UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Kristine L. Svinicki, Chairman
Jeff Baran
Stephen G. Burns

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

CLI-18-05

MEMORANDUM AND ORDER

The Tennessee Valley Authority (TVA) has appealed the Atomic Safety and Licensing Board's decision in LBP-17-8, in which the Board granted a joint intervention petition and admitted two contentions filed by the Southern Alliance for Clean Energy (SACE) and the Tennessee Environmental Council (TEC).[1] For the reasons set forth below, we affirm in part, and reverse in part, the Board's decision.

[1] *Tennessee Valley Authority's Notice of Appeal of LBP-17-08* (Nov. 6, 2017); *Tennessee Valley Authority's Petition for Review of LBP-17-08* (Nov. 6, 2017) (Appeal); LBP-17-8, 86 NRC 138 (2017).

I. BACKGROUND

In May 2016, Tennessee Valley Authority filed an application for an early site permit for two or more small modular reactors at the Clinch River Nuclear Site in Oak Ridge, Tennessee.[2] Thereafter, SACE and TEC filed a petition to intervene and proffered three contentions challenging the application.[3] TVA and the NRC Staff opposed the petition on the ground that all of SACE and TEC's contentions were inadmissible.[4]

The Board found that SACE and TEC had demonstrated standing to intervene and admitted two of their contentions: Contention 2, an environmental contention regarding consideration of the consequences of a spent fuel pool fire; and Contention 3, an environmental

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[2] Tennessee Valley Authority; Clinch River Nuclear Site, 81 Fed. Reg. 40,929, 40,929 (June 23, 2016); Letter from J.W. Shea, TVA, to NRC Document Control Desk (May 12, 2016), at 1 (ADAMS accession no. ML16139A752).

[3] *Petition to Intervene and Request for Hearing* (June 12, 2017) (SACE and TEC Petition); *see* Tennessee Valley Authority; Clinch River Nuclear Site Early Site Permit Application and Associated Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information, 82 Fed. Reg. 16,436 (Apr. 4, 2017) (Notice of Hearing); Order of the Secretary (Granting Request for Extension) (June 2, 2017) (unpublished) (extending the deadline to file intervention petitions). The Blue Ridge Environmental Defense League (BREDL) filed a separate intervention petition with one contention; the Board denied the petition, and BREDL did not appeal the Board's ruling. *See* LBP-17-8, 86 NRC at 152, 166; *Hearing Request and Petition to Intervene by Blue Ridge Environmental Defense* League (June 12, 2017), at 6-13.

[4] *Tennessee Valley Authority's Answer Opposing Petitions for Intervention and Requests for Hearing by the Southern Alliance for Clean Energy and Tennessee Environmental Council, and the Blue Ridge Environmental Defense League* (July 7, 2017), at 1 (TVA Answer); *NRC Staff Answer to Southern Alliance for Clean Energy and Tennessee Environmental Council's Petition to Intervene and Request for Hearing* (July 7, 2017), at 1 (Staff Answer). Neither TVA nor the Staff opposed SACE's or TEC's standing to intervene. TVA Answer at 2-3; Staff Answer at 8-10.

contention in which SACE and TEC claimed that TVA's Environmental Report contained an impermissible discussion of energy alternatives and need for power.[5] TVA has now filed the instant appeal, which SACE and TEC oppose.[6] The NRC Staff has neither filed an answer in response to TVA's appeal nor filed an appeal of its own.

II. DISCUSSION

Our rules of practice provide an appeal as of right to a party other than the petitioner on the question whether a petition to intervene should have been wholly denied.[7] We generally defer to licensing board rulings on contention admissibility absent error of law or abuse of discretion.[8]

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[5] LBP-17-8, 86 NRC at 160, 164-66. The Board dismissed Contention 1, which concerned emergency preparedness. The Board determined that SACE and TEC had misapprehended the nature of TVA's request for an exemption to use an alternative methodology to determine the appropriate size of the emergency planning zone and thus had not established a genuine dispute with the applicant or raised an issue within the scope of the proceeding. *Id.* at 155-56. SACE and TEC sought reconsideration of the Board's ruling on Contention 1; the Board declined to reconsider its ruling. Licensing Board Order (Granting Intervenors' Motion for Leave to File Motion for Partial Reconsideration, and Denying Motion for Partial Reconsideration) (Nov. 9, 2017) (unpublished). Contention 1 is not before us on appeal.

