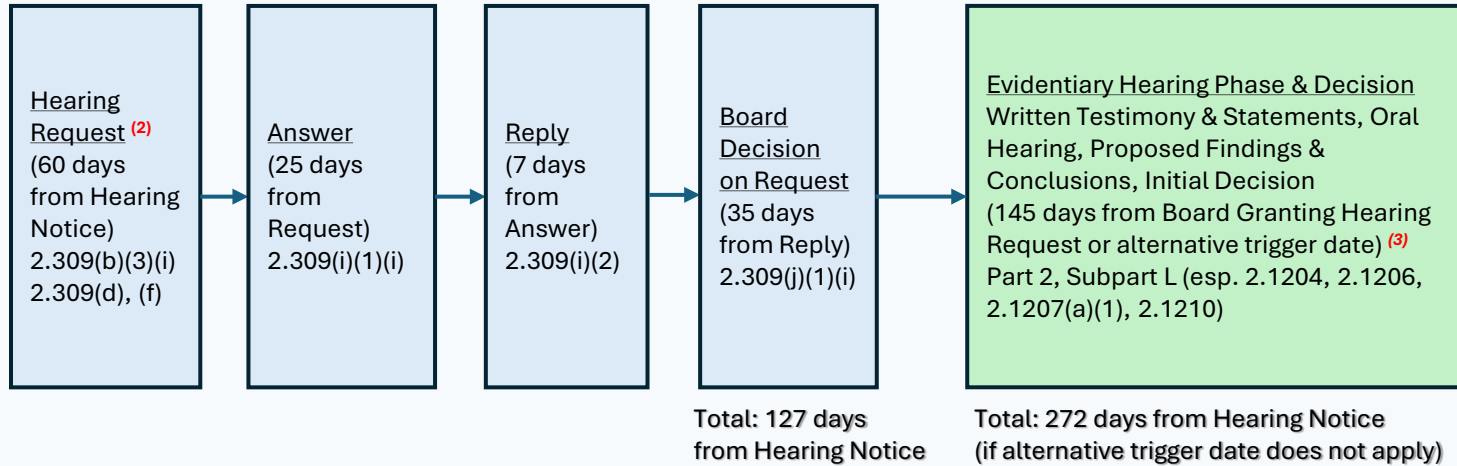


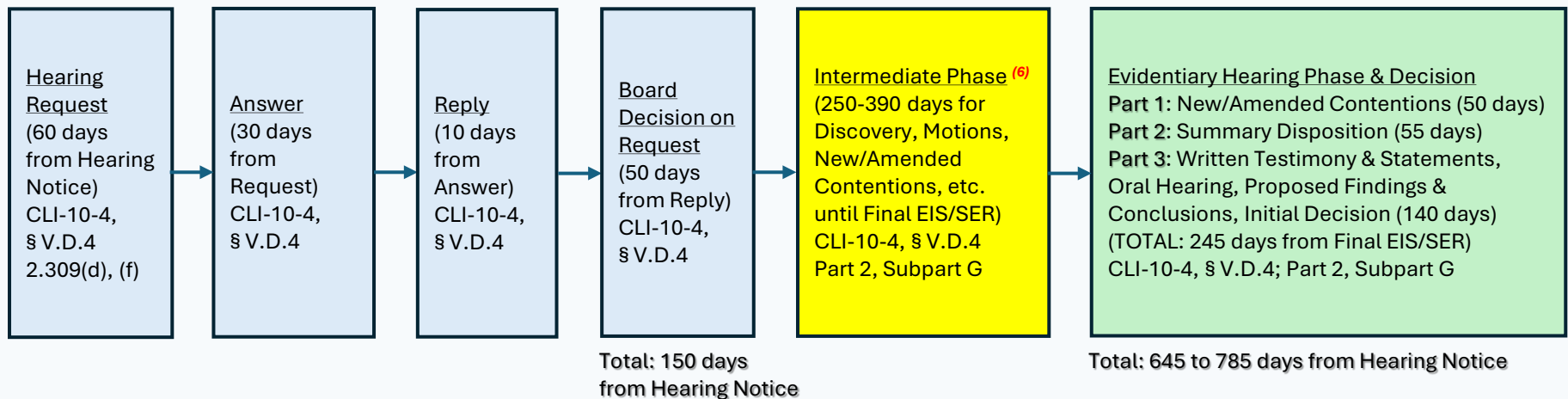
# Proposed Vs. Current Hearing Process – Enrichment Reviews

## Proposed Requirements for 18-Month Reviews for Initial License for Enrichment Facility (Formal Hearing under Subpart L) <sup>(1)</sup>



## Current Requirements for 18-Month Reviews for Initial License for Enrichment Facility

### (Formal Hearing, Requirements from Commission Order CLI-10-4 Applied to Paducah Laser Enrichment Application Review Schedule) <sup>(4, 5)</sup>



# Proposed Vs. Current Hearing Process – Enrichment Reviews

## Primary Changes Made by Proposed Rule to Proceedings on Initial Enrichment Licenses

1. Intermediate Phase eliminated where practicable.
2. Much shorter Evidentiary Hearing Phase.
3. Shorter deadlines that are strictly upheld.
4. Uses Subpart L, not Subpart G.
5. Reopening criteria in 10 CFR 2.326 apply after Standard Record Closure Date (SRCD). The SRCD is the standard date for completing an initial evidentiary hearing if there are no delays in the process (i.e., filings and decisions are made by deadlines and initial evidentiary hearing begins immediately after contentions are admitted per proposed 10 CFR 2.332(d)).
6. Reduction in discovery burden.

