

April 7, 2020

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)
)
SOUTHERN NUCLEAR OPERATING CO.) Docket No. 52-025
)
(Vogtle Electric Generating Plant, Unit 3))

NRC STAFF ANSWER TO
REQUEST FOR EXTENSION OF TIME FROM NUCLEAR WATCH SOUTH

On April 3, 2020, Nuclear Watch South (Requestor) filed a “Request for Extension of Filing Deadline and Request for Expedited Consideration” (Extension Request) in the proceeding associated with the inspections, tests, analyses, and acceptance criteria (ITAAC) in the Vogtle Electric Generating Plant, Unit 3 (Vogtle Unit 3) combined license. The Requestor seeks an extension of the hearing request deadline to “60 days from the official lifting of the national COVID-19 emergency.”¹ The Requestor seeks a similar extension to the deadline for requesting access to Sensitive Unclassified Non-Safeguards Information (SUNSI) or Safeguards Information (SGI).² The Requestor seeks expedited consideration of its requests given the impending hearing request deadline.³ The U.S. Nuclear Regulatory Commission (NRC) staff (Staff) opposes an extension of the deadline for requesting access to SUNSI or SGI because the deadline for requesting access expired on February 24, 2020, and the Requestor does not explain why it missed this deadline. Because the ITAAC hearing schedule is designed to meet the statutory mandate for the timely completion of the hearing and does not allow for delays not arising from unavoidable and extreme circumstances, the Staff opposes the

¹ Extension Request, at 1.

² *Id.*

³ *Id.*

Requestor's request for an open-ended delay of the hearing request deadline but does not object to a one-week extension of time to file a hearing request.

The NRC Staff recognizes that COVID-19 is presenting novel and serious challenges. Among other things, COVID-19 may have collateral effects on the ability of some to work away from their offices, including development of hearing requests (e.g., collaborating with witnesses, working while also caring for children whose schools are closed), but whether, and the degree to which, such activities are hindered depends on an individual's circumstances.

Given the accelerated ITAAC hearing schedule and the stringent standard for extensions of time in this proceeding, a meritorious request to extend the hearing request deadline in this situation should be based on individual circumstances, with the requested relief being tailored to the circumstances of the requestor. However, the Requestor here only briefly and generally describes how it has been affected by COVID-19 and seeks an extension of uncertain duration that could last at least several months. The Requestor does not clearly state that it is unable to meet the existing April 13, 2020 deadline for hearing requests, and the deadline for requesting access to SUNSI and SGI is several weeks past. Therefore, as discussed below, the Staff opposes the requested extension but would not object to a week-long extension of the hearing request deadline to balance the schedule imperatives of the Vogtle Unit 3 ITAAC proceeding with the burden of transitioning to unfamiliar ways of accomplishing work.⁴

⁴ The Requestor consulted with Staff counsel on the afternoon of April 2, 2020. Later that afternoon, Staff counsel provided the following response by email:

We recognize that COVID-19 is a novel issue that is challenging our nation in numerous ways. Based on our brief phone call, however, it's not clear to us how issues associated with COVID-19 prevent Nuclear Watch South from meeting the April 13 deadline for hearing requests or justify the specific extension you intend to request, especially given the strict standard for extensions in the ITAAC hearing procedures. If you file a motion with the Commission requesting an extension of the existing deadline, we will consider the contents of that motion (including any additional information not discussed during our call) in any response to your motion that we file with the Commission.

BACKGROUND

The NRC issued the Vogtle Unit 3 combined license on February 10, 2012.⁵ The combined license authorizes construction and includes ITAAC in Appendix C of the license.⁶ ITAAC are used to verify that the facility has been constructed and will be operated in accordance with the combined license, the Atomic Energy Act of 1954, as amended (AEA), and NRC rules and regulations.⁷ The NRC must ensure that the licensee completes the inspections, tests, and analyses, and operation may not begin until the NRC finds that the acceptance criteria are met.⁸

As required by 10 C.F.R. § 52.99(c), the licensee must submit notifications regarding its completion of the ITAAC. The Staff's determinations on whether ITAAC have been successfully completed are based on the Staff's review of the licensee's ITAAC notifications and on the Staff's inspections of the licensee's ITAAC-related work. The licensee's ITAAC notifications also relate to the standards for hearing requests in ITAAC proceedings. As required by 10 C.F.R. § 2.309(f)(1)(vii), in relevant part, a contention in an ITAAC proceeding "must include the specific portion of the report required by 10 CFR 52.99(c) which the requestor believes is inaccurate, incorrect, and/or incomplete[.]"

