



August 15, 2024

Michelle Rome, Chief
Environmental Review Technical Branch 1
Division of Rulemaking, Environmental, and Financial Support
Office of Nuclear Material Safety and Safeguards
Nuclear Regulatory Commission
11545 Rockville Pike
Rockville, MD 20852

Ref: *Clinch River Nuclear (CRN) Site Project Exemption*
Roane County, Tennessee
ACHP Project Number: 021296

Dear Ms. Rome:

On July 30, 2024, the Advisory Council on Historic Preservation (ACHP) received a notification from the Nuclear Regulatory Commission (NRC) pursuant to 36 CFR § 800.8(c) of the implementing regulations, “Protection of Historic Properties” (36 CFR Part 800) for Section 106 of the National Historic Preservation Act. We appreciate receiving your notification that the NRC will use the process and documentation required by the National Environmental Policy Act (NEPA) to comply with Section 106 in lieu of the procedures set forth in 36 CFR §§ 800.3 through 800.7.

In addition to notifying the ACHP, the NRC must also notify the Tennessee State Historic Preservation Officer (SHPO) of the NRC’s decision to comply with Section 106 via the NEPA process. During the preparation of NEPA documentation, the NRC must meet the standards in 36 CFR §§ 800.8(c)(1)(i) through (v) and describe its efforts in the resulting environmental document, including the following:

- identify consulting parties either pursuant to 36 CFR § 800.3(f) or through the NEPA scoping process with results consistent with 36 CFR § 800.3(f);
- identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of 36 CFR §§ 800.4 through 800.5. The scope and timing of these steps may be phased to reflect the agency official’s consideration of project alternatives in the NEPA process;
- consult regarding the effects of the undertaking on historic properties with the SHPO, Indian Tribes that might attach religious and cultural significance to the affected historic properties, other consulting parties, and the ACHP, where appropriate, during the NEPA scoping, environmental analysis, and the preparation of NEPA documents;
- involve the public in accordance with the agency’s published NEPA procedures; and

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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- develop and fully consider, in consultation with identified consulting parties, alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the appropriate NEPA document.

Section 800.8(c)(2)(i) requires that you submit to the ACHP any draft Environmental Impact Statement (DEIS) or Environmental Impact Statement (EIS) you prepare. Please include the Section 106 effect determination in both the DEIS/EIS and in your transmittal letter; clearly indicating this determination in both the DEIS/EIS and letter will help ensure a timely response from the ACHP regarding its decision to participate in consultation if the finding is adverse effect. Please indicate in your cover letter the schedule for Section 106 consultation and a date by which you require a response from the ACHP.

The regulations do not specifically require that an agency submit an Environmental Assessment (EA) to the ACHP; however, should a consulting party object that the preparation of the EA, DEIS, or EIS has not met the standards described above or that the substantive resolution of the effects on historic properties proposed is inadequate, the NRC must refer the matter to the ACHP. The NRC cannot complete the Section 106 process without resolving such objections.

We encourage the NRC to review and apply the guidance in the publication, *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*, published in March 2013, and available [here](#). This handbook, prepared jointly by the Council on Environmental Quality and the ACHP, provides a checklist for using the substitution process defined in 36 CFR § 800.8(c) which may be helpful to you in your NEPA/Section 106 consultation.

Thank you for your notification pursuant to 36 CFR § 800.8(c). Should you have any questions or require additional assistance, please contact Bill Marzella, Program Analyst at (202) 517-0209 or by e-mail at bmarzella@achp.gov and reference the ACHP Project Number.

Sincerely,



Rachael Mangum
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing, and Assistance Section