

April 20, 2017

The Honorable Patrick Lambert, Principal Chief  
Eastern Band of Cherokee Indians  
of North Carolina  
88 Council House Loop  
Cherokee, NC 28719

SUBJECT: INITIATION OF SECTION 106 AND SCOPING PROCESS FOR THE  
ENVIRONMENTAL REVIEW OF THE EARLY SITE PERMIT APPLICATION  
FOR THE CLINCH RIVER NUCLEAR SITE IN ROANE COUNTY, TENNESSEE

Dear Principal Chief Lambert:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by the Tennessee Valley Authority (TVA) for an early site permit (ESP) for the Clinch River Nuclear (CRN) Site near Oak Ridge, Tennessee. The ESP application and review process makes it possible to evaluate and resolve safety and environmental issues related to siting a potential future small modular reactor at the CRN Site. An ESP does not, however, authorize construction and operation of a nuclear power plant. Such authorization would require an additional application and review.

As part of the review of this ESP application, the NRC is preparing an Environmental Impact Statement (EIS) as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, the NRC's regulation that implements the National Environmental Policy Act (NEPA) of 1969, as amended. The U.S. Army Corps of Engineers, Nashville District, has been invited to participate as a cooperating agency with the NRC for the purpose of complying with NEPA. As a Federal agency, TVA is required to comply with NEPA and the National Historic Preservation Act (NHPA) independently from NRC and the USACE. In its environmental report, which was submitted as part of its application, TVA described its Section 106 consultation status with the Tennessee State Historic Preservation Office and Federally-recognized Tribes, including the execution of a programmatic agreement. The NRC will consider this information in the conduct of its Section 106 consultation.

In accordance with 36 CFR 800.8(c), the NRC staff is using the process required by NEPA for the preparation of the EIS to comply with Section 106 of the NHPA in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. The draft EIS will also include identification of historic properties, assessment of impacts, and the NRC staff's preliminary determination. The purpose of this letter is to initiate NHPA Section 106 consultation with the Eastern Band of the Cherokee Indians and to invite you to participate in the scoping process pursuant to 10 CFR 51.28(a).

The EIS will also contain the results of the review of the environmental impacts on the area surrounding the CRN site that are related to terrestrial ecology, aquatic ecology, hydrology, socioeconomic issues, and historic and cultural resources (among others), and will contain a recommendation on whether the requested ESP should be granted or denied.

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 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 CRN site is located in Roane County, with the center approximately 25 miles west-southwest of downtown Knoxville, Tennessee on the Clinch River. The NRC has defined the direct and indirect area of potential effects for this ESP review as the area at the Clinch River site and the Melton Hill Dam and its immediate environs, which may be directly or indirectly impacted by land-disturbing and building activities associated with the construction and operation of possible future small modular reactors (see enclosures).

The TVA application is available through the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at [http://www.nrc.gov/reading\\_rm/adams.html](http://www.nrc.gov/reading_rm/adams.html). The environmental report portion of the application is listed under ADAMS Accession No. ML16144A145. The Clinch River application is also available on the Internet at <http://www.nrc.gov/reactors/new-reactors/esp/clinch-river.html>.

The NRC staff plans to hold two public meetings on May 15, 2017, at the Pollard Technology Conference Center Auditorium, 210 Badger Avenue, Oak Ridge, Tennessee. The first meeting will convene at 2:00 p.m., and will continue until approximately 4:00 p.m. (as necessary). The second meeting will convene at 7:00 p.m., with a repetition of the overview portions of the first meeting and will continue until approximately 9:00 p.m. (as necessary). Both meetings will be preceded by a one hour open house during which members of the public may meet and talk with the NRC staff members on an informal basis.

As your Tribe has historic ties to Tennessee, the NRC invites you to submit any comments that you may have to offer on the scope of the environmental review by June 12, 2017. Comments may be submitted to the following e mail [ClinchRiverESPEIS@nrc.gov](mailto:ClinchRiverESPEIS@nrc.gov). The NRC expects to publish the draft EIS in June 2018. A copy of the draft EIS will be sent to your office for your review and comment. After consideration of public comments received, the NRC will prepare a final EIS, which is scheduled to be published in June 2019.