## Timeline Notes

### Notes for Proposed Requirements Contested Hearing Process:

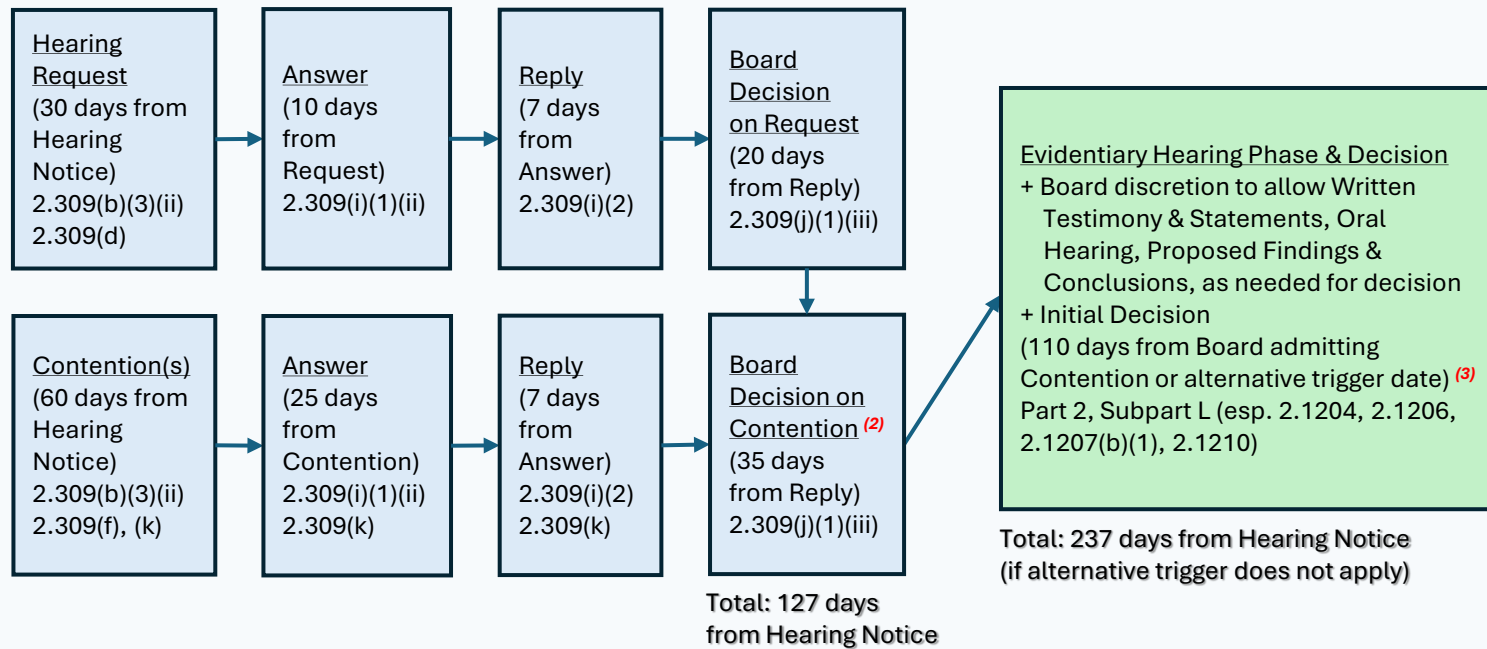
- (1) Extraordinary circumstances necessary to extend Hearing Request Phase. Unavoidable and extreme circumstances necessary to extend Evidentiary Hearing Phase.
- (2) For proceedings on Initial Enrichment Licenses, the Hearing Request must show standing and include an admissible contention to be granted, the same as under current requirements.
- (3) Evidentiary Hearing Phase begins immediately after a contention is admitted unless certain 10 CFR 2.332(d) criteria are met that warrant a delay (i.e., NRC staff or applicant seek to dismiss a contention without a hearing, NRC staff decides to participate as a party but not yet able to take final positions on matters in controversy).