The Staff provides information associated with completion of the Vogtle Unit 3 ITAAC on the NRC's public Vogtle Unit 3 website.⁹ This website provides access to an "ITAAC Status

⁵ Vogtle Electric Generating Plant, Units 3 and 4; Issuance of Combined Licenses and Limited Work Authorizations and Record of Decision, 77 Fed. Reg. 12,332 (Feb. 29, 2012); Vogtle Unit 3 Combined License (Feb. 12, 2012) (ADAMS Accession No. ML112991101).

⁶ An updated version of the combined license is maintained at ADAMS Accession No. ML14100A106.

⁷ See 10 C.F.R. § 52.97(b).

⁸ 10 C.F.R. §§ 52.99(e), 52.103(g).

⁹ Vogtle Electric Generating Plant, Unit 3 (Under Construction) (last reviewed/updated Feb. 27, 2020), <https://www.nrc.gov/reactors/new-reactors/col-holder/vog3.html>.

Report” that includes links to the licensee’s ITAAC notifications, the Staff’s verification evaluation forms, and the Staff’s ITAAC-related inspection reports.¹⁰ The NRC’s Vogtle Unit 3 website also provides links to other ITAAC-related documents.

On October 11, 2019, the NRC published a *Federal Register* notice announcing the availability of a background check process for access to SGI to participate in the upcoming Vogtle Unit 3 ITAAC proceeding.¹¹ Among other things, this notice summarized the ITAAC completion and ITAAC hearing processes and described how to obtain further information on these processes and on completion of Vogtle Unit 3 ITAAC.¹² The notice also announced a public meeting near the Vogtle Unit 3 site, held on October 30, 2019, at which the Staff made a presentation on the ITAAC hearing process and made itself available for questions.¹³

On February 12, 2020, the NRC published in the *Federal Register* the notice of intended operation for Vogtle Unit 3 (Vogtle Notice of Intended Operation) and two associated orders: the “Order Imposing Additional Procedures for ITAAC Hearings Before a Commission Ruling on the Hearing Request” (Additional Procedures Order) and the “Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for

¹⁰ ITAAC Status Report (last updated Apr. 2, 2020), <https://www.nrc.gov/reactors/new-reactors/new-licensing-files/vog3-icnsr.pdf>.

¹¹ Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Unit 3; Background Check Process for Participation in ITAAC Proceeding, 84 Fed. Reg. 54,928 (Oct. 11, 2019).

¹² This notice also stated that the notice of intended operation for Vogtle Unit 3 would be published “in approximately 4 to 7 months” and that “the NRC encourages interested members of the public to study the ITAAC Hearing Procedures and commence their hearing preparations well before publication of the notice of intended operation for [Vogtle] Unit 3.” *Id.* at 54,929.

¹³ *Id.* at 54,931; see also Summary of a Category 3 Public Meeting About the ITAAC Hearing Process for Vogtle Electric Generating Plant Units 3 and 4 on October 30, 2019 (Dec. 5, 2019) (ADAMS Accession No. ML19317E947).

Contention Preparation” (SUNSI/SGI Access Order).¹⁴ The Vogtle Notice of Intended Operation announced a February 24, 2020 deadline for requests for access to SUNSI or SGI and an April 13, 2020 deadline for hearing requests.¹⁵

The public health emergency associated with COVID-19 is ongoing. On March 13, 2020, the President declared a national emergency because of the COVID-19 outbreak.¹⁶ The President issued guidelines on responding to COVID-19, including the use of physical distancing, on March 16, 2020.¹⁷ On March 29, 2020, these guidelines were extended to April 30, 2020.¹⁸ At the state level, among other actions, the Governor of Georgia declared a state of emergency on March 14, 2020.¹⁹ On April 2, 2020, the Governor issued a Shelter-in-Place Order that is effective from April 3, 2020, to April 13, 2020.²⁰

DISCUSSION

I. Legal Standards

Section 189a.(1)(B) of the AEA establishes the basic requirements for ITAAC proceedings. As relevant to the instant request, the AEA requires that (1) the NRC publish the

¹⁴ Vogtle Electric Generating Plant, Unit 3; Hearing Opportunity Associated with Inspections, Tests, Analyses, and Acceptance Criteria, 85 Fed. Reg. 8030 (Feb. 12, 2020). The notice and associated orders will hereafter be collectively referred to as the “Vogtle Notice of Intended Operation and Associated Orders.”

