



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

February 13, 2018

Administrative Judge
Paul S. Ryerson, Chair
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Dr. Sue H. Abreu
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Dr. Gary S. Arnold
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

In the Matter of
TENNESSEE VALLEY AUTHORITY
(Clinch River Nuclear Site Early Site Permit Application)
Docket No. 52-047-ESP

Dear Administrative Judges:

Pursuant to the Atomic Safety and Licensing Board's "Initial Scheduling Order," dated December 7, 2017, the staff of the U.S. Nuclear Regulatory Commission ("Staff") herein notifies the Licensing Board and the parties that the hearing file has been provided for this proceeding. This is the NRC staff's third hearing file and mandatory disclosures update. Materials in the hearing file may be accessed through the Agencywide Documents Access and Management System ("ADAMS"). An index containing the ADAMS accession number, date, and title or description of each item in the initial disclosure is appended hereto as Attachment 1.

On or about February 23, 2018, the documents identified in the hearing file may be accessed through ADAMS or through the Electronic Hearing Docket ("EHD"), which may be accessed at <https://adams.nrc.gov/ehd/>. The hearing file will be contained in the "Staff Discovery Materials" tab of the EHD, in a sub-folder entitled, "Clinch River Hearing File, Initial Disclosure" in the "Clinch River Nuclear Site ESP" folder. Any party who seeks access to a document listed in the NRC staff hearing file index prior to it populating the publicly available folder may contact NRC staff counsel.

In addition, as required by 10 C.F.R. § 2.336(b)(5), the Staff is producing a privilege log, identifying documents withheld as subject to protected status, appended hereto as Attachment

Judge Ryerson
Judge Arnold
Judge Abreu

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February 13, 2017

2. Also attached is the Declaration of Allen Fetter formally invoking privilege with respect to the documents in Attachment 2. The Staff will preserve and maintain the documents identified in these logs during the pendency of this proceeding.

Further, pursuant to 10 C.F.R. § 2.336(c), attached is the Affidavit of Allen Fetter, certifying that all relevant materials required by this section have been disclosed, and that the disclosures are accurate and complete as to documents identified by February 5, 2018.

Finally, the NRC Staff notes that it has made a good faith effort to identify and characterize all documents meeting the criteria of 10 C.F.R. § 2.336(b), as modified by the "Agreement of the Parties Regarding Mandatory Discovery Disclosures," dated November 8, 2017, and 10 C.F.R. § 2.1203 in this proceeding. In identifying these documents, the Staff does not concede their relevance to the issues to be decided in this proceeding.

Sincerely,

/Signed (electronically) by/
Kevin Roach
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Update 3
Attachment 2 –Privilege Log, Update 3
Declaration of Allen Fetter
Affidavit of Allen Fetter

cc w/Encls.: Service List

Attachment 1 – Clinch River Nuclear Site ESP Hearing File Index
Update 3 - February 13, 2018

