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Applicant's Perspective on Mandatory Hearings

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Mandatory Hearings

- Mandatory hearings are required by Section 189.a of the Atomic Energy Act
- Required for Construction Permits, Early Site Permits (ESPs), and Combined Licenses (COLs)
- Focus on adequacy of NRC Staff review (*Vogtle*, CLI-12-02)
 - Not a *de novo* review of application
- Purpose: Must make specific safety and environmental findings
- In past, conducted by Atomic Safety and Licensing Board (ASLB)
- Recent COL mandatory hearings conducted by the Commission
 - To date, *Vogtle* (R-COLA) and V.C. Summer (S-COLA) COL mandatory hearings held

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Mandatory Hearings - ASLB

- Three-judge panel
- Extensive pre-hearing testimony
 - Detailed Q&A format
 - Approximately 200 pre-hearing questions
- Trial-type proceeding
 - Extensive examination of expert panels
- Post-hearing Findings of Fact
- 2-3 days long

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Mandatory Hearings - Commission

- Five Commissioners
- Limited pre-filed testimony
 - Staff submits SECY paper supporting mandatory hearing
 - Applicant submits high-level, Q&A format testimony
 - Approximately 30 pre-hearing questions (mostly for Staff)
- Briefing-type proceeding
 - Extensive recitation of testimony by experts
 - Some questioning by Commissioners
- Supplemental responses to in-hearing questions (~15)
- Post-hearing questions (~15-20) (majority for Staff)
- 1 ½-2 days long

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V.C. Summer COL Example

Date	Event
March 2008	COL Application submitted for 2 AP1000 units in Fairfield County, SC
February 2011	ACRS Meeting
April 2011	Final Environmental Impact Statement
August 2011	Final Safety Evaluation Report
August 19, 2011	Staff issued SECY-11-0115 supporting hearing
August 26, 2011	Notice of Mandatory Hearing
September 15, 2011	Commission Pre-Hearing Questions
September 28, 2011	Commission Scheduling Order
Sept. 27-Oct. 5, 2011	Applicant Pre-Hearing Filings
Sept. 28-Oct. 5, 2011	Staff Remaining Pre-Hearing Filings

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V.C. Summer COL Example (Continued)

Date	Event
October 12-13, 2011	Mandatory Hearing
October 20, 2011	Commission Post-Hearing Questions
October 27, 2011	Applicant and Staff Responses to Commission Post-Hearing Questions and Supplemental Responses to In-Hearing Questions
November 7, 2011	Commission Order Closing Record of Proceeding
December 2011	AP1000 Design Certification Amendment
TBD	Commission Order on Mandatory Hearing
TBD	V.C. Summer COLs Issued

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Applicant's Perspective on COL Mandatory Hearings

- Mandatory hearings unnecessary
 - Extensive resources preparing applications
 - Exhaustive Staff review
 - Other means to review the Staff's review
 - If held, then Commission-level hearing appropriate
- Resource-intensive
 - Testimony
 - Exhibits
 - Q&As
 - Hearing support (e.g., numerous experts)
 - Dry Runs/"Challenge Boards"

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Applicant's Perspective on COL Mandatory Hearings (Continued)

- Evolving process
- Shorter, more streamlined, and less resource-intensive than ESP mandatory hearings
- Good cooperation with the Staff
- Good cooperation with the Office of the Secretary on administrative issues
- Efficient electronic filing system
- Commissioners' Conference Room adequate

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Areas for Further Improvement

- Overall, effective process, but further fine-tuning possible
- SCANA Experience:
 - Issue Scheduling Order earlier
 - Per Hearing Notice, initial filings due on September 27, 2011
 - Scheduling Order issued September 28, 2011
 - Required to re-file some documents to comply with administrative requirements (e.g., exhibit numbering)
 - Identify key hearing topics earlier to allow more time to prepare presentations and testimony – reduces need to read testimony into the record and allows more time for and better focused Q&A
 - Learned of final topics on September 30, 2011
 - Filed detailed presentations on October 5, 2011

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**Areas for Further Improvement
(Continued)**

- Shorter, higher-level panel presentations with more time for Commission questions
- Shorten mandatory hearings to 1 day
 - Morning Session – Safety Issues
 - Afternoon Session –Environmental Issues
 - Shorter panel presentations
 - Many generic questions now already addressed by initial mandatory hearings (AP1000 R-COLA and first S-COLA)
- Commission guidance on expectations for applicant's written testimony
- Commission feedback on adequacy of filings for initial COL mandatory hearings
