

DEADLINES FOR IMPORTANT HEARING ACTIVITIES -- 10 CFR Part 2, SUBPART G

Subpart G governs the conduct of "more formal" adjudications, including enforcement proceedings initiated under subpart B of Part 2, unless otherwise agreed to by the parties; proceedings conducted with respect to the initial licensing of a uranium enrichment facility; certain proceedings for the grant, renewal, licensee-initiated amendment, or termination of licenses or permits for nuclear power reactors; proceedings for initial applications for construction authorization for a high-level radioactive waste repository; proceedings for initial applications for a license to receive and possess high-level radioactive waste at a geologic repository; and any other proceedings as ordered by the Commission. This guide is not a replacement for the procedural regulations at 10 CFR Part 2. To the extent users rely on this guide, they do so at their own risk.

| REQUESTS FOR HEARING/PETITIONS TO INTERVENE AND RELATED FILINGS | | | |
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| Action | Deadline | Notes | Section(s) |
| Request for Hearing | <p>Within 20 days of issuance of enforcement order, licensee or the other person subject to the order files an answer to request a hearing.</p> <p>Before or concurrent with the filing of the answer requesting a hearing, the licensee or other person subject to the order may file a motion to set aside the immediate effectiveness of the order.</p> | | <p>§§ 2.202(a)–(2)–(3)</p> <p>§ 2.202(c)(2)</p> |
| Petition to Intervene | <p>If a notice is published in the <i>Federal Register</i>, within the specified time (must be at least 60 days after publication), or if no time is specified, within 60 days of publication of the proposed agency action or notice of hearing.</p> <p>If a notice is not published in the <i>Federal Register</i>, not later than the latest of 60 days after publication of notice on the NRC Web site, http://www.nrc.gov/what-we-do/regulatory/adjudicatory/hearing-license-applications.html, or 60 days after the requester received the actual notice of a pending application, but not more than 60 days after agency action on the application.</p> | Include standing and contentions. | § 2.309(a)–(b) |
| Answer | Filed within 25 days of request for hearing. | Address factors in § 2.309(a)–(g). | § 2.309(h)(1) |
| Reply to Answers | Filed within 7 days of answer to request for hearing. | | § 2.309(h)(2) |
| Decision on Request for Hearing/Petition for Intervention | Issued within 45 days of filing of answers or replies to answers absent Commission extension. | | § 2.309(i) |
| NRC ACTIONS | | | |
| Action | Deadline | Notes | Section |
| NRC response to motion to set aside immediate effectiveness of an order | Within 5 days after receipt of motion to set aside the immediate effectiveness of the order. | | § 2.202(c)(2) |
| NRC Staff Discovery Disclosures | Made within 30 days of order granting request for hearing. | | § 2.336(b) |
| Discovery Against NRC Staff | | Requests must be filed with the presiding officer. | §§ 2.709, 2.390 |

| DISCOVERY OF PARTIES | | | |
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| Action | Deadline | Notes | Section |
| Initial Mandatory Disclosures | Made within 45 days of prehearing conference order. | Names of individuals likely to have discoverable information and documents or things relevant to disputed issues. Ongoing duty to supplement. | § 2.704(a) |
| Disclosure of Experts | Made at least 90 days before commencement of the hearing. | Accompanied by written report. | § 2.704(b) |
| Pretrial Disclosures | Made at least 30 days before commencement of the hearing. | Witnesses and documents or exhibits expected to be presented at hearing. | § 2.704(c) |
| Additional Discovery Methods | <p>A party may not seek discovery before the parties have conferred in the discovery meeting.</p> <p>Within 10 days of service of written interrogatories on a deponent, any party may serve cross-interrogatories.</p> <p>Within 14 days of service of interrogatories on a party, the party must serve answers and objections.</p> <p>Within 30 days of service of a request for production of documents or things or for permission to enter upon land, the party served must serve a written response.</p> <p>Within 10 days of service of a request for admission, the party served must serve a response denying or objecting, or the admission is considered to be made.</p> <p>The parties may not seek discovery after the time limit established in the scheduling order.</p> | Depositions upon oral examination and written interrogatories; interrogatories to parties; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; and requests for admission. | §§ 2.705–2.708 |
| Discovery Meeting & Plan | Parties must meet no more than 30 days after prehearing conference order to develop a discovery plan. Must submit to the presiding officer a written plan within 10 days of the meeting. | | § 2.705(f) |
| Motions to Compel | Filed within 10 days after a party fails to respond to a request for production of documents, answers to interrogatories, or inspection request. | | §§ 2.705(h), 2.323 |
| PREHEARING CONFERENCES | | | |
| Action | Deadline | Notes | Section |
| Prehearing Conferences | Required for nuclear power reactor construction permit and operating license proceedings; in those types of proceedings, within 60 days of completion of discovery. | | §§ 2.319(j), 2.329(a) |
| Objection to Prehearing Conference Order | Within 5 days after service of prehearing conference order. | | § 2.329(e) |
| Scheduling Order | | | § 2.332 |

