



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

October 1, 2024

John Raymond Johnson, Governor
Absentee Shawnee Tribe
2025 S. Gordon Cooper Drive
Shawnee, OK 74801

**SUBJECT: NOTICE OF AVAILABILITY AND REQUEST FOR COMMENT REGARDING
THE ENVIRONMENTAL ASSESSMENT FOR THE CLINCH RIVER
NUCLEAR SITE PROJECT EXEMPTION REQUEST REVIEW IN ROANE
COUNTY, TENNESSEE (DOCKET NUMBER: 99902056)**

Dear Governor John Raymond Johnson:

The U.S. Nuclear Regulatory Commission (NRC) staff is conducting an environmental review for an exemption request submitted by the Tennessee Valley Authority (TVA) for the proposed Clinch River Nuclear (CRN) Site Project. The exemption request was submitted by TVA in a letter dated November 30, 2023, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Section 50.10(c). The exemption request is available through the NRC's Agencywide Documents Access and Management System (ADAMS; <http://www.nrc.gov/reading-rm/adams.html>) or directly at [ML23335A100](#). The proposed undertaking is located at the CRN site, adjacent to the Clinch River arm of the Watts Bar Reservoir in Roane County, approximately 11 miles southwest of Oak Ridge, Tennessee (see Enclosure).

If approved, the exemption would authorize TVA to install and leave in place components of the initial ground support system for the reactor building excavation, such as rock bolts to secure unstable rock blocks, wire mesh, and non-structural sprayed concrete linings to stabilize exposed rock walls, horizontal gravity drains to manage groundwater, and pressurized grout to seal water entry. The initial ground support system could also include steel soldier beams with timber lagging, rock bolts to secure soldier beams, and reinforced concrete compression rings to support the soldier beams.

The NRC staff prepared an environmental assessment (EA) pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, to determine whether to prepare an environmental impact statement (EIS) or finding of no significant impact (FONSI). In accordance with Title 36 of the *Code of Federal Regulations* (36 CFR) Part 800 "Protection of Historic Properties" Section 800.8(c), the NRC staff is using the NEPA process to comply with Section 106 of the National Historic Preservation Act of 1966, as amended, in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. The EA includes identification of historic and cultural resources and historic properties, an analysis of potential effects of the proposed action, including potential effects on historic and cultural resources and historic properties as well as the NRC staff's preliminary determination.

The NRC staff initiated consultation for this undertaking on July 26, 2024, with the Tennessee State Historic Preservation Officer (SHPO) ([ML24172A198](#)), Advisory Council on Historic Preservation ([ML24172A199](#)), and 20 federally recognized Tribes ([ML24172A248](#)), including the (1) Absentee Shawnee Tribe; (2) Alabama-Coushatta Tribe of Texas; (3) Alabama-Quassarte Tribal Town; (4) Cherokee Nation; (5) Chickasaw Nation; (6) Choctaw Nation of Oklahoma; (7) Coushatta Tribe of Louisiana; (8) Delaware Nation; (9) Eastern Band of Cherokee Indians; (10) Eastern Shawnee Tribe of Oklahoma; (11) Jena Band of Choctaw Indians; (12) Kialegee Tribal Town; (13) Mississippi Band of Choctaw Indians; (14) Muscogee Nation; (15) Poarch Band of Creek Indians; (16) Seminole Nation of Oklahoma; (17) Seminole Tribe of Florida; (18) Shawnee Tribe; (19) Thlopthlocco Tribal Town; and (20) United Keetoowah Band of Cherokee Indians. Initiation also included making notification to all parties that the NRC staff was utilizing the process described at 36 CFR 800.8(c) to use NEPA in lieu of the procedures set forth in 36 CFR 800.3 through 36 CFR 800.6.

Since the NRC staff initiated consultation via correspondence dated July 26, 2024, discussions with the project applicant resulted in clarifications to the exemption request-related activities area (see Enclosure 1) and description of proposed activities. The proposed undertaking no longer includes any road improvement work, staging areas outside of the exemption request-related activities area, or utility work.