If you have any questions concerning the NRC staff's environmental review of this ESP application, please contact Ms. Patricia Vokoun, NRC Environmental Project Manager for the CRN ESP project, at (301) 415-3470 or by e-mail at [Patricia.Vokoun@nrc.gov](mailto:Patricia.Vokoun@nrc.gov), or in her absence, please contact Ms. Tamsen Dozier at 301-415-2272 or by email at [Tamsen.Dozier@nrc.gov](mailto:Tamsen.Dozier@nrc.gov).

Sincerely,

**/RA/**

Allen H. Fetter, Acting Branch Chief  
Licensing Branch 3  
Division of New Reactor Licensing  
Office of New Reactors

Docket No.: 52-047

Enclosures:

1. ER Figure 2.3.1-1
2. ER Figure 2.1-3

cc: Russell Townsend, Tribal Historic Preservation Officer

**SUBJECT:** INITIATION OF SECTION 106 AND SCOPING PROCESS FOR THE ENVIRONMENTAL REVIEW OF THE EARLY SITE PERMIT APPLICATION FOR THE CLINCH RIVER NUCLEAR SITE IN ROANE COUNTY, TENNESSEE

**Identical letters have been sent to:**

Governor Edwina Butler-Wolfe, Absentee Shawnee Tribe  
 Chairperson Jo Ann Battise, Alabama-Coushatta Tribe of Texas  
 Chief Tarpie Yargee, Alabama-Quassarte Tribal Town  
 Principal Chief Bill John Baker, Cherokee Nation of Oklahoma  
 Governor Bill Anoatubby, The Chickasaw Nation  
 Chief Glenna J. Wallace, Eastern Shawnee Tribe of Oklahoma  
 Town King Jeremiah Hobia, Kialegee Tribal Town  
 Principal Chief James Floyd, Muscogee (Creek) Nation of Oklahoma  
 Tribal Chair Stephanie A. Bryan, Poarch Band of Creek Indians  
 Chairman Marcellus W. Osceola Jr., Seminole Tribe of Florida  
 Principal Chief Leonard M. Harjo, Seminole Nation of Oklahoma  
 Chief Ron Sparkman, Shawnee Tribe of Oklahoma  
 Town King Ryan Morrow, Thlopthlocco Tribal Town  
 Chief Joe Bunch, United Keetoowah Band of Cherokee Indians  
 Chief Gary Batton, Choctaw Nation of Oklahoma  
 Chairman Lovelin Poncho, Coushatta Tribe of Louisiana  
 Principal Chief B. Cheryl Smith, Jena Band of Choctaw Indians  
 Chief Phyliss J. Anderson, Mississippi Band of Choctaw Indians  
 Chairman John Berrey, Quapaw Tribe of Oklahoma