ID#	Accession Number	Document Date	Title
03-001	ML17286A618	05/31/1984	Attachment - Geologic Mapping of the Clinch River Breeder Reactor Plant Excavations Final Report.
03-002	ML18019A904	12/31/1992	Cowardin et al 1979 - TN5186 - Cowardin 1979.
03-003	ML18023A204	04/30/1995	NRC 1995- TN5096--NUREG 0498april_1995.
03-004	ML18023A197	06/20/1996	McKerrow-1996- TN5302 - FWS 1996 Cumberland Sandwort - Recovery Plan.
03-005	ML18023A193	02/01/2001	Mack-2001 - TN5289--Mack 2001.
03-006	ML18026B252	09/30/2004	USDOT-2004- TN5156-USDOT 2004, "Synthesis of Noise Effects on Wildlife Populations".
03-007	ML18023A186	06/25/2007	HPSI-2007 - TN5078 - Tennessee Waterway Assessment Study.
03-008	ML18023A166	06/30/2010	EPI-2010- TN4966--EPI 2010 Economic and Employment Impacts of SMRS.
03-009	ML18026B233	07/31/2010	USACE-2010- TN5325--USACE 2010suppv2.
03-010	ML18019A920	02/28/2011	DOE-2011- TN5023--EIS-0387-FEIS-01-2011.
03-011	ML18019A939	04/30/2011	Baranski-2011 - TN5164 - Baranski ORNL TM 2011 - Aquatic Natural Areas Analysis and Evaluation.
03-012	ML18019A915	04/30/2013	DOE EIA-2013 - TN4968 - EIA 2013updated Capcost.
03-013	ML18019A922	11/30/2014	DOE-STD-3009-2014, Preparation of Nonreactor Nuclear Facility Documented Safety Analysis.
03-014	ML18036A351	06/17/2015	RD-021: Clinch River Small Modular Reactor Site - Supplemental Wetland Survey Report Barge/Traffic Area.
03-015	ML18036A350	06/18/2015	RD-008: Clinch River Barge/Traffic Area - Terrestrial Plant Communities and Botanical Resources Survey Report.
03-016	ML18019A911	08/25/2015	DOE 2016 - TN5027 - DOE 2016 DOE-OR-01-2707D1.
03-017	ML18019A928	08/25/2015	DOE-2016 - TN5027 - DOE 2016 DOE-OR-01-2675&D2.
03-018	ML18023A185	09/30/2015	Glick et al. - 2015 - TN5314 - TNSWAP Climate Change Vulnerability Assessment for Tennessee Wildlife and Habitats.
03-019	ML18023A196	10/31/2015	McCracken et al.-2015 - TN5287--McCracken et al 2015.
03-020	ML18036A352	11/19/2015	RD-022: Clinch River Small Modular Reactor Site - Wetland Survey Report, Revision 4.
03-021	ML18026B236	12/31/2015	USACE-2016 - TN4949--USACE 2016.
03-022	ML18023A353	01/01/2016	EPA-2016 - TN4672--Vulcan Envirofacts EPA.
03-023	ML18023A359	06/02/2016	EPA 2016- TN4689--SMOKEY MTN SMELTERS Superfund Site Info.
03-024	ML18023A345	06/02/2016	EPA-2016- TN4635--ORR EPA Superfund Site Info.
03-025	ML18023A348	06/02/2016	TDEC-2010- TN4706--Shawmut APC Permit Information.

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ID#	Accession Number	Document Date	Title
03-026	ML18023A253	06/02/2016	TDEC-2016- TN4633--ORNL_OOS_APC Permit Information.
03-027	ML18023A365	06/06/2016	EPA -2016- TN5119--USARMY/NASA Redstone Arsenal, Superfund Site Profile.
03-028	ML18026B259	06/06/2016	Vishay-2016 - TN5126--Vishay 2016.
03-029	ML18019A946	10/27/2016	BLS-2016- TN4904--BLS 2016_National Nonfatal 2003-2015.
03-030	ML18023A162	02/08/2017	EPA-2017- TN5135--EPA 2017 Ecoregion Download Files by State - Region 4.
03-031	ML18019A917	02/28/2017	DOE EIA-2017- TN5086--DOE-EIA february2017.
03-032	ML17069A104	03/17/2017	Letter - Clinch River Nuclear Site, Early Site Permit Application Review Schedule.
03-033	ML18023A295	05/31/2017	TDEC-2016 - TN4891--TDEC 2017 303 List.
03-034	ML18023A313	05/31/2017	TDEC-2017- TN5060--wr_wq_Proposed_Final_2016__303(d)_List.
03-035	ML18019A951	08/17/2017	BLS-2017- TN4928--BLS 2017.
03-036	ML18026B242	08/24/2017	USCB-2017- TN4936--USCB 2017c Employment.
03-037	ML18026B244	08/24/2017	USCB-2017- TN4938--USCB 2017 2009-2013 5-Year ACS Commuting Flows.
03-038	ML18026B246	08/24/2017	USCB-2017- TN4939--USCB 2107 Housing.
03-039	ML18026B258	08/24/2017	UTK-2015 - TN4935 - UT 2015 CBER Pop Projections.
03-040	ML17237C084	08/25/2017	Supplemental Information Related to Groundwater Hydrology in Support of Early Site Permit Application for Clinch River Nuclear Site.
03-041	ML18019B169	08/27/2017	BLS 2017- TN4992--BLS Construction Unemployment 2017.
03-042	ML18026B239	08/29/2017	USCB-2016- TN4965--USCB 2016 TN Pop Est.
03-043	ML18038B315	10/03/2017	2017/10/03 Clinch River ESP - RE: RE: RADTRAN Posted
03-044	ML18019A933	10/10/2017	ADEM-2017- TN5048--ADEM_TitleV_171004_combined.
03-045	ML18019A936	10/19/2017	AFORR-2011- TN5134--AFORR 2011.
03-046	ML18022A748	11/08/2017	Nature Conservancy BSR Table.
03-047	ML18005A067	12/15/2017	Revision 1 of Application for Early Site Permit for Clinch River Nuclear Site.
03-048	ML18026B241	12/27/2017	USCB-2016- TN5333--ACS_15_5YR_B02001.
03-049	ML18038B165	01/09/2018	2018/01/09 Clinch River ESP - [External_Sender] RE: DRAFT CRN ESP Environmental Audit Report
03-050	ML18038B156	01/09/2018	2018/01/09 Clinch River ESP - RE: RE: Watts Bar Interagency Agreement
03-051	ML18010A258	01/10/2018	08/14/2017 Summary of Meeting between the U.S. Nuclear Regulatory Commission and TVA to Discuss Topics Associated With TVA's Early Site Permit Application for the Clinch River Nuclear Site [Application Figures and Graphic Information System Files].