[6] *Intervenors' Response to Tennessee Valley Authority's Appeal of LBP-17-08* (Nov. 30, 2017), at 1 (SACE and TEC Response).

[7] 10 C.F.R. § 2.311(d)(1).

[8] *See, e.g.*, *Pacific Gas and Electric Co.* (Diablo Canyon Nuclear Power Plant, Units 1 and 2), CLI-16-9, 83 NRC 472, 482 (2016); *Crow Butte Resources, Inc.* (Marsland Expansion Area), CLI-14-2, 79 NRC 11, 13-14 (2014).

A petition to intervene will be granted if the petitioner demonstrates standing and raises at least one admissible contention that meets the six-factor test in 10 C.F.R. § 2.309(f)(1).[9] To satisfy that test, a petitioner must

(i) provide a specific statement of the issue of law or fact to be raised or controverted;

(ii) provide a brief explanation of the basis for the contention;

(iii) demonstrate that the issue raised is within the scope of the proceeding;

(iv) demonstrate that the issue raised is material to the findings the NRC must make to support the action involved in the proceeding;

(v) provide a concise statement of the alleged facts or expert opinions that support the petitioner's position on the issue and on which the petitioner intends to rely at the hearing, together with references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue; and

(vi) provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.[10]

We have long recognized a difference between "contentions of omission," those that claim an omission of necessary information, and "contentions of adequacy," those "that challenge substantively and specifically how particular information has been discussed in a license application."[11] Contentions of omission generally need not provide the same level of

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[9] 10 C.F.R. § 2.309(a).

[10] *Id.* § 2.309(f)(1).

[11] *Duke Energy Corp.* (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2), CLI-02-28, 56 NRC 373, 382-83 (2002); *see also Progress Energy Carolinas, Inc.* (Shearon Harris Nuclear Power Plant, Units 2 and 3), CLI-10-9, 71 NRC 245, 270 (2010); *Progress Energy Florida, Inc.* (Levy County Nuclear Power Plant, Units 1 and 2), CLI-10-2, 71 NRC 27, 36-37 & n.44 (2010).

factual support required for a contention challenging the adequacy of information in an application. It is enough for a petitioner to identify the information that is claimed to be missing and demonstrate why that information is required.[12]

But regardless of how they are characterized, contentions must be raised at the earliest possible opportunity.[13] As relevant here, contentions arising under the National Environmental Policy Act (NEPA) must be based on an applicant's Environmental Report.[14] Failure to do so could result in dismissal of the contention as impermissibly late.[15]

A. Contention 2

In Contention 2, SACE and TEC argued that "[t]he Environmental Report fails to satisfy NEPA because it does not address the consequences of a fire in the spent fuel storage pool, nor does it demonstrate that a pool fire is remote and speculative."[16] They asserted that a discussion of the impacts from a spent fuel pool fire is entirely omitted and that TVA has not otherwise justified this omission by demonstrating that spent fuel pool accidents are remote and

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[12] *See, e.g.*, *McGuire/Catawba*, CLI-02-28, 56 NRC at 379 (defining the scope of an admitted contention of omission that challenged an analysis in the applicant's environmental report for failing to consider potentially new and significant information); *see also Duke Energy Corp.* (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2), CLI-02-17, 56 NRC 1, 7-8 (2002) (affirming the Board's ruling admitting the contention discussed in CLI-02-28).

[13] *See* 10 C.F.R. § 2.309(f)(2).

[14] *Id.*

[15] *See DTE Electric Co.* (Fermi Nuclear Power Plant, Unit 3), CLI-15-1, 81 NRC 1, 7 (2015).

[16] SACE and TEC Petition at 9.

speculative.[17] SACE and TEC referenced the D.C. Circuit's decision in *New York v. NRC*,[18] in which the court, in evaluating whether the NRC had adequately evaluated the impacts of storing spent fuel prior to its delivery to a repository, concluded that the NRC was required under NEPA to address the environmental consequences of spent fuel pool accidents unless they could be found to be remote and speculative.[19] SACE and TEC also cited the agency's Generic Environmental Impact Statement for License Renewal of Nuclear Plants (License Renewal

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[17] *Id.* at 9-10.