### Notes for Current Requirements Contested Hearing Process:

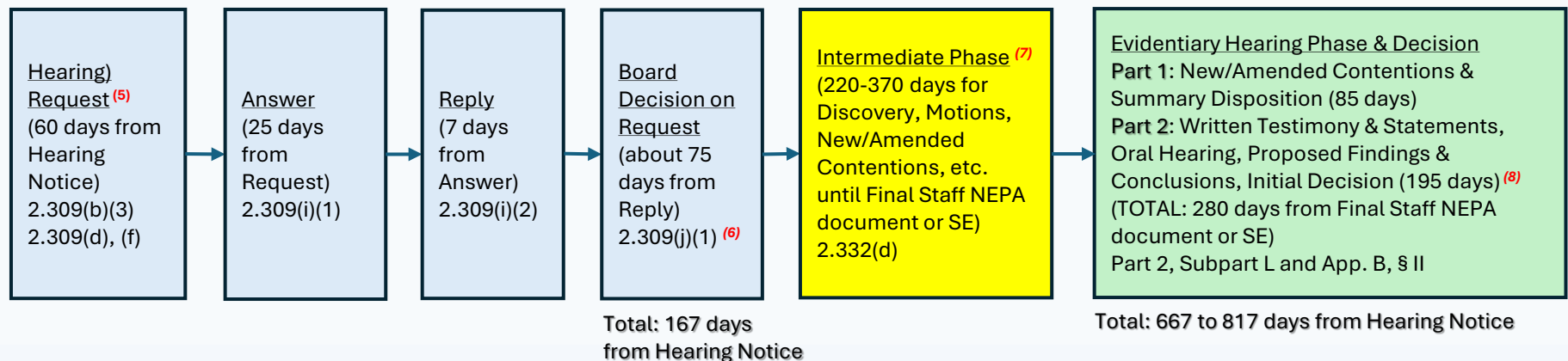
- (4) There are no strict deadlines in the current requirements for completing any phase of the hearing process.
- (5) Uranium enrichment proceedings in recent decades have been subject to case-specific orders. The procedures cited here are from Commission order CLI-10-4, which includes requirements in place prior to Executive Order (EO) 14300.
- (6) An Intermediate Phase exists under current requirements because hearings do not begin until issuance of the Final environmental impact statement (EIS) for environmental contentions or the Final safety evaluation report (SER) for safety contentions. To isolate the effect of the proposed rule from the effect of review schedule initiatives under EO 14300, this timeline applies pre-EO-14300 procedures to the post-EO-14300 18-month review schedule for the Paducah Laser Enrichment Application.

# Proposed Vs. Current Hearing Process – 18-Month Reviews

## Proposed Requirements for 18-Month Reactor and Materials License Reviews (Not Initial Enrichment License) (Informal Hearing under Subpart L) <sup>(1)</sup>



## Current Requirements for 18-Month Reactor and Materials License Reviews (Not Initial Enrichment License) <sup>(4)</sup> (Informal Hearing under Subpart L Applied to Long Mott Power Reactor Construction Permit Review Schedule)



# Proposed Vs. Current Hearing Process – 18-Month Reviews

## Primary Changes Made by Proposed Rule to Proceedings with 18-Month Reviews (Not Initial Enrichment License)

1. Hearing Request determination based on standing, not contention admissibility. Contentions are filed and considered separately. Licensing Board will rule on proposed contentions only if Hearing Request is granted.
2. Intermediate Phase eliminated where practicable.
3. Much shorter Evidentiary Hearing Phase, and Licensing Board has flexibility in structuring it.
4. Shorter deadlines that are strictly upheld.
5. Litigants file additional merits information in initial filings (10 CFR 2.309(k)).
6. Reopening criteria in 10 CFR 2.326 apply after Standard Record Closure Date (SRCD). The SRCD is the standard date for completing an initial evidentiary hearing if there are no delays in the process (i.e., filings and decisions are made by deadlines and initial evidentiary hearing begins immediately after contentions are admitted per proposed 10 CFR 2.332(d)).
7. Reduction in discovery burden.

