

ITAAC Hearing Process Lessons Learned

Stanford Blanton

ITAAC Hearing Process

Lessons Learned



- Vogtle 3&4 had only one Petition to Intervene to assert an ITAAC contention.
- NRC denied the Petition:
 - failed to satisfy the contention admissibility standards of 10 CFR 52.103 and 2.309; and
 - failed to establish a valid Claim of Incompleteness
- NRC's Procedures for hearings on the merits of ITAAC contentions have not been tested.

ITAAC Hearing Process

Lessons Learned



- NRC published its Final Procedures for conducting hearings on ITAAC contentions on July 1, 2016.
 - Proposed procedures published for comment on April 18, 2014
 - Public meeting on specific issues on September 22, 2014
 - Interim Operation
 - Claims of Incompleteness
 - Early Publication of NOI
 - Engagement with Stakeholders and Public contributed to significant improvements to first of a kind hearing process
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ITAAC Hearing Process

Lessons Learned



- NRC Final Hearing Procedures effectively balance timeliness of resolution of contentions with robust hearing process
 - Procedures designed to resolve contentions so as not to delay fuel load
 - Took advantage of early 10 CFR 52.99(c)(3) Uncompleted ITAAC Letter
 - Licensee and Staff Engagement contributed to effective UIN process
 - UINs mirrored ITAAC Closure Notices
 - 10 CFR 52.103(a) Notice of Intended Operation up to 285 days before scheduled fuel load date
 - Added as much as 100 days of margin to hearing schedule
 - Procedures contributed to common understanding of rules of decision
 - For Admission of Contentions – Prima Facie Case
 - For Claims of Incompleteness
 - For Interim Operation
 - Procedures allow for case specific orders to tailor the process in a particular proceeding to the issues in that proceeding
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ITAAC Hearing Process

Lessons Learned



- Nuclear Watch South Contention regarding Vogtle Unit 3
 - Challenged sufficiency of information in two UINs – “Contention of Omission”
 - Commissioners evaluated the contention as Claim of Incompleteness and as a challenge to the adequacy of the UINs
 - Commissioners denied the Petition under both standards
 - Claim of Incompleteness was ruled invalid because NWS did not consult with Licensee and did not make required showing that additional information was needed to establish prima facie case
 - Contention of Omission was not admissible because NWS did not address any specific inadequacy in the UIN or the consequences of the alleged omission of information
 - Contention of Omission was essentially a challenge to 10 CFR 52.99(c)(3) and therefore inadmissible
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ITAAC Hearing Process Lessons Learned



- Publication of Final Procedures well in advance assisted in the predictability and efficiency of the hearing process.
- Stakeholder engagement in development of Final Procedures enhanced their efficiency.
- Commission faithfully applied the Procedures and the policy underlying them in resolving the sole contention in the Vogtle 3 proceeding.