[18] *Id.* at 9, 11 (citing *New York v. NRC*, 681 F.3d 471 (D.C. Cir. 2012) (*New York I*)).

[19] *New York I*, 681 F.3d at 482. In *New York I*, the D.C. Circuit vacated and remanded the agency's Waste Confidence Decision Update and Temporary Storage Rule, which pertained to the storage of spent fuel after cessation of reactor operation. *See generally* Final Rule, Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation, 75 Fed. Reg. 81,032 (Dec. 23, 2010); Waste Confidence Decision Update, 75 Fed. Reg. 81,037 (Dec. 23, 2010). In response to the court's remand, the NRC issued a generic environmental impact statement and final Continued Storage Rule. *See generally* Final Rule, Continued Storage of Spent Nuclear Fuel, 79 Fed. Reg. 56,238 (Sept. 19, 2014); Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel, 79 Fed. Reg. 56,263 (Sept. 19, 2014); Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel," NUREG-2157 (Aug. 2014) (ML14188B749). Thereafter, several petitioners sought review of the Continued Storage Rule and the associated generic environmental impact statement in the D.C. Circuit; the court denied the petitions for review. *New York v. NRC*, 824 F.3d 1012 (D.C. Cir. 2016); *see also New York v. NRC*, No. 14-1210 (D.C. Cir. Aug. 8, 2016) (denying petition for rehearing *en banc*).

GEIS),[20] in which the environmental impacts of spent fuel pool accidents were found to be "comparable to those from . . . reactor accidents at full power."[21]

TVA did not dispute the lack of a specific analysis of spent fuel pool accident impacts in the Environmental Report. Rather, citing 10 C.F.R. § 50.150(a)(1), TVA argued that such an analysis was design-specific and not required until the combined license application stage.[22] Further, TVA asserted that it intended the accident analysis in the Environmental Report to serve as "'a reasonable, bounding estimate of severe accident consequences'" for the small modular reactors under consideration for the Clinch River site.[23] TVA faulted SACE and TEC for not "demonstrat[ing] that there was anything inadequate about that analysis."[24] TVA also

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[20] SACE and TEC Petition at 9-10. The License Renewal GEIS, which covers plant operations for the period of a plant's renewed license, is not to be confused with the generic environmental impact statement associated with the Continued Storage Rule, which covers the period time after the licensed life of a plant.

[21] "Generic Environmental Impact Statement for License Renewal of Nuclear Plants—Main Report" (Final Report), NUREG-1437, rev. 1, vols. 1, 2, and 3 (June 2013), at 1-28 (ML13106A241, ML13106A242, and ML13106A244) (2013 License Renewal GEIS).

[22] TVA Answer at 19-20. Section 50.150(a)(1) sets out the requirement that certain applicants, including an applicant for a combined license under Part 52, include in the application a design-specific assessment of the proposed facility's ability to withstand the impact of an aircraft crash. 10 C.F.R. § 50.150(a)(1).

[23] TVA Answer at 21 (quoting Clinch River Nuclear Site, Early Site Permit Application, Part 3, Environmental Report, rev. 0 (May 2016), § 7.2 (ML16144A145 (package)) (Environmental Report)). As is permissible for an early site permit application, TVA "uses technical information from various certified and proposed designs to develop a plant parameter envelope for facility characterization necessary to assess the suitability of the [Clinch River] site" rather than a particular design. Notice of Hearing, 82 Fed. Reg. at 16,437.