## Timeline Notes

### **Notes for Proposed Requirements Contested Hearing Process:**

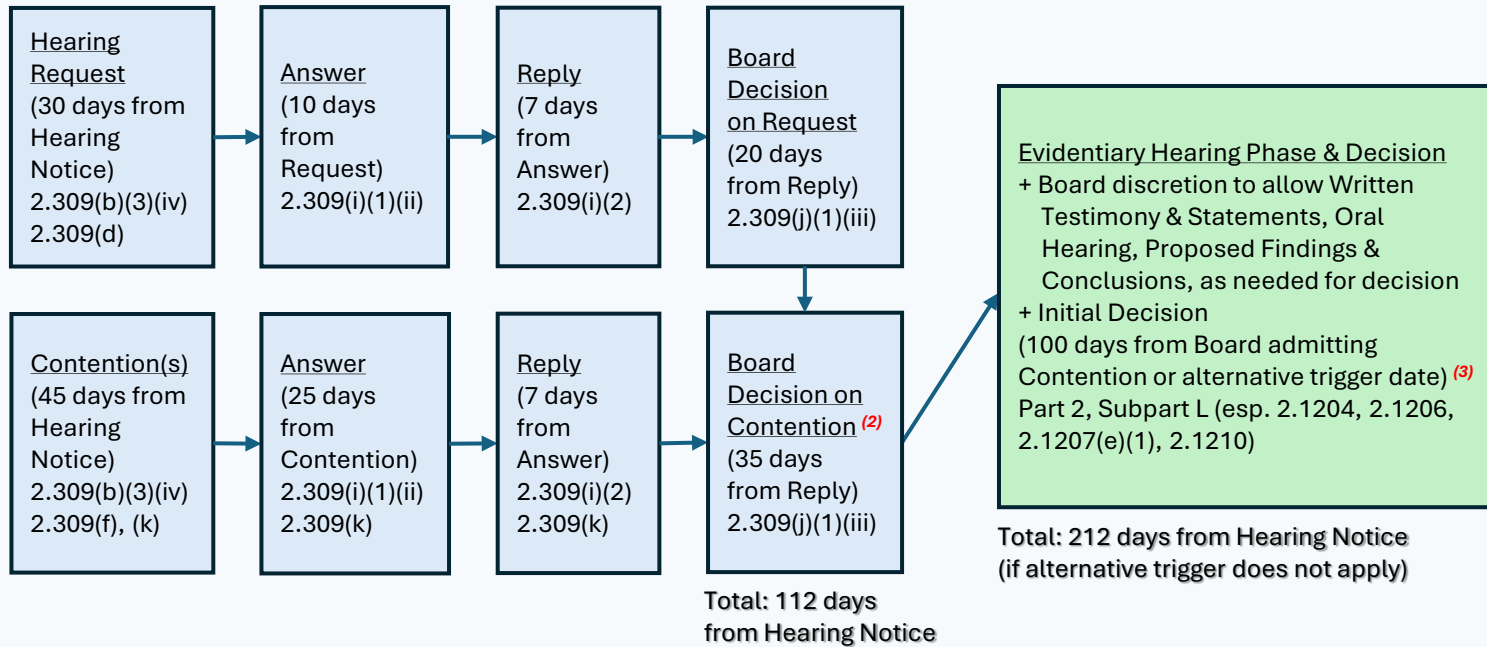
- (1) Extraordinary circumstances necessary to extend Hearing Request Phase. Unavoidable and extreme circumstances necessary to extend Evidentiary Hearing Phase.
- (2) Licensing Board will decide contention admissibility only if Hearing Request has been granted based on a demonstration of standing.
- (3) Evidentiary Hearing Phase begins immediately after a contention is admitted unless certain 10 CFR 2.332(d) criteria are met that warrant a delay (i.e., NRC staff or applicant seek to dismiss a contention without an Evidentiary Hearing or the NRC staff decides to participate as a party but is not yet able to take final positions on matters in controversy).

### **Notes for Current Requirements Contested Hearing Process:**

- (4) There are no strict deadlines in the current regulations for completing any phase of the hearing process.
- (5) Under current requirements, a Hearing Request must show standing and include an admissible contention to be granted.
- (6) This 75-day period reflects time for a pre-hearing conference (oral argument), which is held about 30 days after the filing of the Reply on average.
- (7) The Intermediate Phase lasts until completion of the Staff NEPA review for environmental contentions or the Staff safety evaluation (SE) for safety contentions. To isolate the effect of the proposed rule from the effect of other initiatives under EO 14300, this timeline applies pre-EO-14300 procedures to the post-EO-14300 18-month review schedule for the Long Mott power reactor construction permit application.
- (8) This schedule assumes a 15-day period for conducting the oral hearing, correcting transcripts, and closing the hearing record.

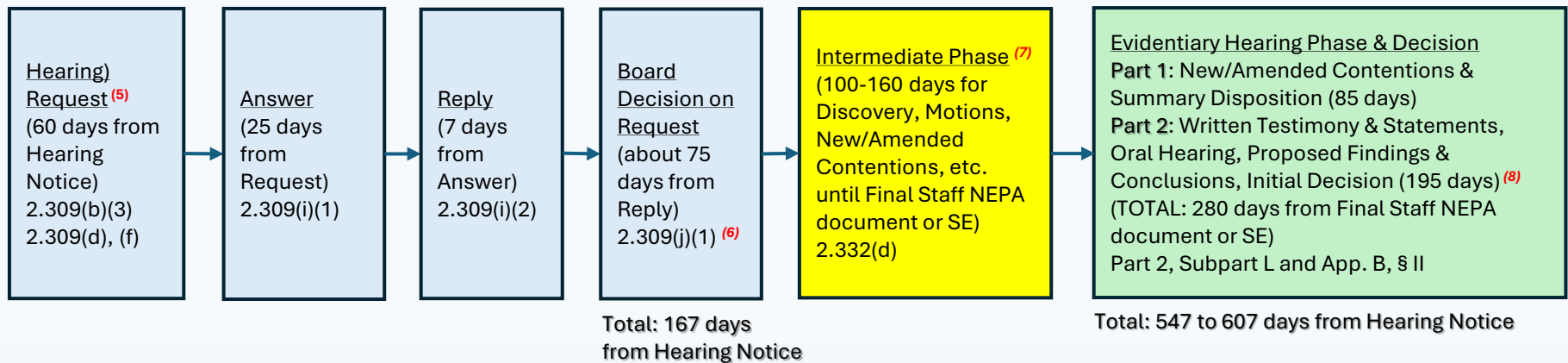
# Proposed Vs. Current Hearing Process – 1-Year Reviews

