

PROPRIETARY INFORMATION – WITHHOLD UNDER 10 CFR 2.390

This letter is decontrolled when separated from Enclosures 4 and 5



Tennessee Valley Authority, 1101 Market Street, Chattanooga, TN 37402

CNL-16-154

December 12, 2016

10 CFR 2.101
10 CFR 52.15

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Clinch River Nuclear Site
NRC Project No. 785

Subject: Submittal of Cultural Reports and Programmatic Agreement in Support of Early Site Permit Application for Clinch River Nuclear Site

- References:**
1. Letter from TVA to NRC, CNL-16-081, "Application for Early Site Permit for Clinch River Nuclear Site," dated May 12, 2016
 2. Letter from TVA to NRC, CNL-16-134, "Schedule for Submittal of Supplemental Information in Support of Early Site Permit Application for Clinch River Nuclear Site," dated August 11, 2016

By letter dated May 12, 2016 (Reference 1), Tennessee Valley Authority (TVA) submitted an application for an early site permit for the Clinch River Nuclear Site in Oak Ridge, TN. Subsequent to the submittal of the application, and consistent with interactions with NRC staff, TVA identified certain aspects of the application that it intends to supplement. By letter dated August 11, 2016 (Reference 2), TVA provided a plan for submitting the identified supplemental information.

This letter provides supplemental information related to historic and cultural resources in the vicinity of the Clinch River (CR) Small Modular Reactor (SMR) Project Area of Potential Effect to support the NRC staff's review. This letter contains sensitive information not suitable for public disclosure and TVA requests it be withheld in accordance with 10 CFR 2.390. An affidavit supporting TVA's request for withholding is included as Enclosure 1 to this letter.

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Enclosure 2 contains a description of the supplemental historic and cultural resource information being provided and a markup of the affected Environmental Report (ER) sections, including a non-proprietary version of ER Subsection 2.5.3. Enclosure 3 to this letter provides copies of the correspondence with Native American tribes regarding the cultural resources consultation associated with the proposed CR SMR Project. The ER markups and the addition of the tribal correspondence to ER Appendix A will be incorporated into a future revision of the early site permit application.

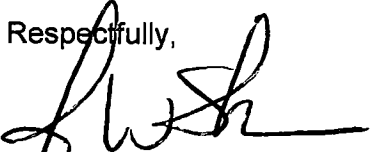
Enclosure 4 provides the proprietary version of the ER Subsection 2.5.3 markup.

Enclosure 5 is a CD-ROM containing the proprietary version of the cultural resource reports describing the cultural resource surveys conducted at and in the vicinity of the Clinch River Small Modular Reactor Project Area of Potential Effect and a copy of the Programmatic Agreement between TVA and the Tennessee Historic Preservation Office. Enclosure 6 is a CD-ROM containing the non-proprietary version of the cultural resource reports and Programmatic Agreement.

There are no new regulatory commitments associated with this submittal. If any additional information is needed, please contact Dan Stout at (423) 751-7642.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 12th day of December 2016.

Respectfully,



J. W. Shea
Vice President, Nuclear Licensing

Enclosures:

1. Affidavit Pursuant to 10 CFR 2.390
2. Supplemental Historic and Cultural Resource Information
3. Correspondence with Native American Tribes Regarding the Cultural Resources Consultation Associated with the Proposed Clinch River SMR Project
4. Markup of Environmental Report Subsection 2.5.3 – Proprietary
5. CD-ROM: Clinch River Nuclear Site Cultural Resource Reports and Programmatic Agreement – Proprietary (1 copy)
6. CD-ROM: Clinch River Nuclear Site Cultural Resource Reports and Programmatic Agreement – Non-Proprietary (1 copy)

cc: (see Page 3)

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cc (with enclosures):

P. Vokoun, Project Manager, Division of New Reactor Licensing, USNRC

cc (without enclosures):