[24] TVA Answer at 21; *see also id.* at 23.

argued that SACE and TEC "offer[ed] no information [claiming] that the analysis conducted by TVA does not bound spent fuel pool accident consequences."[25]

Additionally, TVA asserted that the conclusion in the License Renewal GEIS that the impacts of spent fuel pool accidents are encompassed within the impacts of full-power reactor accidents obviates the need for a specific analysis of spent fuel pool accidents in the Environmental Report.[26] The Staff raised a similar argument, but it also claimed that because TVA had cited the License Renewal GEIS in the Environmental Report, this effectively incorporated by reference the conclusion that spent fuel pool accidents are bounded by reactor accidents.[27] The Staff asserted that the License Renewal GEIS supports a more limited discussion of spent fuel pool accident impacts in the Environmental Report commensurate with the Staff's finding in the License Renewal GEIS that spent fuel pool fires are "'highly remote.'"[28] According to the Staff, TVA's statement in a different section of the Environmental Report—that the fuel cycle analyses in the License Renewal GEIS are relevant to the small modular reactors considered for the Clinch River site—constitutes sufficient consideration of the consequences of spent fuel pool fires.[29]

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[25] *Id.* at 22.

[26] *See id.* at 22-23.

[27] *See* Staff Answer at 22-24.

[28] *Id.* at 23-24 (quoting "Generic Environmental Impact Statement for License Renewal of Nuclear Plants—Main Report" (Final Report), NUREG-1437, vol. 1 (May 1996), at 6-75 (ML040690705), and citing 2013 License Renewal GEIS at 1-28, E-37).

[29] *Id.*

The Board, however, was persuaded neither by the Staff's argument that TVA had referenced a spent fuel pool accident analysis nor by TVA's argument that such an analysis is not required at this time.[30] The Board admitted the contention as "strictly a contention of omission," observing that "TVA might not be able to say very much about the risk of spent fuel pool fires[ ] at this early stage, but SACE and TEC have made a plausible case that TVA must say something."[31] We find no error in the Board's reasoning in admitting the contention.

TVA's main argument on appeal mischaracterizes the Board's ruling. TVA asserts that the Board ignored the accident analysis in TVA's Environmental Report, which TVA claims "sufficiently bounds any risk of a spent fuel pool fire." TVA also claims that the Board would have TVA undergo a specific technical analysis that would require "detailed design information that is not currently available."[32] We disagree. As an initial matter, the Board did not direct a specific type of analysis, detailed or otherwise; rather, the Board left that open-ended. And the Board explained that if TVA were to "say something" about the impacts of spent fuel pool fires, the contention would become moot.[33] As the Board noted, a subsequent challenge to the adequacy of whatever analysis is supplied would need to meet the requirements for a new contention.[34]

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[30] LBP-17-8, 86 NRC at 158-59.

[31] *Id.* at 160.

[32] TVA Appeal at 5-6.

[33] LBP-17-8, 86 NRC at 160-61.

[34] *Id.* at 161; *see* 10 C.F.R. § 2.309(c)(1); *McGuire/Catawba*, 56 NRC at 383.

Moreover, the Board did not ignore, but rather was not satisfied with, the representations in TVA's pleadings before the Board—repeated in TVA's appeal—that the existing analysis in the Environmental Report bounds the consequences of a spent fuel pool accident.[35] The Board acknowledged that TVA had provided an analysis of "'accidents with substantial damage to the reactor core and degradation of containment systems,'" but the Board found that TVA had included "no discussion at all concerning spent fuel pool fires."[36] The Board found instead that TVA had improperly placed the burden on SACE and TEC to demonstrate that spent fuel pool accident consequences would not be encompassed by TVA's accident analysis.[37] And even had the Board been persuaded by the argument that TVA had incorporated by reference the conclusions in the License Renewal GEIS with regard to spent fuel pool accidents, the Board noted that its applicability to small modular reactors had not been addressed.[38] In particular, the Board observed that although the License Renewal GEIS may stand for the general proposition "that spent fuel pool fires are on a comparable scale [to] reactor accidents, it does not establish

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[35] *See* LBP-17-8, 86 NRC at 160; TVA Appeal at 6-15.

[36] LBP-17-8, 86 NRC at 160 (quoting Environmental Report at 7.2-1).