## Proposed Requirements for 1-Year Reactor and Materials License Reviews (Informal Hearing under Subpart L) <sup>(1)</sup>



## Current Requirements for 1-Year Reactor and Materials License Reviews <sup>(4)</sup>

(Informal Hearing under Subpart L Applied to Hatch Power Reactor Subsequent License Renewal Review Schedule)



# Proposed Vs. Current Hearing Process – 1-Year Reviews

## Primary Changes Made by Proposed Rule to Proceedings with 1-Year Reviews

1. Hearing Request determination based on standing, not contention admissibility. Contentions are filed and considered separately. Licensing Board will rule on proposed contentions only if Hearing Request is granted.
2. Intermediate Phase eliminated where practicable.
3. Much shorter Evidentiary Hearing Phase, and Licensing Board has flexibility in structuring it.
4. Shorter deadlines that are strictly upheld.
5. Litigants file additional merits information in initial filings (10 CFR 2.309(k)).
6. Reopening criteria in 10 CFR 2.326 apply after Standard Record Closure Date (SRCD). The SRCD is the standard date for completing an initial evidentiary hearing if there are no delays in the process (i.e., filings and decisions are made by deadlines and initial evidentiary hearing begins immediately after contentions are admitted per proposed 10 CFR 2.332(d)).
7. Reduction in discovery burden.

## Timeline Notes

### **Notes for Proposed Requirements Contested Hearing Process:**

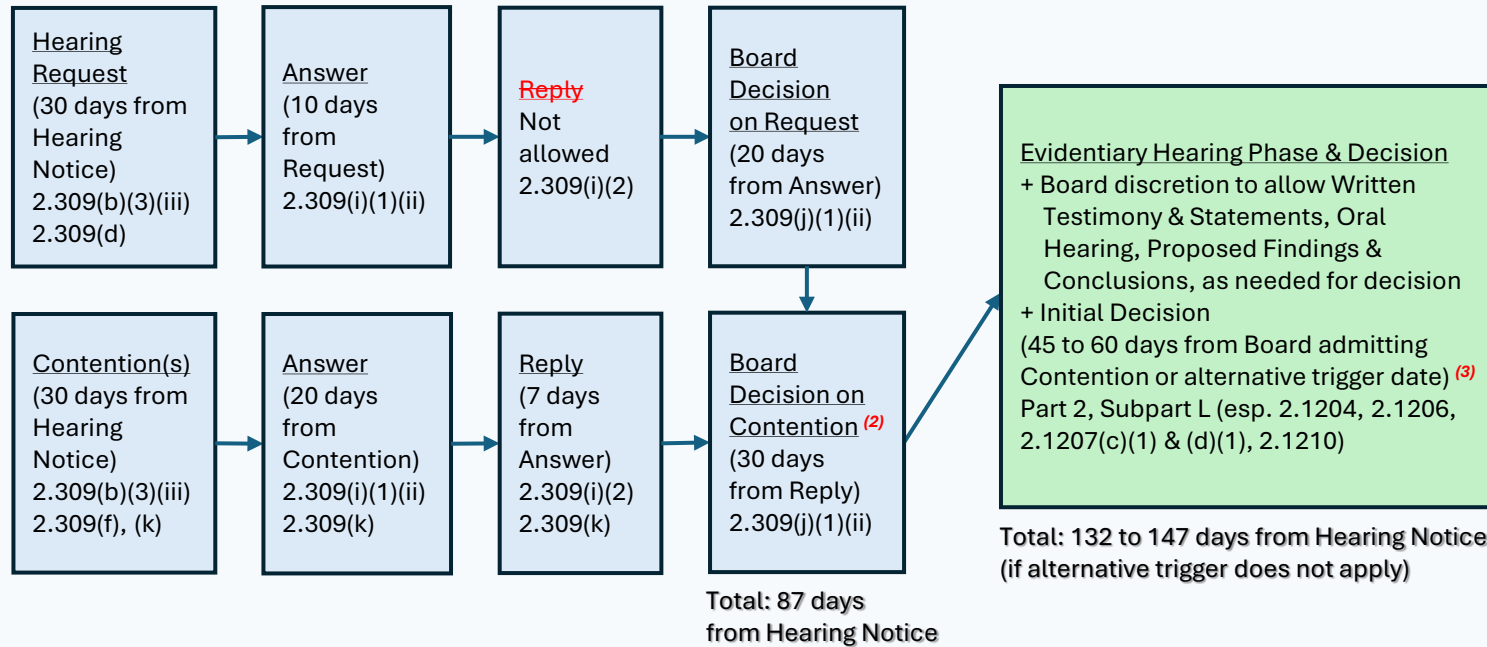
- (1) Extraordinary circumstances necessary to extend Hearing Request Phase. Unavoidable and extreme circumstances necessary to extend Evidentiary Hearing Phase.
- (2) Licensing Board will decide contention admissibility only if Hearing Request has been granted based on a demonstration of standing.
- (3) Evidentiary Hearing Phase begins immediately after a contention is admitted unless certain 10 CFR 2.332(d) criteria are met that warrant a delay (i.e., NRC staff or applicant seek to dismiss a contention without an Evidentiary Hearing or the NRC staff decides to participate as a party but is not yet able to take final positions on matters in controversy).