¹⁵ *Id.* at 8030-31.

¹⁶ Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (Mar. 13, 2020), <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

¹⁷ 15 Days to Slow the Spread (Mar. 16, 2020), <https://www.whitehouse.gov/articles/15-days-slow-spread/>.

¹⁸ Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing (Mar. 30, 2020), <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-14/>.

¹⁹ Declaration of Public Health State of Emergency (Mar. 14, 2020), <https://gov.georgia.gov/document/2020-executive-order/03142001/download>.

²⁰ Executive Order to Ensure a Safe & Healthy Georgia (Apr. 2, 2020), <https://gov.georgia.gov/document/2020-executive-order/04022001/download>.

notice of intended operation “[n]ot less than 180 days before” scheduled initial fuel load, (2) hearing requests are due within 60 days of this Notice, and (3) the NRC, “to the maximum possible extent, render a decision on issues raised by the hearing request” within 180 days of the notice of intended operation or by the scheduled initial fuel load date, whichever is later.²¹

The legal standards for this proceeding are described in the Vogtle Notice of Intended Operation and Associated Orders.²² The Vogtle Notice of Intended Operation and Associated Orders were based on a Commission-approved template announced in the 2016 “Final Procedures for Conducting Hearings on Conformance with the Acceptance Criteria in Combined Licenses” (Final ITAAC Hearing Procedures).²³ One of the Associated Orders, the Additional Procedures Order, governs hearing requests and other filings, such as the Extension Request, that may be submitted before a Commission ruling on the hearing request.²⁴ The Additional Procedures Order is based on the rules of practice in 10 C.F.R. Part 2, primarily Subpart C, as modified “to conform to the expedited schedule and specialized nature of hearings on ITAAC.”²⁵

Section II.D of the Additional Procedures Order requires motions for extension of time to show good cause “based on an event occurring before the deadline in question.”²⁶ Good cause is assessed using the following factors from 10 C.F.R. § 2.334(b):

- a. Whether the requesting participant has exercised due diligence to adhere to the schedule;

²¹ AEA § 189a.(1)(B)(i), (v).

²² Vogtle Notice of Intended Operation and Associated Orders, 85 Fed. Reg. 8030.

²³ Final ITAAC Hearing Procedures, 81 Fed. Reg. 43,266 (July 1, 2016).

²⁴ Vogtle Notice of Intended Operation and Associated Orders, 85 Fed. Reg. at 8036 (Additional Procedures Order, Section I).

²⁵ *Id.* at 8037 (Additional Procedures Order, Section I). The Commission modeled the Additional Procedures Order on the existing rules of practice, in part because “there is a body of experience and precedent interpreting and applying these provisions,” and in part to “make it easier for potential participants in the hearing to apply the procedures in this order if they are already familiar with the existing rules.” *Id.*

²⁶ *Id.* at 8039.

- b. Whether the requested change is the result of unavoidable circumstances; and
- c. Whether the other participants have agreed to the change and the overall effect of the change on the schedule of the case.²⁷

Section II.D further provides:

In furtherance of the statutory direction regarding the expeditious completion of the hearing, “good cause” is to be interpreted strictly, and a showing of “unavoidable and extreme circumstances” is required for any extension, no matter how minor. Because good cause will be interpreted strictly, meritorious motions will likely be based on events outside the participant's control.²⁸

The “unavoidable and extreme circumstances” standard is taken from the *Policy on Conduct of Adjudicatory Proceedings*.²⁹ Motions for extension of time must be filed as soon as possible and no later than 3 days before the deadline, except when the participant demonstrates that unavoidable and extreme circumstances prevented the participant from filing its extension request by 3 days before the deadline and shows that the extension request was filed as soon as possible thereafter.³⁰

II. The Deadline for Requesting Access to SUNSI or SGI Should Not Be Extended

The Requestor requests an extension to the deadline for requesting access to SUNSI or SGI, but this deadline passed on February 24, 2020.³¹ Good cause for requesting an extension must be based on events transpiring before the deadline in question; the Requestor does not explain why it missed this deadline.³² Further, motions for extension of time that are not filed by 3 days before the deadline must demonstrate that unavoidable and extreme circumstances

²⁷ *Id.*

²⁸ *Id.* (internal footnote omitted).

