NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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NRC REVISES RULES GOVERNING CONDUCT OF HEARINGS

The Nuclear Regulatory Commission is revising its regulations governing the conduct of hearings to make them more effective, efficient and understandable to the public.

The revisions retain formal trial-type proceedings for enforcement actions, the construction and operation of uranium enrichment facilities, the initial authorization hearings on whether to construct a potential high-level waste repository, and the initial authorization hearings on whether to receive and possess high-level waste at a repository. Either informal or formal proceedings could be used in all other proceedings, including applications to build new power plants, depending on specific issues in those proceedings. Formal proceedings may also be used to resolve specific issues involving disputes over the credibility of an eyewitness, or issues of motive or intent of an eyewitness or party.

Revisions to NRC's rules of practice for domestic licensing proceedings and issuance of orders (Part 2 to Title 10 of the Code of Federal Regulations) include a new Subpart C. It consolidates in one subpart the general hearing procedures that would apply to all NRC adjudications, including those procedures that would govern rulings on requests for hearings or petitions to intervene and admission of contentions in every case. In addition, the new Subpart C establishes criteria for determining the specific hearing process/procedure or track to be used in particular cases, and provides for document disclosure in all proceedings.

Other portions of the final rule contain a revised Subpart G for more formal trial-type proceedings, a substantially revised Subpart L to provide less formal hearing procedures to cover most NRC adjudicatory proceedings and a new Subpart N that provides "fast track" proceedings to be used in simple cases when the oral hearing can be completed within two days. The final rule also requires most proceedings to be conducted by an Atomic Safety and Licensing Board, or an administrative law judge.

A proposed rule on this subject was published in the *Federal Register* in April of 2001. The NRC received more than 1,430 public comments from individuals, public interest groups and the industry. Commission consideration of the comments has led to changes in the final rule.

The final rule will become effective 30 days after publication in the *Federal Register*.

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