### **Notes for Current Requirements Contested Hearing Process:**

- (4) There are no strict deadlines in the current regulations for completing any phase of the hearing process.
- (5) Under current requirements, a Hearing Request must show standing and include an admissible contention to be granted.
- (6) This 75-day period reflects time for a pre-hearing conference (oral argument), which is held about 30 days after the filing of the Reply on average.
- (7) The Intermediate Phase lasts until completion of the Staff NEPA review for environmental contentions or the Staff safety evaluation (SE) for safety contentions. To isolate the effect of the proposed rule from the effect of other initiatives under EO 14300, this timeline applies pre-EO-14300 procedures to the post-EO-14300 1-year review schedule for the Hatch power reactor subsequent license renewal application.
- (8) This schedule assumes a 15-day period for conducting the oral hearing, correcting transcripts, and closing the hearing record.

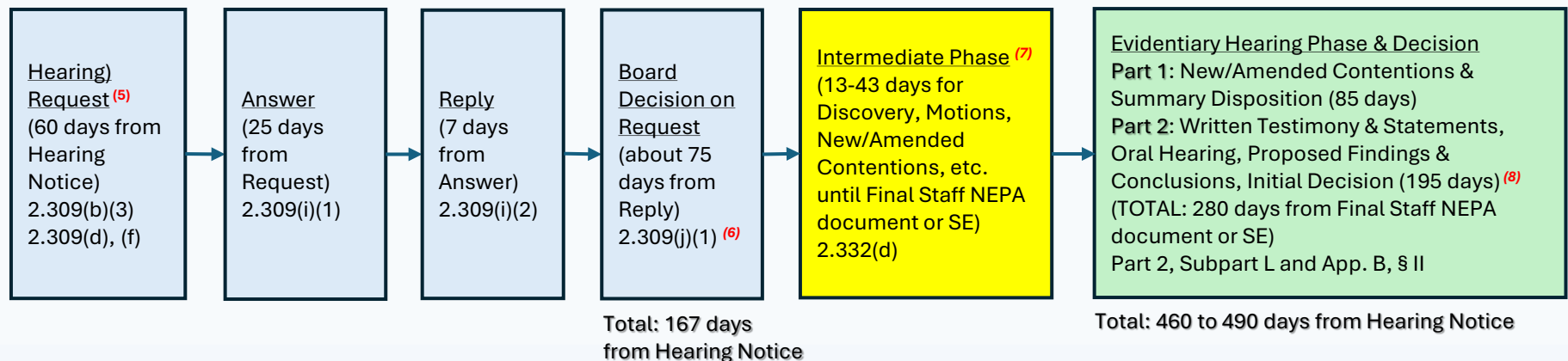
# Proposed Vs. Current Hearing Process – Highly Expedited Reviews

## Proposed Requirements for Highly Expedited Reviews (Informal Hearing under Subpart L) <sup>(1)</sup>



## Current Requirements for Highly Expedited Reviews <sup>(4)</sup>

(Informal Hearing under Subpart L Applied to 6-month and 7-month NEIMA Milestones Schedules for Certain Highly Expedited Proceedings)



# Proposed Vs. Current Hearing Process – Highly Expedited Reviews

## Primary Changes Made by Proposed Rule to Proceedings with Highly Expedited Reviews

1. Hearing Request determination based on standing, not contention admissibility. Contentions are considered separately. Licensing Board will rule on proposed contentions only if Hearing Request is granted.
2. Intermediate Phase eliminated where practicable.
3. Much shorter Evidentiary Hearing Phase, and Licensing Board has flexibility in structuring it.
4. Shorter deadlines that are strictly upheld.
5. Litigants file additional merits information in initial filings (10 CFR 2.309(k)).
6. Reopening criteria in 10 CFR 2.326 apply after Standard Record Closure Date (SRCD). The SRCD is the standard date for completing an initial evidentiary hearing if there are no delays in the process (i.e., filings and decisions are made by deadlines and initial evidentiary hearing begins immediately after contentions are admitted per proposed 10 CFR 2.332(d)).
7. Reduction in discovery burden.