To accomplish the proposed undertaking, the following major activities would be conducted solely within the exemption request-related activities area as depicted on the Enclosure 1:

1. Excavating an approximate 132-foot-diameter area, with a depth of 115 feet, including installation of an 8-foot-wide reinforced concrete ring.
2. Constructing temporary crane pads.
3. Removing spoils from the excavation and transporting to an on-site spoils disposal area.
4. Temporary dewatering of the excavation.
5. Sealing or grouting of water ingress locations.
6. Creating a settlement basin and discharge pathway to surrounding areas.

For uniformity across past, current, and future NRC undertakings, consistent direct and indirect Areas of Potential Effects (APE) at the CRN site are being utilized. However, during the current review and audit of the exemption request, the staff confirmed that Melton Hill Dam has been removed from the proposed project, leaving the APE for the current exemption request undertaking to be the remainder of the previously evaluated direct and indirect effects APE from the NRC EIS for TVA's Early Site Permit (ESP) application for the CRN site. As depicted on Enclosure 1, the direct APE is approximately 1,305 acres¹ and is inclusive of the remainder of the CRN site, while the indirect APE is a surrounding one-half-mile area centered on the proposed "cleared area" from the EIS for the ESP application. As defined by NRC, the direct and indirect APE for the exemption request is within the area where historic and cultural resources and historic properties have previously been analyzed and considered; see the Programmatic Agreement between TVA and the Tennessee SHPO ([ML17296A399](#)), TVA's Programmatic EIS ([87 FR 59860](#)), and NRC's ESP EIS ([ML19087A266](#)).

Pursuant to 36 CFR 800.8(c)(1)(iii) and 36 CFR 800.8(c)(2)(i), the NRC wishes to ensure that Indian Tribes who might attach religious and cultural significance to historic properties in the APE 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

¹ Previous correspondence dated July 26, 2024, mis-identified the direct APE as 935 acres.

importance, and, if necessary, participate in the resolution of any adverse effects to such properties. The NRC staff has enclosed the EA for your review and comment (see Enclosure 2).

During review, the NRC staff analyzed previous activities and studies at the CRN site. The current undertaking is confined to the portion of the CRN site that was previously disturbed through excavation activities associated with the Clinch River Breeder Reactor Plant in the early 1980s ([ML082610503](#)). Historic, archaeological, and cultural resources surveys dating between the 1940s-2010s confirm that there are no National Register of Historic Places-eligible or potentially eligible properties, including traditional cultural properties, within this exemption request-related activities portion of the APE ([ML19087A266](#); [87 FR 59860](#); [ML17296A399](#)). Furthermore, this location within the CRN site does not have the potential – due to previous disturbance – for deeply buried deposits based on archaeological evidence and consultation between the NRC, TVA, SHPO, and Native American Tribes (ibid). Based on this review, the NRC staff has made a preliminary determination of No Adverse Effect.

The NRC requests that you submit any comments or concerns regarding the NRC's Section 106 consultation process and its historic and cultural resources evaluation within 30 days of receipt of this letter. After consideration of comments, the NRC staff will determine whether to prepare an EIS or a final EA and FONSI.

Comments, questions and concerns may be submitted to Beau Goldstein, Staff Archaeologist, by phone at 301-415-1765 or via email at Beau.Goldstein@nrc.gov or Joseph Giacinto, Project Manager, by phone at 301-415-0714 or via email at Joseph.Giacinto@nrc.gov.

Sincerely,



Signed by Moses, John
on 10/01/24

John M. Moses, Deputy Director
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

