



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 1, 2016

SECRETARY

MEMORANDUM TO: Margaret M. Doane
General Counsel

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-15-0010 – FINAL
PROCEDURES FOR HEARINGS ON CONFORMANCE WITH
THE ACCEPTANCE CRITERIA IN COMBINED LICENSES

The Commission has approved the publication of the final procedures for hearings on inspections, tests, analyses, and acceptance criteria (ITAAC), Enclosures 1 through 6 to the paper, subject to the edits in the enclosed versions with two exceptions. The Commission has disapproved the staff's proposed approach regarding application of the reopening standards (10 CFR § 2.326(a)) and with respect to the timing of the interim operation determination (10 CFR § 52.103(c)).

Prior to publication of the final procedures, the *Federal Register* notice, the templates, and the Comment Summary Report should be further revised, as necessary, to apply the reopening standards in all circumstances after the record has closed and to reserve explicitly the flexibility for the Commission to make the adequate protection determination for interim operation, at a time of its discretion.

The staff should revise the draft *Federal Register* notice (FRN), the comment summary report, and the proposed templates to indicate that the adopted hearing procedures, which are based on subpart L, will be the presumed default procedures for ITAAC hearings, but that the Commission may, consistent with 10 C.F.R. § 2.310(j), direct that the ITAAC hearing be conducted in accordance with other procedures designated by the Commission.

The staff should develop internal implementation processes within 6 months after the ITAAC hearing procedures are finalized, and should work closely with the NRC's Personnel Security Branch of the Office of Administration and the Office of Personnel Management on the processing of SGI background checks in ITAAC hearings. Further, the staff should develop additional templates to regularize and expedite SGI background checks during the ITAAC hearing process.

Once the staff has finalized its internal procedures the staff should develop a Commissioners' Assistants Note transmitting the finalized staff procedures for the Commission's information at least 15 days prior to issuance.

The staff should continue its outreach efforts to make sure that all potential parties are aware of these procedures well in advance of the beginning of the ITAAC hearing process.

The staff should keep the public website current and continue to explore ways to make it easier for interested members of the public to identify and access uncompleted ITAAC notifications, the related ITAAC closure notifications, and other important documents such as any ITAAC-related inspection findings or ITAAC post-closure notifications required by Section 52.99(c)(2).

Upon completion of the ITAAC hearings for the Vogtle and Summer projects, if held, the staff should conduct a lessons learned review and propose changes to these procedures, as appropriate. Also, with the likelihood that there may not be another ITAAC hearing in the years immediately following those for Vogtle and Summer, if held, the staff should also document the NRC's experiences with these ITAAC hearings for the agency's knowledge management program.

Enclosures:

1. Edited version of Draft *Federal Register* Notice
2. Edited version of Template A – Notice of Intended Operation and Associated Orders
3. Edited version of Template B – Procedures for Hearings Involving Testimony
4. Edited version of Template C – Procedures for Hearings on Legal Contentions
5. Edited version of Template D – Procedures for Resolving Claims of Incompleteness
6. Edited pages of Comment Summary Report (Sections 5.E and 5.F)

cc: Chairman Burns
Commissioner Svinicki
Commissioner Ostendorff
Commissioner Baran
OGC
CFO
OCA
OPA
ODs, RAs, ACRS, ASLBP (via E-Mail)
PDR