



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

April 10, 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 updated for this proceeding. Also, the Staff herein notifies the Board of new information regarding the planned publication time frame for the draft environmental impact statement (DEIS).

This is the NRC staff's fifth 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 update is appended hereto as Attachment 1.

On or about April 20, 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, Update 5" 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.

Judge Ryerson
Judge Arnold
Judge Abreu

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April 10, 2018

In addition, as required by 10 C.F.R. § 2.336(b)(5), the Staff is producing a privilege log identifying a document withheld as subject to protected status, appended hereto as Attachment 2. Also attached is the Declaration of Allen Fetter formally invoking privilege with respect to the document listed in Attachment 2. The Staff will preserve and maintain the document identified in this log 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 April 5, 2018.

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.

Finally, the Staff would like to inform the Board of more definitive information regarding the time frame in which the staff plans to publish the DEIS. The Staff currently expects to publish the DEIS in the second half of April, 2018.

Sincerely,

/Signed (electronically) by/

Ann Hove
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Update 5
Attachment 2 – Privilege Log, Update 5
Declaration of Allen Fetter
Affidavit of Allen Fetter

cc w/ Encls.: Service List

Attachment 1 – Clinch River Nuclear Site ESP Hearing File Index, Update 5 – April 10, 2018

ID#	Accession Number	Document Date	Title
05-001	ML18096B373	3/08/2018	2018/03/08 Clinch River ESP - [External_Sender] 3/9 Call
05-002	ML17341A276	3/23/2018	April 2017, Hydrology and Health Physics Safety Audit Summary for the Tennessee Valley Authority Clinch River Nuclear Site Early Site Permit Application
05-003	ML18066A737	3/15/2018	Announcement Letter Clinch River QA Implementation Inspection
05-004	ML18068A732	3/9/2018	Clinch River, Response to Portion of Request for Additional Information Related to Emergency Planning Exemption Requests in Support of Early Site Permit Application
05-005	ML18075A314	3/16/2018	Clinch River - Submittal of Revised Site Safety Analysis Report Subsection 2.4.3.2, "Probable Maximum Precipitation," in Support of Early Site Permit Application
05-006	ML18089A605	3/30/2018	Clinch River, Response to Portion of Request for Additional Information Related to Emergency Planning Exemption Requests in Support of Early Site Permit Application
05-007	ML18096A012	3/26/2018	2018/03/26 Clinch River ESP - [External_Sender] RE: Potential errors in ER Table 1.2-2
05-008	ML18096A014	3/26/2018	2018/03/26 Clinch River ESP - Potential errors in ER Table 1.2-2
05-009	ML18096A015	3/30/2018	2018/03/30 Clinch River ESP - [External_Sender] Additional information
05-010	ML18096B342	3/28/2018	2018/03/28 Clinch River ESP - [External_Sender] RE: April 6 Recurring Meeting
05-011	ML18096B348	3/28/2018	2018/03/28 Clinch River ESP - Re: RE: April 6 Recurring Meeting
05-012	ML18096B355	3/28/2018	2018/03/28 Clinch River ESP - [External_Sender] April 6 Recurring Meeting
05-013	ML18096B360	3/8/2018	2018/03/08 Clinch River ESP - Re: [External_Sender] 3/9 Call
05-014	ML18096B365	3/8/2018	2018/03/08 Clinch River ESP - [External_Sender] FW: TVA plans
05-015	ML18096B376	3/8/2018	2018/03/08 Clinch River ESP - [External_Sender] 3/9 Call
05-016	ML18096B377	4/4/2018	2018/04/04 Clinch River ESP - [External_Sender] QA Inspection
05-017	ML18096B693	3/9/2018	2018/03/09 Clinch River ESP - [External_Sender] RE: Email capture address for correspondence with TVA on the Clinch River ESP
05-018	ML18096B692	3/9/2018	2018/03/09 Clinch River ESP - [External_Sender] RE: Email capture address for correspondence with TVA on the Clinch River ESP
05-019	ML18096B691	3/9/2018	2018/03/09 Clinch River ESP - Clinch River ESP QA Implementation Inspection
05-020	ML18096B710	3/13/2018	2018/03/13 Clinch River ESP - Permission to use Melton Hill Dam image
05-021	ML18096B684	3/19/2018	2018/03/19 Clinch River ESP - QUALITY ASSURANCE PROGRAM IMPLEMENTATION INSPECTION OF CLINCH RIVER NUCLEAR SITE - EARLY SITE PERMIT APPLICATION
05-022	ML18096B681	3/28/2018	2018/03/28 Clinch River ESP - SUMMARY REPORT FOR THE HYDROLOGY AND HEALTH PHYSICS SAFETY AUDIT (SECTIONS 2.4, 11.2 AND 11.3 OF THE SITE SAFETY ANALYSIS REPORT) FOR THE CLINCH RIVER NUCLEAR EARLY SITE PERMIT APPLICATION
05-023	ML18096B707	4/2/2018	2018/04/02 Clinch River ESP - Clinch River Nuclear Site Early Site Permit Application Inspection Agenda
05-024	ML18096B677	4/4/2018	2018/04/04 Clinch River ESP - [External_Sender] QA Inspection
05-025	ML18096B685	3/9/2018	Clinch River ESP - CRNS ESP Final QA01_eRAI_8798.pdf
05-026	ML18096B703	3/5/2018	2018/03/05 Clinch River ESP - Met: Feedback on Sections 2.0 and 2.3.1 Rev 1 SSAR

Attachment 2 – Clinch River Nuclear Site ESP Hearing File Index
Privilege Log, Update 5 – April 10, 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-05-01	ML18089A607	J.W. Shea, TVA	Supplemental Information Regarding Emergency Planning Exemption Requests in Part 6 of the ESPA	03/30/2018	Enclosure to Letter CNL-18-046	Document Control Desk, U.S. Nuclear Regulatory Commission	Contains sensitive information subject to withholding by statute. Reveals distinguishing aspects about the method by which NuScale develops its consequence analyses of postulated accidents.	9

April 10, 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 a document as privileged because it contained proprietary information. The document is listed in Attachment 2 to the submission of the Staff's Initial Disclosures.

3. I have personally reviewed the document 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 it contains sensitive proprietary information concerning the Staff's review of the early site permit application.

4. Accordingly, I formally invoke privilege with respect to the document 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: April 10, 2018

Executed in Rockville, Maryland
this 10th day of April, 2018

April 10, 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))

AFFIDAVIT OF ALLEN FETTER CONCERNING
MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(b)

I, Allen Fetter, do hereby state as follows:

1. I am employed as a Senior Project Manager in the U.S. Nuclear Regulatory Commission's (NRC) Office of New Reactors. I currently serve as a project manager for the Clinch River Nuclear Site Early Site Permit ("ESP") Application review.

2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. §§ 2.336 (b) and (c) and 2.1203(a)(1) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete for documents identified as of April 5, 2018.

3. 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: April 10, 2018

Executed in Rockville, Maryland
this 10th day of April, 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 5; Attachment 2 – Clinch River Nuclear Site ESP Hearing File Index, Update 5 – Privilege Log; Declaration of Allen Fetter; and Affidavit of Allen Fetter, dated April 10, 2018, in the above-captioned proceeding have been served upon the Electronic Information Exchange, the NRC's E-Filing System, this 10th day of April, 2018.

/Signed (electronically) by/

Ann Hove
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
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Washington, DC 20555
Telephone: 301-415-0963
E-mail: annhove@nrc.gov
Date of signature: April 10, 2018