V. McCree, Executive Director of Operations, USNRC
C. Haney, Regional Administrator, Region II, USNRC
M. Johnson, Deputy Executive Director for Reactor and Preparedness Programs,
USNRC
V. Ordaz, Acting Director, Office of New Reactors, USNRC
F. Akstulewicz, Director, Division of New Reactor Licensing, USNRC
J. Donahue, Branch Chief, Division of New Reactor Licensing, USNRC
A. Fetter, Project Manager, Division of New Reactor Licensing, USNRC
T. Dozier, Project Manager, Division of New Reactor Licensing, USNRC
T. Beville, SMR Licensing Technical Support Program, DOE
M. Shields, SMR Licensing Technical Support Program, DOE
M. M. McIntosh, Regulatory Specialist, Eastern Regulatory Field Office, Nashville
District, USACE

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bcc (without enclosures):

M. A. Balduzzi
G. A. Boerschig
S. M. Bono
K. H. Bronson
D. M. Czufin
R. E. Detwiler
J. P. Grimes
P. S. Hastings
E. K. Henderson
J. M. Holcomb
J. N. Perry
J. T. Polickoski
E. D. Schrull
R. D. Scott
J. W. Shea
D. P. Stout
S. A. Vance
B. A. Wetzel
P. R. Wilson
ECM

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ENCLOSURE 1

United States Nuclear Regulatory Commission
Washington, District of Columbia

In the Matter of
Tennessee Valley Authority
Clinch River Nuclear Project
Early Site Permit Application

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AFFIDAVIT

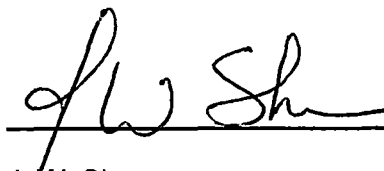
STATE OF TENNESSEE)
)
COUNTY OF HAMILTON)

Joseph W. Shea, after first being duly sworn, deposes and says:

1. I am employed as the Vice President of Nuclear Licensing for the Tennessee Valley Authority (TVA), an agency and instrumentality of the United States Government. I am familiar with the Early Site Permit Application for TVA's Clinch River Nuclear Project and have personal knowledge of the matters stated herein.
2. I am submitting this affidavit in accordance with 10 CFR §2.390(a)(3) and 10 CFR §9.17, because certain information contained in Enclosures 4 and 5 to TVA Letter CNL-16-154 ("the letter") has been determined by TVA to be of the type customarily held in strict confidence by the agency and is exempted from disclosure by statute under U.S. Code Title 16, Conservation, Section 470hh; the National Historic Preservation Act of 1966, Section 106, as amended.
3. The information that should not be released to the public is contained in Enclosures 4 and 5 of the letter.
4. Enclosures 4 and 5 to the letter includes information exempted from disclosure by statute per 10 CFR §2.390(a)(3).
 - a. Enclosures 4 and 5 include information related to historical artifacts. The U.S. Code Title 16, Conservation, Section 470hh, Confidentiality of Information concerning the nature and location of archeological resources, and the National Historic Preservation Act of 1966, Section 106, as amended 2000, require that these historically significant locations not be publically disclosed.
5. The information sought to be withheld ("the information") is being submitted to the NRC in confidence.

ENCLOSURE 1

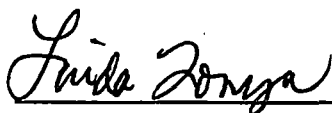
6. The information is the sort of information regularly and customarily held in confidence by TVA based on the statutes requiring the withholding of such information; and is, in fact, so held.
7. The information has consistently been held in confidence by TVA.
8. No public disclosure of the information has been made by TVA.
9. All disclosures of the information to third parties by TVA, including any transmittals to the NRC, have been made pursuant to regulatory provisions or proprietary agreements which provide that the information is to be maintained in confidence.



J.W. Shea
Vice President, Nuclear Licensing
Tennessee Valley Authority

Subscribed and sworn to before me,

Notary Public, this 12th day of December 2016:



My Commission expires:

Feb. 22, 2017