²⁹ CLI-98-12, 48 NRC 18, 21 (1998); see Vogtle Notice of Intended Operation and Associated Orders, 85 Fed. Reg. at 8039 n.19 (Additional Procedures Order, Section II.D).

³⁰ Vogtle Notice of Intended Operation and Associated Orders, 85 Fed. Reg. at 8039 (Additional Procedures Order, Section II.D).

³¹ *Id.* at 8030-31.

³² *Id.* at 8039 (Additional Procedures Order, Section II.D).

prevented the participant from filing by 3 days before the deadline and that the participant filed as soon as possible thereafter.³³ The Requestor does not address or satisfy these standards. Therefore, the deadline for requesting access to SUNSI or SGI should not be extended.

III. The Requested Extension to the Hearing Request Deadline Is Not Sufficiently Supported

The Requestor supports its requested extension of the hearing request deadline by (1) claiming that the Vogtle Unit 3 ITAAC proceeding is not a priority, (2) citing uncertainties in the Vogtle Unit 3 construction schedule, (3) citing the generally applicable burdens of participating in an ITAAC proceeding, and (4) explaining how COVID-19 has affected, or may affect, the Requestor's hearing request preparations. As discussed below, the AEA makes the Vogtle Unit 3 ITAAC proceeding a high priority for the NRC, uncertainties in the Vogtle construction schedule do not justify the extension requested here, and the generally applicable burdens of participating in ITAAC proceedings do not warrant an extension. The Requestor only briefly and generally describes how COVID-19 has affected its hearing request preparations, and these vague claims do not justify the lengthy and uncertain delay that the Requestor requests. Also, it is not apparent whether a more limited extension would be appropriate. The Requestor does not clearly state specific reasons for its inability to meet the existing hearing request deadline, the hearing request period was at its halfway point when the President declared a national emergency, and the Commission announced in 2016 that it expected those intending to file hearing requests to examine the licensee's ITAAC "notifications before the notice of intended operation is published as part of their preparations for the ITAAC hearing process."³⁴ Therefore, as discussed below, the Staff opposes the requested extension but would not object to a week-long extension of the hearing request deadline.

³³ *Id.*

³⁴ Final ITAAC Hearing Procedures, 81 Fed. Reg. at 43,270.

The Requestor claims that the Vogtle Unit 3 ITAAC proceeding is not a priority, in part because the licensee completed the submission of its uncompleted ITAAC notifications 90 days earlier than required.³⁵ However, the Vogtle Notice of Intended Operation was published 285 days before scheduled initial fuel load, consistent with the timeframes contemplated in the Final ITAAC Hearing Procedures.³⁶ Also, AEA § 189a.(1)(B)(v) makes the ITAAC proceeding a high priority by requiring the NRC, “to the maximum possible extent,” to render a decision on the issues raised by the hearing request by the later of scheduled initial fuel load or the date 180 days after publication of the notice of intended operation. When publishing the Final ITAAC Hearing Procedures, the Commission stated that “the ITAAC hearing schedule does not allow for any delay unless such delay is absolutely necessary,” and that “deadlines must be adhered to strictly” to “meet the statutory mandate for the timely completion of the hearing.”³⁷

The Requestor also claims that an extension is warranted because The Southern Company filed an 8-K report on April 1, 2020, stating that the effects of COVID-19 “*could disrupt or delay construction, testing, supervisory and support activities at Plant Vogtle Units 3 and 4.*”³⁸ However, that same report states that the licensee “has implemented policies and procedures designed to mitigate the risk of transmission at the construction site,” and that “[i]t is too early to determine what impact, if any, the COVID-19 outbreak will have on the current construction

³⁵ Extension Request, at 2. Although the Extension Request refers to the licensee filing its “request” 90 days earlier than the required “225 days,” the Requestor was evidently referring to the submission of the uncompleted ITAAC notifications, which must be submitted at least 225 days before scheduled initial fuel load. See 10 C.F.R. § 52.99(c)(3).

³⁶ Final ITAAC Hearing Procedures, 81 Fed. Reg. at 43,269 (providing that the notice of intended operation would be published up to 285 days before scheduled initial fuel load “based on the licensee’s voluntary early submission of the uncompleted ITAAC notifications”).

