



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 3, 2019

The Honorable Joe Bunch, Chief
United Keetoowah Band of Cherokee Indians
P. O. Box 746
Tahlequah, OK 74465

SUBJECT: NOTICE OF AVAILABILITY OF THE ISSUANCE OF THE FINAL
ENVIRONMENTAL IMPACT STATEMENT FOR AN EARLY SITE PERMIT AT THE
CLINCH RIVER NUCLEAR SITE IN ROANE COUNTY, TENNESSEE

Dear Chief Bunch:

The U.S. Nuclear Regulatory Commission (NRC) has completed NUREG-2226, "Environmental Impact Statement for an Early Site Permit (ESP) at the Clinch River Nuclear Site, Final Report." The final environmental impact statement (EIS) focuses on the impacts of building and operating two or more small modular reactors (SMRs) at the Clinch River Nuclear (CRN) Site near Oak Ridge, Tennessee. The U.S. Army Corps of Engineers, Nashville District (USACE), is a cooperating agency on the final EIS, which was prepared in accordance with Title 10 of the *Code of Federal Regulations* (CFR) Part 51, the NRC's regulations that implement the National Environmental Policy Act (NEPA) of 1969, as amended.

A notice of availability of the final EIS is anticipated to be published by the NRC on or before April 11, 2019 in the *Federal Register*. Enclosed, for your convenience, is a reader's guide which contains a DVD with electronic versions of Volumes 1 and 2 of the final EIS. The reader's guide is a detailed brochure to facilitate your understanding of the proposed action and its potential environmental impacts. The final EIS is also available through the publicly available records component of the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession Nos. ML19073A099 and ML19073A109. In addition, the final EIS can be found online on the NRC CRN Site Web site at: <http://www.nrc.gov/reactors/new-reactors/esp/clinch-river.html#feis>.

By letter dated April 20, 2017 (ADAMS Accession No. ML17047A683), the NRC staff notified you that in accordance with 36 CFR 800.8(c), the staff is using the NEPA process to comply with its obligations under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. Accordingly, completion of the final EIS also documents NRC's completion of NHPA Section 106 compliance and consultation for its action to issue an ESP. An ESP does not, however, authorize construction and operation of a nuclear power plant. Should Tennessee Valley Authority (TVA) choose to proceed with their proposed project, they would need to apply for, and receive, a separate authorization (such as a combined license) from the NRC in order to construct and operate a nuclear power plant at the CRN Site. This authorization would constitute a separate NRC undertaking and would require the NRC to prepare a supplemental EIS and complete a separate NHPA Section 106 review and consultation. As a Federal agency, TVA is also required to comply with NEPA and the NHPA independently from NRC and the USACE. TVA has executed a programmatic agreement (PA) in consultation with your office and consulting American Indian Tribes. The final EIS describes how TVA's PA plans to resolve potential

adverse effects of building and operating two or more SMRs on historic properties within the direct and indirect areas of potential effect.

As discussed in the final EIS, the staff's recommendation related to the environmental aspects of the proposed action is that the ESP should be issued. This recommendation is based on: (1) the environmental report (ER) submitted by TVA, as revised; (2) consultation with Federal, State, Tribal and local agencies; (3) the NRC staff's independent review; (4) the NRC staff's consideration of comments received during the environmental review; and (5) the assessments summarized in the final EIS, including the potential mitigation measures identified in the ER and in this EIS. In addition, in making its recommendation, the NRC staff has concluded that none of the alternative sites considered is obviously superior to the proposed CRN Site.

If you have any questions concerning the NRC staff's environmental review of this ESP application, please contact Ms. Tamsen Dozier at (301) 415-2272 or by e-mail at Tamsen.Dozier@nrc.gov, or Ms. Jennifer Davis at (301) 415-3835 or by e-mail at Jennifer.Davis@nrc.gov.

Sincerely,

/RA/

Jennivine Rankin, Acting Chief
Licensing Branch 3
Division of Licensing, Siting,
And Environmental Analysis
Office of New Reactors

Docket No.: 52-047

Enclosures:

1. DVD
2. Reader's Guide

cc: Sheila Bird
Tribal Historic Preservation Officer

SUBJECT: NOTICE OF AVAILABILITY OF THE ISSUANCE OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR AN EARLY SITE PERMIT AT THE CLINCH RIVER NUCLEAR SITE IN ROANE COUNTY, TENNESSEE

DATED: April 3, 2019

Identical letters have been sent to:

Chairperson Jo Ann Battise, Alabama-Coushatta Tribe of Texas
 Chief Nelson Harjo, Alabama-Quassarte Tribal Town
 Governor Edwina Butler-Wolfe
 Governor Bill Anoatubby, The Chickasaw Nation
 Principal Chief Bill John Baker, Cherokee Nation of Oklahoma
 Chairman David Sickney, Coushatta Tribe of Louisiana
 Chief Glenna J. Wallace, Eastern Shawnee Tribe of Oklahoma
 Principal Chief Richard Sneed, Eastern Band of The Cherokee Indians
 Principal Chief B. Cheryl Smith, Jena Ban of Choctaw Indians
 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
 Principal Chief Gregory Chilcoat, Seminole Nation of Oklahoma
 Chairman Marcellus W. Osceola Jr., Seminole Tribe of Florida
 Chief Ron Sparkman, Shawnee Tribe of Oklahoma
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ADAMS Accession No.: ML19056A041

***via e-mail**

NRO-002

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(Revised 03/27/2019)

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