



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

November 19, 2024

Honorable Chuck Hoskin, Jr., Principal Chief  
Cherokee Nation  
P.O. Box 984  
Tahlequah, OK 74465-0948

SUBJECT: CONCLUSION OF SECTION 106 CONSULTATION AND NOTICE OF  
AVAILABILITY OF THE FINAL ENVIRONMENTAL ASSESSMENT AND  
FINDING OF NO SIGNIFICANT IMPACT FOR THE CLINCH RIVER NUCLEAR  
SITE PROJECT EXEMPTION REQUEST REVIEW IN ROANE COUNTY,  
TENNESSEE (DOCKET NUMBER: 99902056)

Dear Principal Chief Chuck Hoskin, Jr:

The U.S. Nuclear Regulatory Commission (NRC) staff has completed its 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, and requests an exemption from the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.10(c). The exemption request is available through the NRC's Agencywide Documents Access and Management System (ADAMS) (<https://www.nrc.gov/reading-rm/adams.html>) at Accession No. [ML23335A100](#). If approved, the exemption would authorize certain proposed excavation activities at the CRN site that are otherwise prohibited by NRC regulations without an appropriate license. The Clinch River site is located adjacent to the Clinch River arm of the Watts Bar Reservoir in Roane County, approximately 11 miles southwest of Oak Ridge, Tennessee.

By letters dated July 26, 2024, the NRC initiated Section 106 consultation with the Advisory Council on Historic Preservation (ACHP) ([ML24172A196](#)), the Tennessee State Historic Preservation Officer (TN SHPO) ([ML24172A196](#)), and twenty Indian Tribes ([ML24172A248](#)). These letters also provided notification of the NRC staff's decision to use the National Environmental Policy Act of 1969, as amended, process to comply with its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended, in accordance with 36 CFR 800.8(c). Two Tribes opted out of further consultation.

NRC sent a second letter, dated October 1, 2024, to the TN SHPO ([ML24253A196](#)) and eighteen Indian Tribes ([ML24253A101](#)) to announce the availability of the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) and preliminary determination of no adverse effect to historic properties. Information regarding the direct and indirect Areas of Potential Effects (APEs), historic and cultural resources, and historic properties was made publicly available within Section 5.6 of the EA.

The purpose of this third letter is to provide final project details, provide publication information for the final EA and FONSI, and to conclude Section 106 consultation.

In addition to the ACHP and TN SHPO, the NRC sent the following Indian Tribes Section 106 consultation correspondence inviting input on the APEs, identification and evaluation efforts, information on resources of traditional or religious importance, and the NRC staff's determination of effect:

- Absentee Shawnee Tribe
- Alabama-Coushatta Tribe of Texas
- Alabama-Quassarte Tribal Town
- Cherokee Nation
- Chickasaw Nation
- Choctaw Nation of Oklahoma
- Coushatta Tribe of Louisiana
- Delaware Nation
- Eastern Band of Cherokee Indians
- Eastern Shawnee Tribe of Oklahoma
- Jena Band of Choctaw Indians
- Kialegee Tribal Town
- Mississippi Band of Choctaw Indians
- Muscogee Nation
- Poarch Band of Creek Indians
- Seminole Nation of Oklahoma
- Seminole Tribe of Florida
- Shawnee Tribe
- Thlopthlocco Tribal Town
- United Keetoowah Band of Cherokee Indians

In response to Section 106 initiation letters from the NRC staff dated July 26, 2024, two Indian Tribes stated that the project was outside their area of interest and deferred to other Tribes, one Indian Tribe stated that the project was within their area of interest and would await receipt of staff's environmental review documents, the ACHP confirmed receipt of consultation and reviewed the applicable regulations ([ML24235A008](#)), and the TN SHPO stated that they would await receipt of staff's environmental review documents ([ML24235A169](#)).

In response to consultation letters from the NRC staff dated October 1, 2024, providing the EA and FONSI for review, the TN SHPO concurred with the NRC staff's determination of no adverse effect ([ML24285A212](#)), one Indian Tribe concurred with the NRC staff's determination of no adverse effect and requested consultation upon a discovery situation, and one Indian Tribe had no concerns and requested consultation upon a discovery situation.<sup>1</sup>

The TN SHPO agreed with the NRC staff's finding of no adverse effect on October 9, 2024 ([ML24285A212](#)), and no consulting party has objected to the NRC staff's finding. Therefore, consistent with 36 CFR 800.5(c)(1), NRC can proceed with the proposed undertaking in accordance with 36 CFR 800.5(d)(1).

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<sup>1</sup> As part of its Early Site Permit, TVA has a programmatic agreement that outlines procedures for tribal consultation in the event of an inadvertent discovery ([ML17296A399](#)).

The NRC staff published the final EA and FONSI in November 2024, which is accessible in ADAMS at [ML24312A321](#) or in the *Federal Register* at [89 FR 90319](#). You may also find information concerning CRN activities at the following link <https://www.nrc.gov/reactors/new-reactors/smr/licensing-activities/pre-application-activities/clinch-river.html>.

Thank you for your participation on this review. The NRC staff looks forward to working with you on future projects.

Sincerely,



Signed by Smith, Theodore  
on 11/19/24

Theodore Smith, Acting Deputy Director  
Division of Rulemaking, Environmental,  
and Financial Support  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 99902056

cc: Elizabeth Toombs  
Tribal Historic Preservation Officer  
[elizabeth-toombs@cherokee.org](mailto:elizabeth-toombs@cherokee.org)

SUBJECT: CONCLUSION OF SECTION 106 CONSULTATION AND NOTICE OF AVAILABILITY OF THE FINAL ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT FOR THE CLINCH RIVER NUCLEAR SITE PROJECT EXEMPTION REQUEST REVIEW IN ROANE COUNTY, TENNESSEE (DOCKET NUMBER: 99902056)

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