| SUMMARY DISPOSITION | | | |
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| Action | Deadline | Notes | Section |
| Motions for Summary Disposition | Submitted no later than 20 days after the close of discovery. | | § 2.710(a) |
| Answer | Filed within 20 days after service of the motion for summary disposition. | | § 2.710(a) |
| Reply to Answers | Filed within 10 days of service of answer. | | § 2.710(a) |
| Determination on Summary Disposition | Order issued no later than 40 days after responses to the summary disposition motion are filed. | | § 2.710(e) |
| ORAL HEARING | | | |
| Action | Deadline | Notes | Section |
| Direct Testimony of Witnesses* | Served at least 15 days before the session at which testimony is to be presented. | Submit in written form. | § 2.711(b) |
| Cross Examination Plan* | Filed in accordance with the date set by the scheduling order. | Include brief description of the issues, objectives, and proposed line of questioning. * In enforcement hearings, these provisions do not restrict the form and or manner of direct testimony and cross-examination, at the discretion of the presiding officer. § 2.711(d). | § 2.711(c) |
| FINDINGS AND INITIAL DECISION | | | |
| Action | Deadline | Notes | Section |
| Proposed Findings of Fact and Conclusions of Law | The party who has the burden of proof, within 30 days after the record is closed. Other parties may file within 40 days after the record is closed. | Include briefs and a proposed form of order or decision. Failure to file may result in default. | § 2.712(a)–(b) |
| Initial Decision Issued | Unless the Commission directs the record to be certified without an initial decision under § 2.713(b), the presiding officer shall render an initial decision. The initial decision constitutes the Commission’s final action 40 days after its date of issuance unless any party petitions for Commission review, or the Commission takes review <i>sua sponte</i> . | In writing and based only upon information in the record or facts. Will include the time within which a petition for review and answers thereto may be filed and the date that the decision may | §§2.713(a)–(b), 2.340(b) |

| MOTIONS, STAYS AND REQUESTS FOR RECONSIDERATION | | | |
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| Action | Deadline | Notes | Section |
| Motions (generally) | Made no later than 10 days after the occurrence or circumstance from which the motion arises. | Must include certification of attorney/representative that movant has made a sincere effort to resolve the issues raised in the motion. | § 2.323(a) |
| Answers to Motions | Within 10 days of service of written motion. | | § 2.323(c) |
| Motion for Reconsideration | Within 10 days of action for which reconsideration is requested. | 10 page limit. | § 2.323(e) |
| Stay Motion/Petition for Reconsideration | Within 10 days of service of a decision or action of a presiding officer. | Concise; 10 page limit, exclusive of affidavits. | §§ 2.342(a), 2.345(a)(1) |
| Answer Supporting Stay Motion/Petition for Reconsideration | Within 10 days of service of an application for stay or motion for reconsideration. | Concise; 10 page limit, exclusive of affidavits. | §§ 2.342(d), 2.345(b) |
| APPELLATE REVIEW | | | |
| Action | Deadline | Notes | Section |
| Interlocutory Appeal of Rulings on Requests for Hearing/Petitions to Intervene and Selection of Hearing Procedures | Within 10 days of the service of an order of the presiding officer or of the Atomic Safety and Licensing Board. | Initiated by filing a notice of appeal and supporting brief. | § 2.311 |
| Appeal From Full/Partial Initial Decision | Within 15 days of service of a full/partial decision of a presiding officer. | Concise; 25 page limit. | § 2.341(b)(1) |
| Answer Supporting or Opposing Commission Review | Within 10 days of service of a petition for review. | Concise; 25 page limit. | § 2.341(b)(3) |
| Reply to Answer Supporting or Opposing Commission Review | Within 5 days of service of any answer. | Concise; 5 page limit. | § 2.341(b)(3) |
| Commission <i>Sua Sponte</i> Review | Within 40 days after the date of the decision or action by the presiding officer or within 40 days after service of a petition for review, whichever is greater. | | §§ 2.713(a), 2.341(a)(2) |