## Timeline Notes

### Notes for Proposed Requirements Contested Hearing Process:

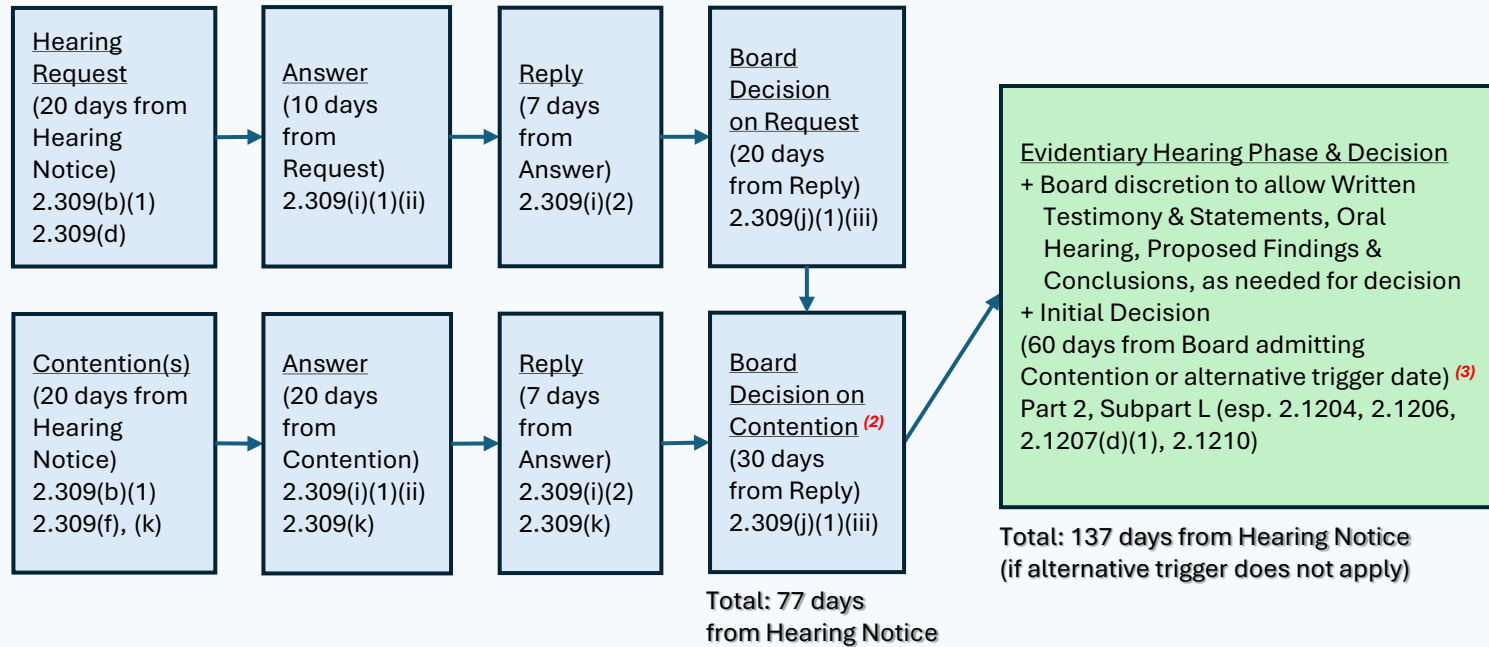
- (1) Extraordinary circumstances necessary to extend Hearing Request Phase. Unavoidable and extreme circumstances necessary to extend Evidentiary Hearing Phase.
- (2) Licensing Board will decide contention admissibility only if Hearing Request has been granted based on a demonstration of standing.
- (3) Evidentiary Hearing Phase begins immediately after a contention is admitted unless certain 10 CFR 2.332(d) criteria are met that warrant a delay (i.e., NRC staff or applicant seek to dismiss a contention without an Evidentiary Hearing or the NRC staff decides to participate as a party but is not yet able to take final positions on matters in controversy).