[37] *Id.*

[38] *See id.* On appeal, TVA relies on "the analyses contained in" the Environmental Report's references to the License Renewal GEIS, as well as references to six early site permit applications for traditional light-water reactors, but these references are too general to be said to refer specifically to a discussion of spent fuel pool accident consequences. TVA Appeal at 10-11. At most, these references merely point to chapters in the referenced documents, without page numbers or references to specific analyses.

that the environmental impacts of a spent fuel pool fire at a site with small modular reactors are necessarily encompassed by the impacts of a small modular reactor accident."[39]

We also find unpersuasive TVA's related claim on appeal that a spent fuel pool fire analysis was not required at the early site permit stage because the focus of an early site permit is the alternative site analysis and "whether there is any obviously superior alternative to the site proposed."[40] While this is true, TVA nonetheless included, as it is permitted to do under the same rule, what appears to be a complete accident analysis.[41] Thus, as SACE and TEC point out, "the omission . . . of any mention of spent fuel pool fire risks gives rise to an admissible contention."[42]

In short, the Board admitted the contention based on SACE and TEC's identification of an omission in the Environmental Report and a demonstration that spent fuel pool accident consequences either must be considered or shown to be remote and speculative to satisfy the NRC's obligations under NEPA. This is sufficient for an admissible contention of omission.[43] TVA has not demonstrated that the Board erred in admitting Contention 2, and we find no

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[39] LBP-17-8, 86 NRC at 160.

[40] 10 C.F.R. § 51.50(b)(1); *see* TVA Appeal at 6.

[41] *See* 10 C.F.R. § 51.50(b)(2) ("The environmental report may address one or more of the environmental effects of construction and operation of a reactor, or reactors, which have design characteristics that fall within the site characteristics and design parameters for the early site permit application . . .").

[42] SACE and TEC Response at 6.

[43] *See, e.g.*, *McGuire/Catawba*, CLI-02-28, 56 NRC at 382-84.

grounds in the record to reverse the Board's decision on this contention. We note, however, that the Staff has now issued the Draft Environmental Impact Statement.[44]

B. Contention 3

In Contention 3, SACE and TEC asserted that even though TVA has chosen to defer until the combined license stage a discussion of need for power and energy alternatives,[45] SACE and TEC have identified what they claim to be "impermissible language" in TVA's Environmental Report that nonetheless addresses these issues.[46] SACE and TEC argued that TVA's decision to defer the discussion of need for power and energy alternatives "effectively [precludes them] from submitting contentions on those subjects"[47] and unfairly shields the

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[44] "Environmental Impact Statement for an Early Site Permit (ESP) at the Clinch River Nuclear Site" (Draft Report for Comment), NUREG-2226, vols. 1 and 2 (Apr. 2018) (ML18100A220 and ML18100A223).

[45] *See* 10 C.F.R. § 51.50(b)(2).

[46] SACE and TEC Petition at 11. For example, SACE and TEC take issue with TVA's assertion in the Environmental Report "that building a [small modular reactor] 'near federal facilities' could provide 'enhanced reliability and other benefits, by providing continued operation during a widespread and extended loss of the electrical power grid, meeting reliability needs with clean energy that supports carbon reduction directives.'" *Id.* at 16 (quoting Environmental Report at 1-2). SACE and TEC claim that "Chapter 1 of the Environmental Report is brimming with claims that [small modular reactor] technology is preferable to other energy technology on a host of issues including safety, security, reliability, carbon reduction, water use, and economies of scale." *Id.* Additionally, SACE and TEC take issue with TVA's discussion of the "no action" alternative in Chapter 9, which according to SACE and TEC, "laments that . . . [the] asserted advantages of [small modular reactors] would be lost if TVA did not receive an [early site permit]." *Id.* SACE and TEC argue that these statements illustrate "bias and lack of rigor in TVA's discussion." *Id.* at 23.

[47] *Id.* at 11.

language in the Environmental Report from challenge in the early site permit proceeding.[48] According to SACE and TEC, allowing this language to remain unchallenged, eventually to be included in the Staff's Environmental Impact Statement (EIS), risks the EIS "becoming an advertisement for [small modular reactors] rather than the rigorous, unbiased and independent scientific study required by NEPA."[49] In addition to seeking the removal of the language from the Environmental Report, SACE and TEC identified deficiencies in individual statements.[50]

TVA and the Staff objected to the contention as, among other things, outside the scope of the proceeding and not material to the findings the Staff must make to support a decision on the early site permit application because TVA expressly elected to defer consideration of need for power and energy alternatives until the combined license stage.[51] The Board disagreed with TVA and the Staff, however, and it admitted the contention not as a challenge to the language in the Environmental Report, but rather because its potential use by the Staff in its EIS would contravene 10 C.F.R. § 51.75(b), which directs the Staff not to include a discussion of need for power or energy alternatives if they are not addressed in the Environmental Report.[52] Noting

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[48] *See id.* at 15.

