

April 20, 2017

The Honorable Edwina Butler-Wolfe
Governor
Absentee Shawnee Tribe
2025 S. Gordon Cooper
Shawnee, OK 74801

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 Governor Butler-Wolfe:

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 Chickasaw Nation 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>. 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>.

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, or in her absence, please contact Ms. Tamsen Dozier at 301-415-2272 or by email at 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: Erin Thompson, Cultural Preservation
Director/Tribal Historic Preservation Officer

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Identical letters have been sent to:

Principal Chief Patrick Lambert, Eastern Band of Cherokee Indians of North Carolina
 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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MSutton, NRO	BMcDowell, PNNL
SGreen, NRO	bruce.mcdowell@pnl.gov)
JDavis, NRO	KLeigh, PNNL
KErwin, NRO	Kimberly.leigh@pnl.gov)
SEasson, NMSS	MMcintosh, USACE
SLopas, NMSS	mark.m.mcintosh@usace.army.mil)

ADAMS Accession No.: ML17041A081

OFFICE	PM:LB3:DNRL	LA: LB3:DNRL	PM:RENV:DSEA	BC: LB3:DNRL (Acting)
NAME	PVokoun	SGreen	JDavis	AFetter
DATE	01/16/2017	02/10/2017	02/10/2017	04/20/2017

OFFICIAL RECORD COPY

Clinch River Mailing List
cc:

(Revised 3/25/2017)

Mr. Lionel Batty
Nuclear Business Team
Graftech
12300 Snow Road
Parma, OH 44130

Ms. V. Anne Heard, Acting Regional
Administrator
US EPA Region 4
61 Forsyth Street SW
Atlanta, GA 30303-8960

Mr. Daniel P. Stout
Nuclear Business Team
Senior Manager
SMR Technology
Tennessee Valley Authority
1201 P Street, NW, Suite 1100
Washington, DC 20004-1218

Mr. Russell Bell
Nuclear Energy Institute
1776 I Street, NW
Suite 400
Washington, DC 20006-3708

Ms. Taconya Goar
Environmental Affairs Supervisor
Alabama Department of Conservation and
Natural Resources
64 North Union Street, Suite 551
Montgomery, AL 36130

Mr. Brendan Hoffman
Research Associate on Nuclear Energy
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Ms. Mary Jennings
Field Supervisor
U.S. Fish and Wildlife Service
Tennessee Ecological Services Field Office
466 Neal Street
Cookeville, TN 38506

Mr. E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer
Tennessee Historical Commission
State Historic Preservation Office
2941 Lebanon Pike
Nashville, TN 37214

Mr. Dobie McArthur, Director
Washington Operations
General Atomics
1899 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20006

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 20001-2637

Mr. Bill Pearson, Field Supervisor
U.S. Fish and Wildlife Service
Alabama Ecological Services Field Office
1208-B Main Street
Daphne, AL 36526

Mr. David Repka
Winston & Strawn LLP
1700 K. Street, NW
Washington, DC 20006-3817

Mr. Carlos Sisco, Senior Paralegal
Winston & Strawn LLP
1700 K Street NW
Washington, DC 20006

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue, Suite 350
Bethesda, MD 20814

Mr. Eric Reusch
U.S. Army Corps of Engineers
Nashville District
3701 Bell Road
Nashville, TN 37214

Clinch River Mailing List
cc:

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Ms. Emily Steele
Kingston Public Library
1004 Bradford Way
Kingston, TN 37763

Ms. Kathy McNeilly, Director
Oak Ridge Public Library
1401 Oak Ridge Turnpike
Oak Ridge, TN 37830

cc:

E-mail:

Alan.Levin@areva.com (Alan Levin)
alawson@knoxville.tn.gov (Alan Lawson)
asi@ornl.gov (Anita Benn)
awc@nei.org (Anne W. Cottingham)
badwan@lanl.gov (Faris Badwan)
bevans@enercon.com (Bob Evans)
cee@nei.org
charles.bagnal@ge.com (Charles Bagnal)
chm3@aol.com (Clyde Morton)
collinlj@westinghouse.com (Leslie Collins)
cposlusny@babcock.com (Chester Poslusny)
curtisslaw@gmail.com (Jim Curtiss)
d.weaver@holtec.com (Doug Weaver)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
debra.shults@tn.gov (Debra Shults)
dhsmith@loudoncounty-tn.gov (Daryl Smith)
dlfulton@southernco.com (Dale Fulton)
don.tormey@iub.iowa.gov (Don Tormey)
dpstout@tva.gov (Daniel Stout)
dsafer@comcast.net (Don Safer)
duane.fournier@iub.iowa.gov
ed.burns@earthlink.net (Ed Burns)
edwardsd@mcsed.net (D. Edwards)
ethompson@astribe.com (Erin Thompson)
elyman@ucsusa.org (Ed Lyman)
emermgmt@highland.net (Jody Zorsch)
erg-xl@cox.net (Eddie R. Grant)
eroeste1@bechtel.com (Eric Oesterle)
ewallace@nuscalepower.com (Ed Wallace)
exa@nei.org (Ellen Anderson)
F.Shahrokhi@AREVA.Com (Farshid Shahrokhi)
flowerspa@ornl.gov (Paula Flowers)
frank.bodine@oca.iowa.gov (Frank Bodine)
gmokulczyk@energysolutions.com (Gair Okulczyk)
gmorg50@hotmail.com (Garry Morgan)
hickste@earthlink.net (Thomas Hicks)
jahalfinger@babcock.com (Jeff Halfinger)
james1.beard@ge.com (James Beard)
jason.parker@pillsburylaw.com (Jason Parker)
jcsaldar@bechtel.com (James Saldarini)
jerald.head@ge.com (Jerald Head)
Jim.Kinsey@inl.gov (James Kinsey)
jim.sundermeyer@iub.iowa.gov (Jim Sundermeyer)
jnperry@tva.gov (Jeff Perry)
JNR@NuScalePower.com (Jose N. Reyes)
jrappe@nuscalepower.com (Jodi Rappe)
kerri.johannsen@iub.iowa.gov (Kerri Johannsen)

cc:

klingscl@westinghouse.com (Charles Kling)
kouhestani@msn.com (Amir Kouhestani)
krrowe@tva.gov (Kevin R. Rowe)
KSutton@morganlewis.com (Kathryn M. Sutton)
Kwelter@NuScalePower.com (Kent Welter)
larry.shi@oca.iowa.gov (Larry Shi)
larry.stevens@iub.iowa.gov (Larry Stevens)
laura.andrews@CNSC-CCSN.GC.CA (Laura Andrews)
lchandler@morganlewis.com (Lawrence J. Chandler)
lgorenflo@gmail.com (L. Gorenflo)
libby.jacobs@iub.iowa.gov (Libby Jacobs)
luther.jones@dzatlantic.com (Luther B. Jones)
mack.thompson@iub.iowa.gov (Mack Thomson)
maria.webb@pillsburylaw.com (Maria Webb)
mark.a.giles@dom.com (Mark Giles)
mark.m.mcintosh@usace.army.mil
mark.holbrook@inl.gov (Mark Holbrook)
mark@npva.net
martha.shields@nuclear.energy.gov (Martha Shields)
mary_e_jennings@fws.gov (Mary Jennings)
murawski@newsobserver.com (John Murawski)
nanako@wcore.com (Nanako Hisamichi)
paynkey@hotmail.com (Steve Payne)
parveen.baig@iub.iowa.gov (Parveen Baig)
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul@beyondnuclear.org (Paul Gunter)
PLorenzini@NuScalePower.com (Paul Lorenzini)
poorewpiil@ornl.gov (Willis P. Poore III)
pshastings@tva.gov (Peter Hastings)
rbarrett@astminc.com (Richard Barrett)
rnicholas@ge.com (Robert Nicholas)
ronald.polle@oca.iowa.gov (Ronald Polle)
RSnuggerud@NuScalePower.com (Ross Snuggerud)
Sandra@sandrakgoss.com (Sandra Goss)
sara@cleanenergy.org (Sara Barczak)
scott.stout@roanecountytn.org (Scott Stout)
sfrantz@morganlewis.com (Stephen P. Frantz)
section106@mcn-nsn.gov (Corain Lowe-Zepeda)
shobbs@enercon.com (Sam Hobbs)
SiteDCC-mpower@babcock.com (Document Control)
smirsky@nuscalepower.com (Steve Mirsky)
smsloan@babcock.com (Sandra Sloan)
spellmandj@ornl.gov (Donald J. Spellman)
stan.wolf@iub.iowa.gov (Stan Wolf)
stephan.moen@ge.com (Stephan Moen)
t.sensue@holtec.com (Terry Sensue)
tdec.nepa@tn.gov (Jennifer Hauser)
tfeigenbaum@generationmpower.com (Ted Feigenbaum)
tgado@roe.com (Burns & Roe)
tholden@tnema.org (Tim Holden)
thpo@ttown.org (Emma Spain)

Clinch River Mailing List

(Revised 3/25/2017)

cc:

timothy.beville@nuclear.energy.gov (Timothy Beville)

tom.miller@nuclear.energy.gov (Thomas P. Miller)

TomClements329@cs.com (Tom Clements)

tommy_le2001@yahoo.com (Tommy Le)

trsmith@winston.com (Tyson Smith)

Vanessa.quinn@dhs.gov (Vanessa Quinn)

W.E.SMIT@southernco.com (William Smith)

whorin@winston.com (W. Horin)