

DEADLINES FOR HEARING ACTIVITIES -- 10 CFR PART 2, SUBPART M

Subpart M hearing procedures apply to proceedings for the transfer of a materials or reactor license. The Commission issues Subpart M is the only mechanism for requesting hearings on license transfer requests unless contrary, case-specific orders. Subpart M hearings can take the form of either oral hearings or hearings consisting of written comments. This guide is not a replacement for the procedural regulations in 10 CFR Part 2. To the extent users rely on this guide, they do so at their own risk.

REQUEST FOR HEARING/PETITION TO INTERVENE AND RELATED FILINGS			
Action	Deadline	Notes	Section
Request for Hearing/Petition to Intervene	Within 20 days from date of publication in the <i>Federal Register</i> .		§2.309(b)(1)
	If notice is published in the <i>Federal Register</i> , within time specified (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.	Include standing and contentions.	§ 2.309(b)(3)
	If a Federal Register notice is not published, not later than the latest of 60 days after publication of notice on the NRC's Web site, http://www.nrc.gov/what-we-do/regulatory/adjudicatory/hearing-license-applications.html , or 60 days after the requester received actual notice of a pending application, but not more than 60 days after agency action on the application.	Include standing and contentions.	§ 2.309(b)(3)
Answer	Filed within 25 days of request for hearing/petition to intervene.	At a minimum, address factors in § 2.309(a)--(g).	§ 2.309(h)(1)
Reply to Answers	Filed within 7 days of answer to request for hearing/petition to intervene.		§ 2.309(h)(2)
Decision on Request for Hearing/Petition to Intervene	Issued within 45 days of filing of answers or replies to answers (absent Commission extension).		§ 2.309(i)
WRITTEN COMMENTS			
Action	Deadline	Notes	Section
Submission	Within 30 days after public notice of receipt of application. These are comments on the license transfer application and are not the same as comments submitted as part of a Hearing Consisting of Written Comments, as described below.	Alternative to Request for Hearing/Petition to Intervene.	§ 2.1305(b)
Applicant Response	If the applicant chooses, within 10 days of service of comments upon the applicant.	Responses are not part of the decisional record.	§ 2.1305(c)
NRC ACTIONS			
Action	Deadline	Notes	Section
Notification of NRC Party Status			§ 2.1316(c)

DISCOVERY			
Action	Deadline	Notes	Section
Initial Mandatory Disclosures	Made within 30 days of order granting request for hearing/petition to intervene.	Continuing duty of disclosure.	§ 2.336(a)–(b)
PREHEARING CONFERENCES			
Prehearing Conferences	Within discretion of presiding officer.		§§ 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	As soon as practicable.		§ 2.332
SUMMARY DISPOSITION			
Action	Deadline	Notes	Section
Not Available			
ORAL HEARING			
Action	Deadline	Notes	Section
Written Initial Statements of Position, and/or Testimony	No later than 15 days before the hearing, or such other time a ordered or allowed by presiding officer of Commission.		§§ 2.1322(a)(1), 2.1323(a)
Written Response, Rebuttal Testimony, Proposed Questions	Within 20 days of service of written initial statements of position and testimony.		§ 2.1322(a)(3)
Proposed Questions Directed to Rebuttal Testimony	Within 7 days after service of rebuttal testimony.		§ 2.1322(a)(4)
Oral Hearing	Commences within 65 days of notice granting hearing.		§ 2.1322(b)
Written Post-Hearing Statements of Position	Within 20 days of the close of the hearing.		§ 2.1322(c)

HEARING CONSISTING OF WRITTEN COMMENTS			
Action	Deadline	Notes	Section
Request for Hearing Consisting of Written Comments	Within 15 days of service of notice granting hearing.	Requires unanimous consent.	§ 2.1308
Initial Written Statements of Position and Written Testimony	On date set by the presiding officer or Commission.		§ 2.1321(a)
Written Response, Rebuttal Testimony, Proposed Questions	Within 20 days of service of written initial statements of position and testimony.		§ 2.1321(b)
Proposed Questions Directed to Rebuttal Testimony	Within 7 days after service of rebuttal testimony.		§ 2.1321(b)
Written Concluding Statements of Position	Within 20 days of service of written response, rebuttal testimony, and proposed questions filed under § 2.1321(b).		§ 2.1321(c)
MOTIONS, STAYS, AND REQUESTS FOR RECONSIDERATION			
Action	Deadline	Notes	Section
Motions (generally)	Made no later than 10 days after the occurrence or circumstance from which the motion arises.	Certify that moving party has made efforts to resolve issue with other parties.	§ 2.323(a)
Answers to Motions	Within 5 days of service of written motion.		§ 2.1325(b)
Motion for Reconsideration	Within 10 days of action for which reconsideration is requested.	10 page limit.	§ 2.323(e)
Stay Petition for Reconsideration	Within 5 days of issuance of notice the NRC staff's action on the matter involved in a hearing. Within 10 days of service of a decision or action of a presiding officer.	Concise; 10 page limit, exclusive of affidavits.	§ 2.1327(a), §§ 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.	§§ 2.1327(c), 2.342(d), 2.345(b)

APPELLATE REVIEW			
Action	Deadline	Notes	Section
Interlocutory Appeals	Within 10 days of an order on a request for hearing/petition to intervene. Within 10 days of an order selecting a hearing procedure.		§ 2.311(a) § 2.311(d)
Opposition to Interlocutory Appeal	Within 10 days after service of the appeal.		§ 2.311(a)
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	Within 10 days of service of a petition for review.	Concise; 25 page limit.	§ 2.341(b)(3)
Reply to Answer	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 presiding officer or within 40 days after service of a petition for review, whichever is greater.		§ 2.341(a)(2)