### Notes for Current Requirements Contested Hearing Process:

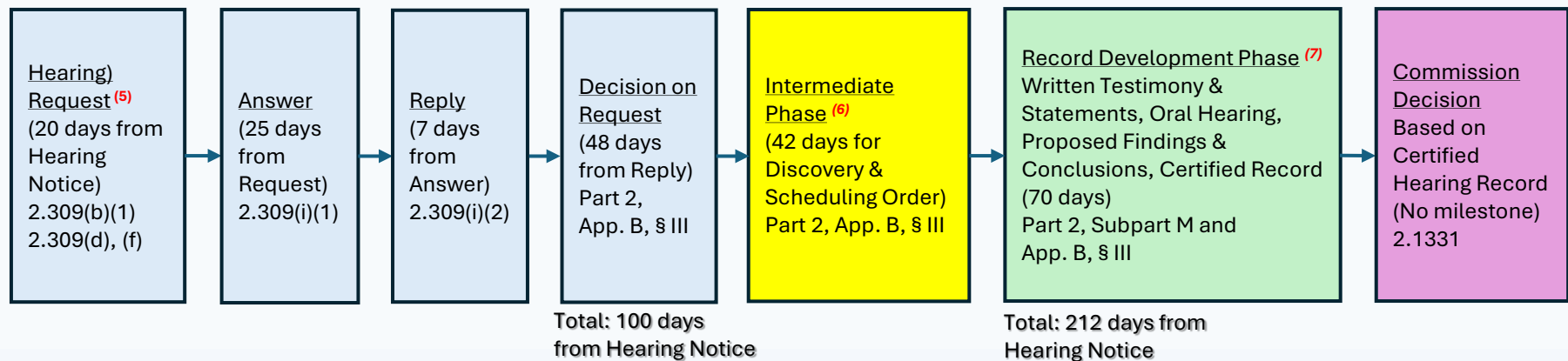
- (4) There are no strict deadlines in the current regulations for completing any phase of the hearing process.
- (5) Under current requirements, a Hearing Request must show standing and include an admissible contention to be granted.
- (6) This 75-day period reflects time for a pre-hearing conference (oral argument), which is held about 30 days after the filing of the Reply on average.
- (7) The Intermediate Phase lasts until completion of the Staff NEPA review for environmental contentions or the Staff safety evaluation (SE) for safety contentions. To isolate the effect of the proposed rule from the effect of other initiatives under EO 14300, this timeline applies pre-EO-14300 procedures to the post-EO-14300 6-month and 7-month NEIMA milestones schedules for certain amendment reviews defined as highly expedited proceedings in 10 CFR 2.4.
- (8) This schedule assumes a 15-day period for conducting the oral hearing, correcting transcripts, and closing the hearing record.

# Proposed Vs. Current Hearing Process – Operating Reactor Transfer Reviews

## Proposed Requirements for Operating Reactor Transfer Reviews (Informal Hearing under Subpart L) <sup>(1)</sup>



## Current Requirements for Operating Reactor Transfer Reviews <sup>(4)</sup> (Informal Hearing under Subpart M Using Model Milestones in 10 CFR Part 2, Appendix B)



# Proposed Vs. Current Hearing Process – Operating Reactor Transfer Reviews

## Primary Changes Made by Proposed Rule to Operating Reactor Transfer Proceedings

1. Licensing Board is the presiding officer, not the Commission
2. Hearing Request determination based on standing, not contention admissibility. Contentions are considered separately. Licensing Board will rule on proposed contentions only if Hearing Request is granted.
3. Intermediate Phase eliminated where practicable.
4. Uses Subpart L, not Subpart M. Shorter Evidentiary Hearing Phase, and Licensing Board has flexibility in structuring it.
5. Shorter deadlines that are strictly upheld.
6. Litigants file additional merits information in initial filings (10 CFR 2.309(k)).
7. Reopening criteria in 10 CFR 2.326 apply after Standard Record Closure Date (SRCD). The SRCD is the standard date for completing an initial evidentiary hearing if there are no delays in the process (i.e., filings and decisions are made by deadlines and initial evidentiary hearing begins immediately after contentions are admitted per proposed 10 CFR 2.332(d)).
8. Reduction in discovery burden.

## Timeline Notes

### **Notes for Proposed Requirements Contested Hearing Process:**

- (1) Extraordinary circumstances necessary to extend Hearing Request Phase. Unavoidable and extreme circumstances necessary to extend Evidentiary Hearing Phase.
- (2) Licensing Board will decide contention admissibility only if Hearing Request has been granted based on a demonstration of standing.
- (3) Evidentiary Hearing Phase begins immediately after a contention is admitted unless certain 10 CFR 2.332(d) criteria are met that warrant a delay (i.e., NRC staff or applicant seek to dismiss a contention without an Evidentiary Hearing or the NRC staff decides to participate as a party but is not yet able to take final positions on matters in controversy).

### **Notes for Current Requirements Contested Hearing Process:**

- (4) There are no strict deadlines in the current regulations for completing any phase of the hearing process.
- (5) Under current requirements, a Hearing Request must show standing and include an admissible contention to be granted.
- (6) This Intermediate Phase schedule assumes that “the final Safety Evaluation Report (SER) is not necessary to resolve the issues to be litigated” (Part 2, App. B, § III).
- (7) The Commission is the presiding officer for transfer hearings by default but may appoint an alternative presiding officer to develop and certify a hearing record for decision by the Commission (10 CFR 2.1319(a), 2.1320(b)). The model milestones for transfer hearings assume the Commission is not the presiding officer (Part 2, App. B, § III).