change or renewal is approved or the date the change becomes effective. 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.

4.0 Administrative Procedures

4.1 Plant Reporting Requirements: Non-routine Reports

A written report shall be submitted to the NRC within 30 days of occurrence of any unusual ESA-related event described in Section 2.3 of this EPP. The report shall (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact and plant operating characteristics at the time of the event; (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 or final responses.

4.2 Review and Audit

The licensee shall provide for review and audit of compliance with Section 2.3 of the EPP. The audits shall be conducted independently of the individual or groups responsible for performing the specific activity. A description of the organizational structure utilized to achieve the independent review and audit function and results of the audit activities shall be maintained and made available for inspection.

4.3 Records Retention

Records required by this EPP shall be made and retained in a manner convenient for review and inspection. These records shall be made available to the NRC on request. The 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.

4.4 Changes in Environmental Protection Plan

A request for a change 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 revision to the EPP.

The licensee shall request a license amendment to incorporate the requirements of any Terms and Conditions set forth in an Incidental Take Statement of Biological Opinions issued subsequent to the effective date of this EPP.