³⁷ Final ITAAC Hearing Procedures, 81 Fed. Reg. at 43,271, 43,286.

³⁸ Extension Request, at 2 (quoting The Southern Co., Current Report (Form 8-K) (Apr. 1, 2020), <https://www.sec.gov/ix?doc=/Archives/edgar/data/92122/000009212220000024/so8-krfactors4x20.htm>) (emphasis added by the Requestor).

schedule or budget for Plant Vogtle Units 3 and 4.”³⁹ The Requestor also cites the Shelter-in-Place Order issued by the Governor of Georgia.⁴⁰ But it is unclear what effect, if any, the order will have on the Vogtle project. The current order is effective until April 13, 2020,⁴¹ and the Requestor cites a letter from the Georgia Public Service Commission (PSC) to the Governor suggesting that the definition of “essential personnel” should include “construction workers at Plant Vogtle due to the importance of keeping this plant on schedule in case of long-term worst-case scenarios.”⁴² At this time, the precise effect that COVID-19 might have on Vogtle construction is speculative.

More importantly, whatever effect COVID-19 has on the Vogtle construction project does not affect the Requestor’s ability to file a hearing request by the established deadline. The effect of a delay on the schedule of the case is a factor to be considered,⁴³ but as of the filing of this answer, the Staff is not aware of any changes to the licensee’s fuel load schedule. And the Commission created the “unavoidable and extreme circumstances” standard because of “fear that an accumulation of seemingly benign deadline extensions will in the end substantially delay the outcome of the case.”⁴⁴ Thus, only extensions that are “absolutely necessary” should be considered meritorious.⁴⁵

³⁹ The Southern Co., Current Report (Form 8-K).

⁴⁰ Extension Request, at 3. In addition, the Requestor cites the effect that COVID-19 has had on the Savannah River Site, but this is unrelated to the Vogtle Unit 3 ITAAC proceeding. *Id.*

⁴¹ Executive Order to Ensure a Safe & Healthy Georgia.

⁴² Extension Request, Attach., Letter from Ga. Public Service Comm’n to Governor Brian P. Kemp (Apr. 2, 2020).

⁴³ Vogtle Notice of Intended Operation and Associated Orders, 85 Fed. Reg. at 8039 (Additional Procedures Order, Section II.D).

⁴⁴ *Hydro Res., Inc.* (2929 Coors Rd. Suite 101, Albuquerque, NM 87120), CLI-99-1, 49 NRC 1, 3 (1999) (citing the *Policy on Conduct of Adjudicatory Proceedings*, CLI-98-12, 48 NRC at 21).

⁴⁵ See Final ITAAC Hearing Procedures, 81 Fed. Reg. at 43,271.

Under the requirements from the Additional Procedures Order, a meritorious extension request would be based on the effect that COVID-19 has had on the Requestor's ability to file a timely hearing request. The first factor to be considered for any extension request is "[w]hether the requesting participant has exercised due diligence to adhere to the schedule."⁴⁶

The Requestor supports its requested extension by stating that the ITAAC hearing procedures are "unprecedented and untested" and impose "a rigorous process with very stringent requirements to become party to the proceeding."⁴⁷ The Requestor also states, "There are thousands of pages of supporting documents and almost 500 pages dedicated to the ITAAC which are at the heart of the process."⁴⁸ But these are burdens that anyone intending to intervene in an ITAAC proceeding must bear. The Commission has held that good cause for an extension requires "special circumstances," not circumstances generally applicable to those seeking to intervene.⁴⁹

Also, as described above, the NRC has taken steps to ease burdens on participants in ITAAC proceedings by (1) modeling the ITAAC hearing procedures on the existing rules of practice,⁵⁰ (2) publishing the templates for procedural orders in 2016, (3) publishing a *Federal Register* notice four months prior to the Vogtle Notice of Intended Operation informing the public of the upcoming ITAAC proceeding and how to obtain information on that proceeding and on the completion of Vogtle Unit 3 ITAAC, (4) giving a public presentation on the ITAAC hearing process at a location near the plant site on October 30, 2019, and (5) routinely providing ITAAC-

⁴⁶ Vogtle Notice of Intended Operation and Associated Orders, 85 Fed. Reg. at 8039 (Additional Procedures Order, Section II.D).

⁴⁷ Extension Request, at 3.

