



## RIC 2012 Mandatory Hearings at the NRC

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March 13, 2012

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### What is the Staff's Role?

- Prepare and present key staff review documents
  - Final Safety Evaluation Report (FSER)
  - Final Environmental Impact Statement (FEIS)
- Ensure hearing record supports the necessary safety and environmental findings
- Help presiding officer understand staff review
  - Technical/regulatory basis for conclusions
  - Staff review process/guidance, where relevant to demonstrating adequacy of review

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### Considerations During The Review

**Develop high-quality documents:**

- Follow applicable staff review guidance
- Show staff's independent evaluation
  - Requests for Additional Information
  - Consideration of stakeholder input (e.g., scoping, correspondence, public meetings)
  - Audit/inspection reports
  - Confirmatory analyses
- Clearly support and explain staff conclusions

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## Staff Preparations for Hearing Phase

In developing staff testimony or presentations:

- **Maintain focus on the FSER and FEIS**
- **Explain Staff Review Process**
  - Emphasize established procedures/guidance
  - Note areas where guidance was not followed (or not available)
  - Generally expect to address:
    - Novel or nonroutine issues
    - Safety issues of interest to Advisory Committee on Reactor Safeguards
    - Key environmental issues from public or other agency comments
- **Hearing Structure Depends on Presiding Officer**

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## Commission and Board Hearings: Similarities

- **Balance of safety and environmental issues**
- **Primary focus: technical soundness**
  - Spotlight on technical staff
  - Matters raised by ACRS
- **Interest in regulatory framework and post-licensing considerations**
  - License conditions, inspection, monitoring
  - Differences between Part 50 and Part 52 reactor licensing regime
- **Role for applicant**
- **Prehearing questions inform content of hearing presentations**

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## Commission and Board Hearings: Differences

- **Role of staff in identification of hearing issues**
- **Breadth of technical issues**
  - Scope of background (e.g., referenced early site permits and/or design certifications)
  - Number of witnesses
- **Inquiry into policy implications**
- **Possibility of separate safety/environmental hearings**
- **Location and scheduling**

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### Best Practices

- **Use of prehearing questions to focus hearing agenda**
  - Schedule should provide time for prehearing responses to inform content/time of presentations
- **Electronic filing and Digital Data Management System**
- **Clarity of Applicant/Staff responsibilities**
  - Expectations for prehearing questions
  - High level coordination of presentations
  - Flexibility in fielding questions at hearing

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