Docket No. 99902056

Enclosures

1 – Map

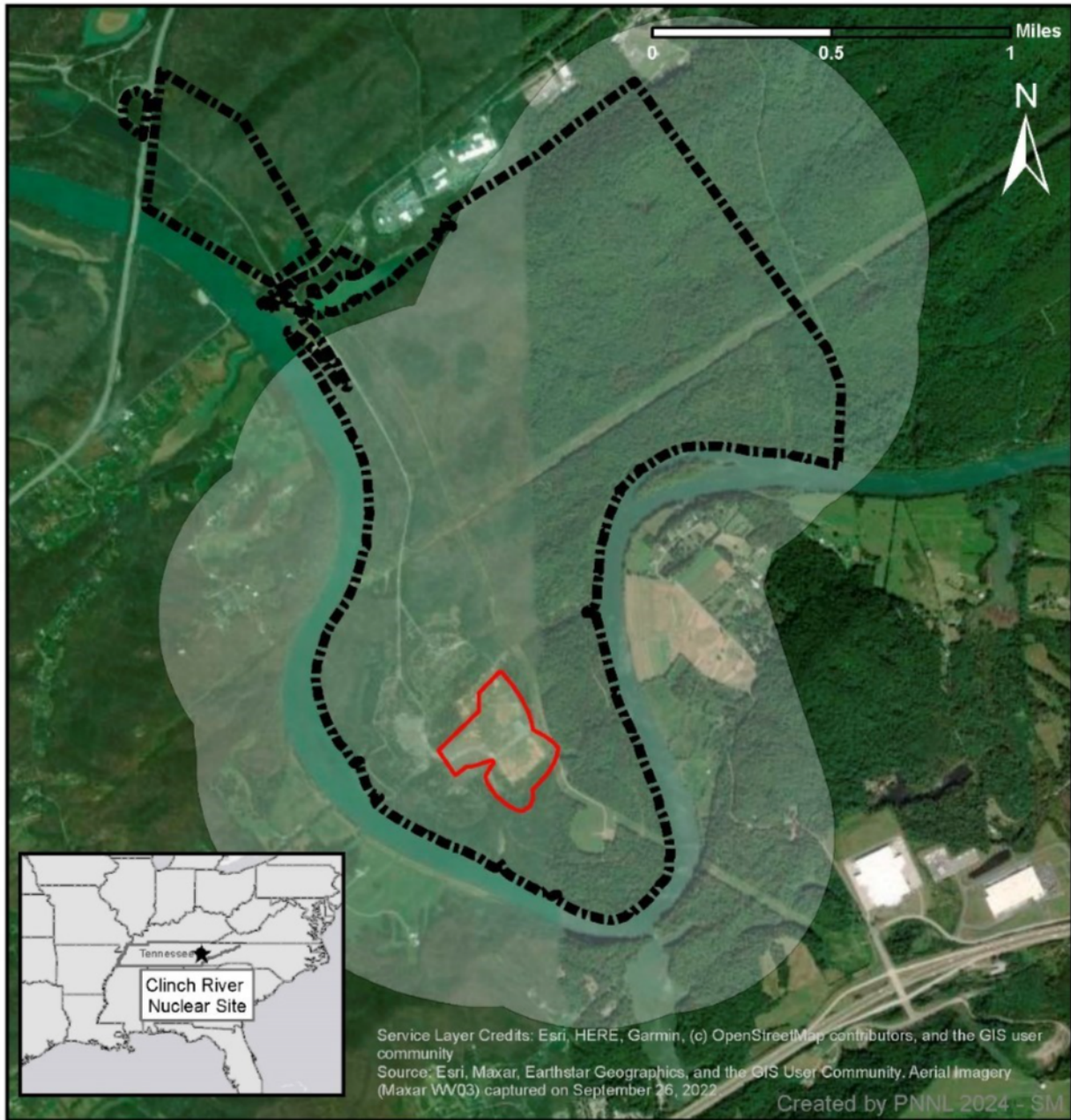
2 – EA




cc:

Devon Frazier

Tribal Historic Preservation Officer

dfrazier@astribe.com



-  Exemption Request-Related Activities Area
-  Previously Evaluated Direct Effects APE*
-  Previously Evaluated Indirect Effects APE*

* NRC (U.S. Nuclear Regulatory Commission). 2019. Environmental Impact Statement for an Early Site Permit (ESP) at the Clinch River Nuclear Site. NUREG-2226, Volume 1 and 2, Washington, D.C. ADAMS Accession Nos. ML19073A099 and ML19073A109.

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DATED: October 1, 2024

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