⁴⁸ *Id.*

⁴⁹ *Detroit Edison Co.* (Enrico Fermi Atomic Power Plant Unit 3), CLI-09-4, 69 NRC 80, 82 (2009).

⁵⁰ The Requestor should be familiar with the existing rules of practice given its participation in other NRC adjudicatory proceedings, as discussed on pages 3 and 4 of the Extension Request.

related information (including the licensee's ITAAC notifications) on the NRC's Vogtle Unit 3 website.

The Requestor's explanation of how COVID-19 has specifically affected, or may affect, its hearing request preparations is as follows:

Nuclear Watch South was able to identify an expert witness soon after the Notice of Opportunity for Hearing was published but has been hobbled in working towards this hearing request deadline by the unprecedented public health emergency and deep lifestyle changes imposed by the highly contagious and potentially deadly coronavirus. Social distancing has prevented our working side by side, obviously, as it is affecting almost everyone across-the-board.

The bar is set very high with the NRC's new hearing procedure and it is hard to find people to help evaluate the application because people are preoccupied with personal challenges and companies are cutting back. Nuclear Watch South's application for a hearing requires significant document review even as we all recognize and respect the importance of taking care of our own health and having to figure out how to work in isolation and from our homes. Some of us have children who are schooling from home. We hope that we are all able to remain healthy but inevitably some people may also have the burden of caring for a sick family member or friend.⁵¹

While it is desirable to work side-by-side with one's expert and with others participating in a project, the inability to do so in person does not constitute unavoidable and extreme circumstances given the availability of other technologies for working collaboratively by computer and telephone. Also, the possibility of future illness does not justify an extension of time now.

The Staff acknowledges that some of the burdens cited by the Requestor might merit some relief, but these are so generally stated that it is difficult to determine how much relief is appropriate in light of the strict schedule set out for this proceeding. The Requestor states that "it is hard to find people to help evaluate the application because people are preoccupied with personal challenges and companies are cutting back."⁵² The Requestor also states that "[s]ome

⁵¹ Extension Request, at 4.

⁵² *Id.*

of us have children who are schooling from home.”⁵³ The Staff agrees that these burdens on those already working on the hearing request effort have been caused by circumstances beyond their control, but the degree of burden is difficult to discern, and the Requestor does not clearly state that it is unable to file by the April 13, 2020 deadline. The hearing request period was at its halfway point when the President declared a national emergency. Moreover, the Final ITAAC Hearing Procedures state that “a significant number of ITAAC notifications should be available well before the notice of intended operation is published, and the NRC expects petitioners to examine such notifications before the notice of intended operation is published as part of their preparations for the ITAAC hearing process.”⁵⁴ Of the 407 ITAAC notifications listed in the April 2, 2020 ITAAC Status Report for Vogtle Unit 3, 10 notifications are from 2020, 176 are from 2019, and the remaining 221 are from 2018 or earlier; a large volume of relevant documents, therefore, has long been available to the Requestor.⁵⁵

Therefore, the Requestor has not justified the uncertain and lengthy extension requested, and it is difficult to discern whether a more limited extension of time is warranted. However, recognizing the unusual circumstances surrounding this proceeding, the Staff would not object to a week-long extension of the hearing request deadline to balance the schedule imperatives of the Vogtle Unit 3 ITAAC proceeding with the burden of transitioning to unfamiliar ways of accomplishing work.

CONCLUSION

The Staff acknowledges the major impacts COVID-19 has had on the United States. However, the Staff opposes the Requestor’s request for an extension of the February 24, 2020

⁵³ *Id.*

⁵⁴ Final ITAAC Hearing Procedures, 81 Fed. Reg. at 43,270.

⁵⁵ ITAAC Status Report, <https://www.nrc.gov/reactors/new-reactors/new-licensing-files/vog3-icnsr.pdf>. These results are based on the ADAMS Accession Numbers for the notifications, the first two digits for which indicate the year the notification was entered into the ADAMS system after it was received by the NRC.

deadline for requesting access to SUNSI or SGI because the Requestor has not explained why it failed to meet this deadline. Also, the Requestor has not justified the lengthy and uncertain extension it seeks to the hearing request deadline. However, the Staff does not object to a week-long extension of time to the hearing request deadline.

Respectfully submitted,

/Signed (electronically) by/

Michael A. Spencer
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-14 A44
Washington, DC 20555-0001
(301) 287-9115
Michael.Spencer@nrc.gov

Dated at Potomac, MD,
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