March 4, 2008

Chief Gina Williams
United Cherokee Ani-Yun-Wiya Nation
6407 Jarmon Road
Guntersville, AL 35976

SUBJECT: REQUEST FOR COMMENTS CONCERNING THE BELLEFONTE NUCLEAR PLANT, UNITS 3 AND 4 COMBINED LICENSE APPLICATION REVIEW

Dear Chief Williams:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by the Tennessee Valley Authority (TVA) for combined licenses (COLs) for the construction and operation of two new nuclear power plants at its Bellefonte Nuclear Plant Site near Scottsboro, Alabama. As part of the review of this COL application, the NRC is preparing an Environmental Impact Statement (EIS) as required by Title 10, Part 51 of the *Code of Federal Regulations*, the NRC's regulation that implements the National Environmental Policy Act (NEPA) of 1969. The NRC staff is currently seeking information from consulting parties and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, to identify issues relating to the proposed undertaking's potential effects on historic properties.

The Bellefonte Nuclear Plant Site is located on approximately 1600 acres on a peninsula from Tennessee River mile 390 to river mile 393 in Jackson County, Alabama on the western shore of Guntersville Reservoir, approximately 7 miles northeast of Scottsboro, Alabama. The Bellefonte Nuclear Plant Site currently has two partially completed pressurized water reactors that do not produce power. TVA plans to construct two new nuclear units adjacent to the existing site. The EIS will document the NRC staff's evaluation of the impacts of construction and operation of two new nuclear plants at the Bellefonte Nuclear Plant Site. TVA has also identified four alternative sites that will be evaluated in the EIS. The staff's review will consider alternatives including evaluation of alternative sites in accordance with 40 CFR 1502.14. The EIS will contain the results of the review of the environmental impacts on the area surrounding the Bellefonte Nuclear Plant Site that are related to terrestrial ecology, aquatic ecology, hydrology, socioeconomic issues, and historic properties (among others), and will contain a recommendation on whether the requested COL should be granted or denied. If granted, the COL would authorize the applicant to construct and operate the new proposed units.

The NRC environmental review process includes an opportunity for public and inter-governmental participation in the environmental review. The Bellefonte Nuclear Plant Site is in close proximity to lands that may be of interest to the United Cherokee Ani-Yun-Wiya Nation. We want to ensure that you are aware of our efforts and pursuant to 10 CFR 51.28(a), the NRC invites the United Cherokee Ani-Yun-Wiya Nation to provide input to the scoping process relating to the NRC's environmental review of the application.

In accordance with 36 CFR 800.8(c), the NRC is using the process required by NEPA to comply with the obligations imposed by Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. Accordingly, United Cherokee Ani-Yun-Wiya Nation will be conferring with the NRC staff by participating in the scoping process; identifying historic properties on the Bellefonte Nuclear Plant Site; assessing the effects of the proposed measures that might avoid, minimize, or mitigate any adverse effects of the proposed action on historic properties. The NRC's draft EIS will include identification of historic properties, assessment of impacts, and our preliminary determination. The anticipated publication date for the draft EIS is March 2009. To complete consultation under 36 CFR 800.8, the NRC will forward the draft EIS to you for your review and comment and will address your comments in the final EIS.

Pursuant to 10 CFR 51.28 and 36 CFR 800.2(c), the NRC wishes to ensure that Indian Tribes that might have an interest in any potential historic properties in the area of potential effect are afforded the opportunity to identify their concerns, provide advice on the identification and evaluation of historic properties, including those of traditional, religious and cultural importance, and, if necessary, participate in the resolution of any adverse effects to such properties. The area of potential effect for this COL review is the area at the Bellefonte Nuclear Plant Site and its immediate environs which may be impacted by land-disturbing activities associated with the construction and operation of the new units.

TVA submitted the application for COL on October 30, 2007, pursuant to NRC requirements at 10 CFR Part 52. The application was accepted for docketing on January 18, 2008. The Bellefonte COL application is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852 or from the NRC's Agency-wide Documents Access and Management System (ADAMS). ADAMS is accessible at http://www.nrc.gov/reading-rm/adams.html. The application is listed under Accession Number ML073110527. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR Reference staff by telephone at 1-800-397-4209/301-415-4737 or by e-mail at pdr@nrc.gov. The Bellefonte COL application is also available on the Internet at http://www.nrc.gov/reactors/new-licensing/col/bellefonte.html. In addition, the Scottsboro Public Library, located at 1002 South Broad Street, Scottsboro, Alabama has agreed to make the application available for public inspection.

On Thursday, April 3, 2008, the NRC is providing the public with the opportunity to participate in environmental scoping meetings to be held from 1:30 p.m. to 4:30 p.m., and 7:00 p.m. to 10:00 p.m., at Scottsboro Goosepond Civic Center, 1165 Ed Hembree Drive, Scottsboro, AL 35768. Representatives of your tribe are invited to attend. Each meeting will be preceded by an open house from 12:30 p.m. to 1:30 p.m., and 6:00 p.m. to 7:00 p.m., during which members of the public may meet and talk with NRC staff members on an informal basis.

Please submit any written comments your tribe may have to offer on the scope of the environmental review by April 25, 2008. Comments should be submitted either by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 or by e-mail to Bellefonte.COLEIS@nrc.gov. At the conclusion of the scoping process, the NRC staff will prepare a summary of the significant issues identified and the conclusions reached and will send a copy to you.

If you have any questions or require additional information, please contact Ms. Mallecia Hood, Project Manager for the Bellefonte COL Project at 301-415-0673 or by e-mail at mah2@nrc.gov.

Sincerely,

/RA/

William Burton, Branch Chief
Environmental Projects Branch 1
Division of Site and Environmental Reviews
Office of New Reactors

Docket Nos.: 52-014 and 52-015

cc: See next page

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William Burton, Branch Chief
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