

United States Nuclear Regulatory Commission
Office of Public Affairs
Washington, DC 20555
Phone 301-415-8200 Fax 301-415-2234
Internet:opa@nrc.gov

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NEW NRC RULE SETS UP STREAMLINED PROCESS FOR HEARINGS IN LICENSE TRANSFER CASES

The Nuclear Regulatory Commission has amended its regulations to set up a streamlined process for conducting hearings on requests for license transfers for either nuclear power plants or nuclear materials.

The new rule is effective upon its publication in the Federal Register, expected shortly. Its adoption is part of a broader effort to improve the effectiveness of NRC programs and procedures. Last year, the NRC handled more than 20 reactor related license transfer cases, as compared with an average of two or three annually in earlier years. The Commission believes this rule amendment will lead to more efficient handling of any hearings that are conducted on license transfer requests brought on by the deregulation of the electric industry.

Under the new regulation, hearings on license transfer applications will use informal proceedings rather than procedures resembling a courtroom trial.

This informal approach is similar to the one used for hearings on NRC import and export permit applications. The Commission believes informal hearings are especially appropriate because license transfers normally do not involve the kind of complex technical issues that historically have been dealt with in formal proceedings before a multi-discipline licensing board.

Other highlights of the new rule:

- Hearings are to be conducted so that, for routine license transfer cases, final Commission action on a requested transfer can be expected six to eight months after an application has been filed.
- The full Commission, or one or more commissioners, may preside at a hearing, or an appointed presiding officer may do so.

- Questions will be asked only by the presiding officer. There will be no cross-examination, but parties may submit recommended questions to the presiding officer.
- All parties will have the opportunity to present oral testimony.
- There will be no discovery process by which the parties seek information from each other, but a hearing docket must be available in the NRC Public Document Room containing all relevant documents and correspondence.
- The criteria for granting hearing requests are unchanged. But, as an alternative to filing an intervention petition, interested persons may submit written comments on a proposed license transfer, which the Commission will consider.

The NRC published a proposed rule on this subject for comment in September. It developed the final rule after analyzing 16 comments received, virtually all of which were favorable.

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