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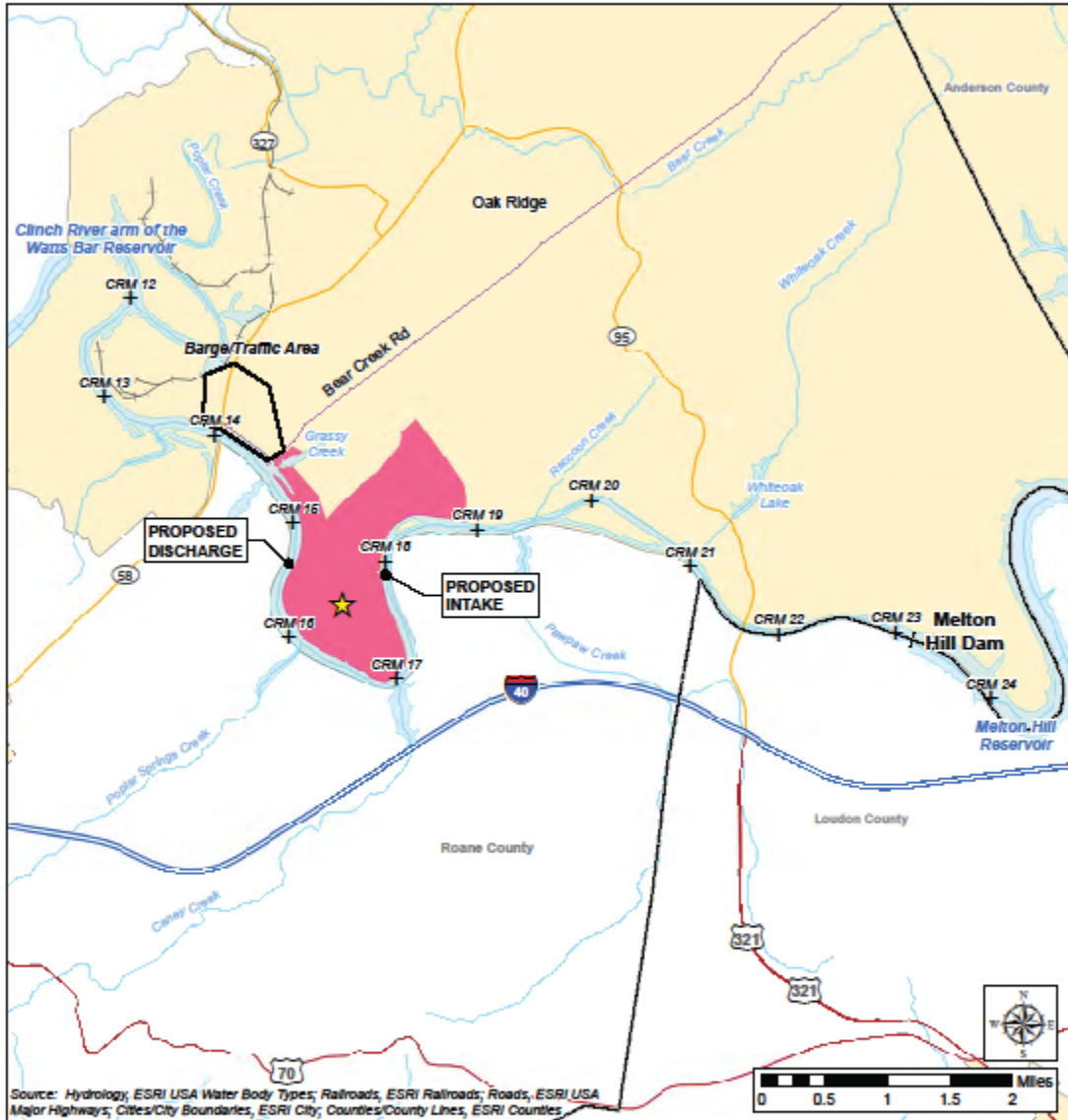
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JDonoghue, NRO	SEasson, NMSS
MSutton, NRO	SLopas, NMSS RidsNroDnrl
SGreen, NRO	BMcDowell, PNNL
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ADAMS Accession No.: ML17017A123

OFFICE	PM:LB3:DNRL	LA: LB3:DNRL	PM:RENV:DSEA	BC: LB3:DNRL (Acting)
NAME	PVokoun	SGreen	JDavis	AFetter
DATE	01/16/2017	01/17/2017	03/10/2017	04/20/2017

**OFFICIAL RECORD COPY**

Clinch River Nuclear Site  
 Early Site Permit Application  
 Part 3, Environmental Report



Legend

- |                                  |                                   |                        |                             |
|----------------------------------|-----------------------------------|------------------------|-----------------------------|
| ★ CRN Site Center Point          | Light Blue Box Rivers and Lakes   | Blue Line Interstate   | Purple Line Bear Creek Road |
| + Clinch River Mile              | Yellow Box Town/City Boundaries   | Red Line Highway       |                             |
| Pink Box CRN Site                | White Box Counties                | Orange Line Major Road |                             |
| Black Outline Barge/Traffic Area | Black Line with Crosses Railroads |                        |                             |

Figure 2.3.1-1. CRN Site Vicinity Water Resources

Clinch River Nuclear Site  
 Early Site Permit Application  
 Part 3, Environmental Report