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ID#	Accession Number	Document Date	Title
03-052	ML18038B164	01/11/2018	2018/01/11 Clinch River ESP - [External_Sender] ER Audit Report Review
03-053	ML18038B163	01/11/2018	2018/01/11 Clinch River ESP - [External_Sender] RE: timing for a chat
03-054	ML17226A025	01/11/2018	Clinch River Nuclear Site ESP, Transmittal Memo - Summary Report For The Full Scope Environmental Audit.
03-055	ML18038B170	01/12/2018	2018/01/12 Clinch River ESP - [External_Sender] FW: Invitation from Oak Ridge National Laboratory
03-056	ML18019A941	01/19/2018	BEA-2017- TN4941--BEA 2017 GDP.
03-057	ML18019A948	01/19/2018	BLS 2017- TN4905 - BLS 2017 Fatalities TN.
03-058	ML18019A953	01/19/2018	BLS-2017 - TN4992--BLS Construction Unemployment 2017.
03-059	ML18019A901	01/19/2018	CDC-2017 - TN5146 - Recreational Water Illnesses - Healthy Swimming Healthy Water CDC.
03-060	ML18022A366	01/19/2018	Count_WB_4_2016.
03-061	ML18019A924	01/19/2018	DOE 2016- TN4634--Oak Ridge Site - Department of Energy.
03-062	ML18019A923	01/19/2018	DOE-2015 - TN4964--DOE 2015 FY2014 OREM Economic Impact.
03-063	ML18019A926	01/19/2018	DOE-2016 - TN5022--EA-2000-FONSI-2016.
03-064	ML18019B164	01/19/2018	EIA-2016- TN4657--Tennessee - State Energy Profile Overview EIA Buff Mtn Wind.
03-065	ML18022A917	01/22/2018	Response to Request for Additional Information Related to Emergency Planning Exemption Requests in Support of Early Site Permit Application for Clinch River Nuclear Site.
03-066	ML18023A284	01/23/2018	2016- TN 4702 - Tennessee Department of Environment & Conservation - Kimberly-Clark Corporation TDEC WPC Permit Information.
03-067	ML18023A347	01/23/2018	EPA 2016- TN4653--Energy Projects and Candidate Landfills _ LMOP _ US EPA.
03-068	ML18023A164	01/23/2018	EPA 2017- TN5270--Greenhouse-Gases-Equivalencies-Calculations.
03-069	ML18023A165	01/23/2018	EPA 2017- TN5277--EPA 2017 Superfund Site Profile _ Superfund Site Information _ US EPA.
03-070	ML18023A163	01/23/2018	EPA-2017- TN5147--EPA 2017 SDWIS Envirofacts.
03-071	ML18023A167	01/23/2018	FBI-2017- TN4958--FBI 2017 US Crime 2015.
03-072	ML18023A174	01/23/2018	FWS - 2015- TN 5218--FWS 2015 Zebra Mussel Dreissena polymorpha ERSS.
03-073	ML18023A178	01/23/2018	FWS - 2017- TN5219--FWS Species Profile for Spotfin Chub Erimonax Monachus.
03-074	ML18023A175	01/23/2018	FWS 2015- TN5312--USFWS 2015_ Summary of Indiana Bat Ecology.
03-075	ML18023A180	01/23/2018	FWS-2017 - TN5310 - FWS 2017White-Nose Syndrome Map.
03-076	ML18023A264	01/23/2018	GCRP 2016- TN4897--GCRP 2016_ClimateHealth_FullReport_small.
03-077	ML18023A190	01/23/2018	KSNPC - 2015- TN5296 - Kentucky State Nature Preserves Commission 2015 Species Habitat.