[49] *Id.* at 12; *see also id.* at 19.

[50] *See id.* at 12, 15-23.

[51] *See, e.g.*, TVA Answer at 25-28; Staff Answer at 29-32.

[52] LBP-17-8, 86 NRC at 163-64 ("An Environmental Report for an [early site permit] application 'need not' include 'an assessment of the economic, technical, or other benefits (for example, need for power) and costs of the proposed action or an evaluation of alternative energy sources.' The NRC's Environmental Impact Statement for an [early site permit], in contrast,

that our rules of practice require contentions to be raised as soon as information becomes available, the Board found that SACE and TEC had raised their concerns "at the earliest opportunity."[53] The Board observed that if the EIS "is scrubbed of any discussion that could violate 10 C.F.R. § 51.75(b), the . . . Staff may move for summary disposition."[54] And although the Staff had asserted that it would comply with the directive in section 51.75(b), the Board did not see the Staff's assurances as a proper basis for rejecting the contention.[55]

On appeal, TVA argues that the statements with which SACE and TEC take issue are part of TVA's general discussion of the "purposes and goals of the Clinch River project," not a substantive discussion of need for power or energy alternatives.[56] In addition, TVA argues that the contention is premature because it is premised on the assumption that the Staff will violate section 51.75(b) before the EIS has been prepared.[57] And TVA argues that because there is no prohibition on an applicant describing the scope of its project in an early site permit application, SACE and TEC have raised what amounts to a general policy argument that cannot serve as

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'must not' include those very same subjects, unless the applicant has elected to address them at the [early site permit] stage."); 10 C.F.R. §§ 51.50(b)(2), 51.75(b).

[53] LBP-17-8, 86 NRC at 162.

[54] *Id.* at 164.

[55] *Id.*

[56] TVA Appeal at 17.

[57] *Id.* at 18-22.

the basis for an admissible contention.[58] For these reasons, TVA asserts that the Board erred in admitting a contention that raises no material dispute with the application.[59]

We agree that Contention 3 failed to raise a genuine, material dispute with TVA's early site permit application.[60] The determining factor is TVA's statements, in the Environmental Report, that it has chosen to defer a discussion of need for power and energy alternatives until the combined license application, which it is permitted to do under 10 C.F.R. § 51.50(b)(2).[61] As the Staff noted, "there is no dispute that TVA opted not to address alternative energy sources in the [early site permit] application,"[62] nor is there a dispute that TVA opted not to address need for power.

SACE and TEC attempted to fashion a dispute with extraneous statements in the Environmental Report, but their arguments cannot stand against TVA's express statement that TVA has exercised its option not to formally address these issues now. We have no reason to believe that TVA (or the Staff, for that matter) will recast the discussion of the project's purpose into a need for power or energy alternatives discussion and thereby preempt challenges to a discussion of these issues in a future combined license proceeding, and we would not countenance such a result. Instead, as TVA and the Staff both acknowledged, should TVA file

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[58] *Id.* at 22-24.

[59] *Id.* at 16.

[60] *See* 10 C.F.R. § 2.309(f)(1)(vi).

[61] *See* Environmental Report at 8-1, 9.0-1.

[62] Staff Answer at 30.

a combined license application, SACE and TEC will have an opportunity to raise any concerns they might have with the Environmental Report associated with that application, including any issues with TVA's discussion of need for power and energy alternatives.[63] Because SACE and TEC have not raised a genuine, material dispute with the application, we find that the Board erred in admitting Contention 3.

III. CONCLUSION

For the foregoing reasons, we *affirm* the Board's ruling with respect to Contention 2. We *reverse* the Board's ruling with respect to Contention 3.

IT IS SO ORDERED.

For the Commission

NRC SEAL

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 3rd day of May, 2018.

[63] *See* TVA Answer at 25; Staff Answer at 29.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **COMMISSION MEMORANDUM AND ORDER (CLI-18-05)** have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Herald M. Speiser]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 3rd day of May, 2018