

From: Cayetano Santos
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Subject: NRC Staff Presentation for 5-25-23 public meeting on late-filed allegations
Attachments: Public Vogtle 4 Late Filed Allegations Process_.pdf

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Vogtle Units 3&4

Vogtle Unit 4 Late-Filed Allegations (LFA) Process

**Public Meeting
May 25, 2023**

Agenda

- Why is there a *Late Filed Allegation* process for Vogtle Units 3 and 4
- NRC Policy
- Late Filed Allegation (*LFA*) Process
- Example LFA scenario
- Confidentiality and ID protection
- References
- Questions?



Why



Vogtle Units 3 and 4 are expected to be the first 10 CFR Part 52 licensed and constructed plants



A significant milestone in this process is the approval to load fuel, commonly referred to as the "52.103(g) finding"



Leading up to a 52.103(g) finding, NRC may receive allegations that would need expedited actions to evaluate impacts to a 52.103(g) finding



NRC revised its policies and guidance anticipating Late-Filed allegations and associated impacts on decisions such as the 52.103(g) finding

NRC Policy

- Ideally, all allegations concerning a particular facility will be resolved before a license is issued or operation authorized.
- However, if all allegations cannot be resolved in a timeframe consistent with reasonable and responsible NRC action because of the number or timing of allegations, it may be necessary to prioritize the resolution of allegations.
- In such cases, the staff will conduct a screening of the allegations to determine their significance to safety and their priority relative to the activity to be authorized.



Late Filed Allegation Process

The staff will:

- Determine whether the information presented is “new,” i.e., it was not previously considered or supports a previously received but not yet resolved allegation;
- Determine whether, if true, the allegations are material to the 52.103(g) finding. Allegations that are not material may be evaluated independently from the 52.103(g) finding;
- For new, material allegations, the NRC must determine whether it can make the 52.103(g) finding after considering the likelihood that the allegation is correct, potential safety or other significance, and the public interest in avoiding undue delay; and
- Prioritize consideration of allegations based on their potential impact on safety.

In some cases, information already available to the NRC may be sufficient to resolve certain allegations .

Example Scenario

Expedited timeframe (prior to 52.103(g) decision)

- NRC Headquarters Operations Officer (HOO) receives an allegation on a Saturday night 2 days before anticipated 52.103(g) determination

Expedited Staff Actions

- NRC HOO notifies RII
- RII/DCO determines if it impacts the 52.103(g) decision
- Emergency ARB convened
- Expedited actions including Request for Information (RFI)
- Verbal RFI provided to licensee with expedited response timeframe commensurate to the issue, with written RFI to follow

Licensee Actions

- Licensee may be requested to take expedited actions to respond to RFI
- In certain cases where an immediate response is requested, the response may come in phases

Confidentiality and Identity Protection

Commission Policy Statement on Confidentiality :

Agencywide policy on protecting the identity of alleged and confidential sources, including alleged who are granted confidential source status. Protecting the identities of confidential sources is a significant factor in ensuring the voluntary flow of information.

Allegations Manual:

- 4.1.b Allegation Program Identity Protection Policy: NRC will take all reasonable efforts not to disclose an alleged's identity to anyone outside the NRC. Within the NRC, identities are revealed only to those with a need to know.
- NRC practice is to neither confirm nor deny to a licensee or the public that an individual is an alleged unless disclosure is compelled.
- 4.2 Limitations on Alleged Identity Protection, e.g. circumstances that may require NRC to disclose an alleged's identity.

References

- NRC Management Directive 8.8: <https://www.nrc.gov/docs/ML1807/ML18073A206.pdf>
- NRC Allegations Manual: <https://www.nrc.gov/docs/ML1700/ML17003A227.pdf>
- Federal Register, Vol 50 No. 53, March 19, 1983 "Statement of Policy: Handling of Late Allegations"
- Vogtle Unit 3 information website <https://www.nrc.gov/reactors/new-reactors/col-holder/vog3.html>
- Vogtle Unit 4 information website <https://www.nrc.gov/reactors/new-reactors/col-holder/vog4.html>
- NRC Public Involvement website <https://www.nrc.gov/public-involve.html>



QUESTIONS