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ID#	Accession Number	Document Date	Title
03-078	ML18023A199	01/23/2018	Moss and Cook-2008 - TN5073 - Moss Cook 2013 Potential for Impacts of Regional Ground-Water Movement and Quality on Redstone Arsenal.
03-079	ML18023A200	01/23/2018	NCES 2017- TN4960--NCES 2017 School Districts.
03-080	ML18023A342	01/23/2018	TDA-2003 - TN5161 - Tennessee Dept of Ag and Forest 2003.
03-081	ML18023A344	01/23/2018	TDA-2010 - TN5195 - TDA Tennessee Forests Action Plan.
03-082	ML18023A231	01/23/2018	TDEC - 2005- TN5007--TDEC 2005 Watershed Water Quality Management Plan.
03-083	ML18023A299	01/23/2018	TDEC - 2016- TN5006--TDEC 2016 - 303(d) 2016 - draft.
03-084	ML18023A352	01/23/2018	TDEC 2012- TN4889--TDEC 2012_Erosion,SedCtrlHandbook 4th Edition.
03-085	ML18023A293	01/23/2018	TDEC 2016- TN4711--TDEC 2016 Aisin Automotive Casting Tennessee, Inc.
03-086	ML18023A301	01/23/2018	TDEC 2016- TN5041--TDEC 2016_Wastewater-Design-Criteria.
03-087	ML18023A235	01/23/2018	TDEC-2012 - TN4636 - Y12 APC Permit Information.
03-088	ML18023A248	01/23/2018	TDEC-2015 - TN4707 - 3M - APC Permit Information.
03-089	ML18023A372	01/23/2018	TDEC-2016 - TN4652--Chestnut Ridge APC Permit Information.
03-090	ML18023A374	01/23/2018	TDEC-2016 - TN4668 - 2016 Coal Mines TDEC.
03-091	ML18023A261	01/23/2018	TDEC-2016 - TN4669 - TDEC Ends Iey Quarry 2016.
03-092	ML18023A268	01/23/2018	TDEC-2016 - TN4692--E Tn Materials and Energy Corp TDEC - APC Permit Information.
03-093	ML18023A272	01/23/2018	TDEC-2016 - TN4694--TDEC 2016 Toho Tenax America Inc.
03-094	ML18023A276	01/23/2018	TDEC-2016 - TN4696--TDEC 2016 Nuclear Lead.
03-095	ML18023A289	01/23/2018	TDEC-2016 - TN4708 - MHF PackagingAPC Permit Information.
03-096	ML18023A297	01/23/2018	TDEC-2016 - TN4892 - TDEC 2016 wr wq 303d-2014 - Final.
03-097	ML18026A604	01/24/2018	THC-2015-TN5263--Tennessee Historical Commission 04/07/2015 Letter to TVA re Archaeological Assessment, Clinch River Small Modular Reactors.
03-098	ML18026A601	01/24/2018	TN4956--EPA 2010 Tennessee Ambient Air Monitoring Plan 2010.
03-099	ML18026A608	01/24/2018	TNDOS-2017- TN5323--TNDOS Notice of Rulemaking Hearing.
03-0100	ML18026A609	01/24/2018	TNHP-2016- TN5295--TNHP-list2016 - A Guide to the Rare Animals of Tennessee.
03-0101	ML18026A610	01/24/2018	TRC-2010- TN5175--TRC 2010 Watts.
03-0102	ML18038B168	01/25/2018	2018/01/25 Clinch River ESP - [External_Sender] ORNL Access Questions
03-0103	ML18038B166	01/25/2018	2018/01/25 Clinch River ESP - [External_Sender] RE: [External_Sender] ORNL Access Questions

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ID#	Accession Number	Document Date	Title
03-0104	ML18038B167	01/25/2018	2018/01/25 Clinch River ESP - [External_Sender] RE: [External_Sender] ORNL Access Questions
03-0105	ML18029A451	01/25/2018	Submittal of Revised Site Safety Analysis Report Figure 2.5.1-34 in Support of Early Site Permit Application for Clinch River Nuclear Site.
03-0106	ML18038B173	01/26/2018	2018/01/26 Clinch River ESP - [External_Sender] FW: Visit talking points
03-0107	ML18026B227	01/26/2018	TWRA- TN5276--asiancarp.
03-0108	ML18026B228	01/26/2018	TWRA-2006- TN5301--TWRA 2006Oak Ridge Reservation.
03-0109	ML18026B230	01/26/2018	TWRA-2017- TN 5029--2016 Annual Monitoring Report.
03-0110	ML18026B235	01/26/2018	USACE-2013 - TN5189--Tennessee River Navigation Charts - Paducah, Kentucky to Knoxville Tennessee.
03-0111	ML18026B255	01/26/2018	USGS 2017 - TN5065 - Nonindigenous Aquatic Species USGS-Middle TN.
03-0112	ML18026B253	01/26/2018	USGS-1998 - TN 5159 - USGS 1998 Eco TN.