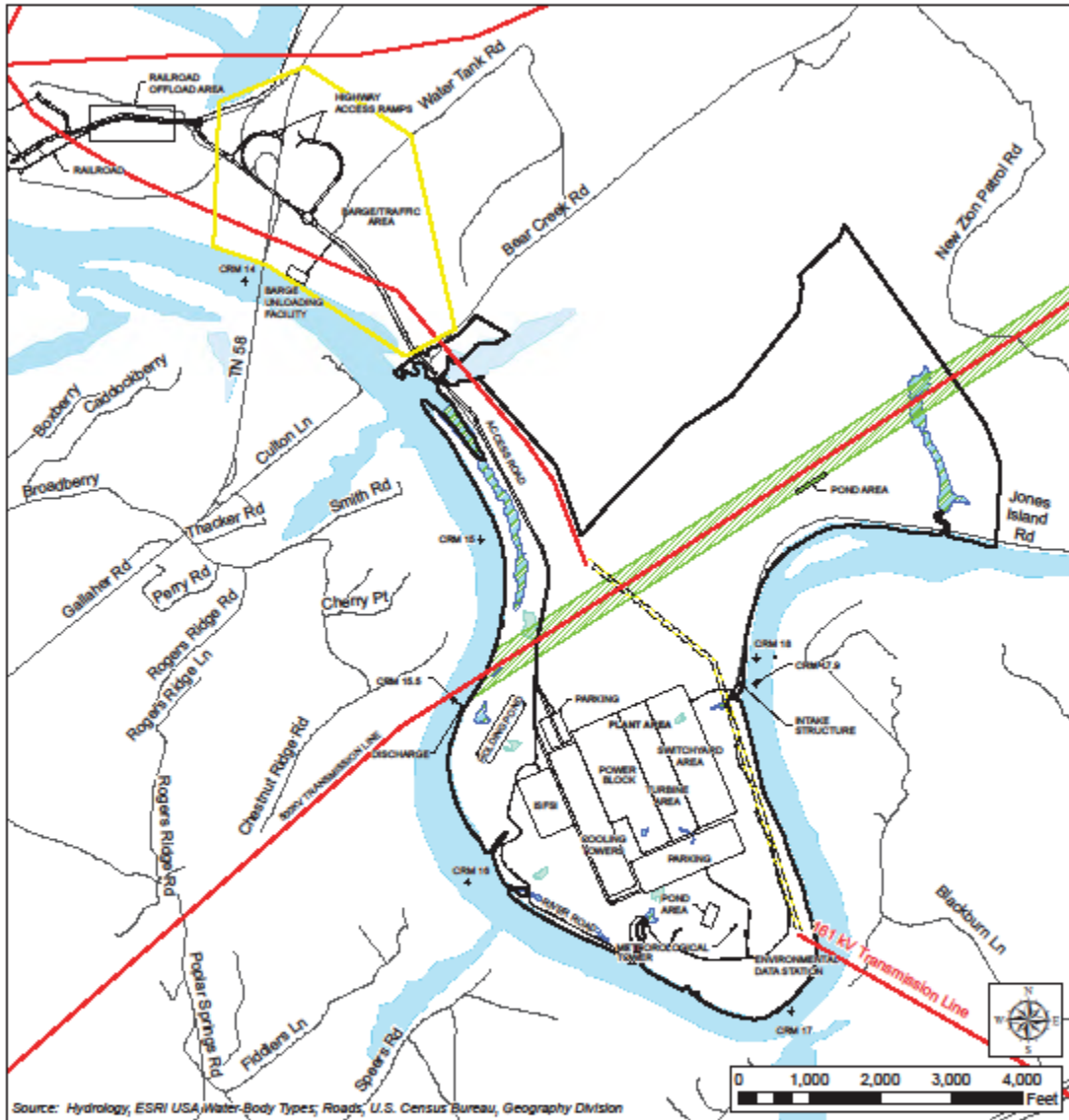


Figure 2.1-3. CRN Site Layout

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(Revised 3/25/2017)

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