ID #	URL	Document Date	Title
03-0113	https://www.nrc.gov/reactors/new-reactors/esp/clinch-river.html#application	12/15/17	Clinch River Nuclear Site ESP Application – Rev. 1

Attachment 2 – Clinch River Nuclear Site ESP Hearing File Index
Privilege Log, Update 3 – February 13, 2018

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined by the NRC Staff to contain trade secrets; privileged, confidential, or financial information; personally identifiable information (PII); or other sensitive unclassified non-safeguards information (SUNSI). Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, which are designated proprietary or other category of sensitive unclassified SUNSI.

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
PPI-03-001	ML17362A364	JW Shea, TVA	Part 07 Withheld Information (Rev. 1) - Part 7 - Withheld Information	12/15/2017	License-Application for Early Sire Permit	NRC/NRO	Contains sensitive information subject to withholding by statute. This information is sensitive archaeological, conservation, and infrastructure security information and figures relating to the locations of historic sites and water intakes.	16

Attachment 2 – Clinch River Nuclear Site ESP Hearing File Index
Privilege Log, Update 3 – February 13, 2018

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
PPI-03-002	ML18038B161	T. Dozier, NRC/NRO	Clinch River ESP - DRAFT CRN ESP Environmental Audit Report	01/09/2018	E-Mail	R.Schiele, TVA	Contains sensitive archaeological information regarding the location of historic sites. A version of this report with the sensitive information removed was disclosed in Update 3 at ADAMS Accession No. ML18038B163.	74

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
TENNESSEE VALLEY AUTHORITY) Docket Nos. 52-047-ESP
)
(Clinch River Nuclear Site))

Executed in Rockville, Maryland
this 13th day of February, 2018

February 13, 2018

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TENNESSEE VALLEY AUTHORITY)	Docket Nos. 52-047-ESP
)	
(Clinch River Nuclear Site))	

DECLARATION OF ALLEN FETTER

I, Allen Fetter, do hereby state as follows:

1. I am employed as a senior project manager in the Division of New Reactor Licensing in the U.S. Nuclear Regulatory Commission's (NRC) Office of New Reactors (NRO). My supervisory responsibilities include oversight of the NRC Staff's review and evaluation of the Clinch River Nuclear Site early site permit application.

2. As part of their responsibilities in updating the hearing file and mandatory disclosures for these proceedings, NRC staff members under my supervision identified documents as privileged because they contained information subject to withholding by statute. The documents are listed in Attachment 2 to the submission of the Staff's Initial Disclosures.

3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directives 3.4 and 12.6, that they contain proprietary or other sensitive unclassified non-safeguards information concerning the Staff's review of the early site permit application. The documents contain sensitive proprietary and archaeological information.

4. Accordingly, I formally invoke privilege with respect to the documents listed in Attachment 2 to the submission of the Staff's Initial Disclosures.

5. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed in Accord with 10 CFR 2.304(d)

Allen Fetter
U.S. Nuclear Regulatory Commission
Senior Project Manager, Office of New
Reactors
(301) 415-8556
Allen.Fetter@nrc.gov
Washington, DC 20555-0001
Date signed: February 13, 2018

Executed in Rockville, Maryland
this 13th day of February, 2018

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TENNESSEE VALLEY AUTHORITY)	Docket Nos. 52-047-ESP
)	
(Clinch River Nuclear Site))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Letter to the Atomic Safety and Licensing Board regarding the Clinch River Nuclear Site Initial Disclosures, including: Attachment 1 – Clinch River Nuclear Site ESP Hearing File Index, NRC Staff Disclosure – Update 2; Attachment 2 – Clinch River Nuclear Site ESP Hearing File Index, Update 3 – Privilege Log; Declaration of Allen Fetter; and Affidavit of Allen Fetter, dated February 13, 2018, in the above-captioned proceeding have been served upon the Electronic Information Exchange, the NRC’s E-Filing System, this 13th day of February, 2018.

/Signed (electronically) by/

Kevin C. Roach
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop – O-14 A44
Washington, DC 20555
Telephone: (201) 521-2078
E-mail: Kevin.Roach@nrc.gov
Date of signature: February 13, 2018