

NRC's process for deciding whether or not to authorize construction of a repository at Yucca Mountain, Nevada:

Estimated Timeline and Deadlines for Participants

NOTE: A schedule for NRC's HLW hearing is set forth in the NRC's regulations at 10 CFR Part 2, specifically at Appendix D. The following event and deadline dates are estimates only, based on the schedule outlined in Appendix D. These estimates assume: 1) that DOE will submit a license application at the end of June 2008; and 2) that the NRC staff can accept the application for review, and docket the application, six months later, as planned. Any changes affecting these assumptions or events not anticipated in adopting Appendix D may affect the schedule. While we highlight a number of major activities, potential participants are strongly encouraged to review the Commission's regulations and consult with counsel. Because the regulations are controlling, the following timeline is meant to be illustrative.

Certification of Compliance with NRC Document Access Rules

EVENT:

DOE Certifies that documentary material (as defined in 10 CFR 2.1001) regarding the forthcoming license application is available in NRC's Licensing Support Network (LSN) [end of December 2007]

Six months prior to submission of a license application, DOE must certify its compliance with NRC's requirements, in accordance with Sections 2.1003 and 2.1009 of 10 CFR Part 2, for making documentary material available in the Licensing Support Network (LSN).

PARTICIPANT DEADLINE:

Potential parties and interested governmental participants must certify their compliance with NRC's LSN document access requirements, in accordance with Sections 2.1003 and 2.1009, not later than 90 days after DOE makes its certification [end of March 2008].

Submission of License Application

EVENT:

DOE submits a license application for a geologic repository at Yucca Mountain to NRC [end of June 2008]

If DOE submits an LA at the end of June 2008, the NRC staff will review the application for completeness and decide whether it contains all required information and whether DOE has updated its certification that it complies with NRC's LSN requirements for documentary material. In addition, there are other requirements with which DOE must comply before the staff can accept the application for review (See Section 2.1012).

NRC Docketing Decision

EVENT:

NRC decides whether or not to accept the application for review

Within approximately 6 months (180 days) of LA submittal, the NRC staff expects to decide whether it is able to accept the application for review. If the NRC staff cannot accept the application for review, the application will be returned to DOE with explanation and instructions, as appropriate.

EVENT:

NRC docket the license application and publishes a Notice of Hearing

[late December 2008]

If the NRC staff accepts the application for review, NRC will docket the application and publish a Notice of Hearing in the *Federal Register*. The Notice will announce that the staff has accepted the application for review and that the staff's independent safety review will begin. The Notice will also include the staff's position on whether it is

practicable to adopt DOE's Final Environmental Impact Statement without further supplementation.

PARTICIPANT DEADLINE:

Potential parties may petition for leave to intervene and request a hearing. The petition for leave to intervene and request for hearing must include proposed contentions with regard to the license application. Potential parties that wish to contend that it is not practicable for NRC to adopt the DOE EIS may also file proposed contentions to that effect. Alternatively, local units of government or Tribes may request status as interested government participants. Petitions for leave to intervene or requests for interested governmental status must be filed within 30 days of the Notice of Hearing. No person may be granted party status or status as an interested governmental participant if it cannot be demonstrate "substantial and timely compliance" with NRC's document access requirements at section 2.1003 of 10 CFR Part 2 [late January, 2009].

PARTICIPANT DEADLINE:

Appendix D indicates that DOE, the NRC staff, and any other potential party or participant may file an answer to a petition to intervene and request for hearing or a petition for interested governmental participation status within approximately 25 days. [~February 2009]

PARTICIPANT DEADLINE:

Appendix D indicates that the requestor or petitioner has 7 days to respond to the answers submitted by other potential parties. [~early March 2009]

First Pre-hearing Conference and Order

EVENT:

First pre-hearing conference is held [~March 2009]

Appendix D indicates that a pre-hearing Conference may be held with parties, petitioners for intervention and interested government participants approximately 2 months after publication of the Notice of Hearing.

EVENT:

Licensing Board issues first pre-hearing conference order [~April 2009]

Appendix D indicates that the Licensing Board may issue a pre-hearing conference order approximately 3 months (100 days) after publication of the Notice of Hearing. This order may identify the participants in the hearing and the admitted contentions as well as set discovery and other hearing-related schedules.

PARTICIPANT DEADLINE:

Appendix D indicates that parties, potential parties and interested governmental participants have 10 days to appeal the first pre-hearing conference order and an additional 10 days after service of an appeal to file briefs opposing other appeals.

EVENT:

The Commission rules on appeals to the first pre-hearing conference order [~June 2009]

Appendix D indicates that the Commission may rule on appeals to the pre-hearing conference order in approximately 50 days of the order, which is five months (150 days) after publication of the Notice of Hearing.

Hearings on EIS Adoption

EVENT:

Hearings on NRC staff's adoption decision could begin as early as fall 2009.

Safety Evaluation Report

EVENT:

NRC Staff issues Safety Evaluation Report [~June 2010]

Appendix D indicates that the NRC staff will document the results of its comprehensive, independent safety review in a public Safety Evaluation Report (SER) approximately 18 months (548 days) after publication of the Notice of Hearing.

Second Pre-hearing Conference and Order

EVENT:

Second pre-hearing conference is held [~July 2010]

Appendix D indicates that a second pre-hearing conference may be held approximately 19 months (578 days) after the Notice of Hearing.

EVENT:

Licensing Board issues second pre-hearing conference order [~August 2010]

Appendix D indicates that the Licensing Board may issue a second pre-hearing conference order approximately 20 months (608 days) after publication of the Notice of

Hearing. This order may finalize the issues for any evidentiary hearings, and set schedules for submitting pre-filed testimony and conducting evidentiary hearings.

PARTICIPANT DEADLINE:

Appendix D indicates that parties and interested governmental participants have 10 days to appeal the second pre-hearing conference order and an additional 10 days to file briefs opposing other appeals. Also, 20 days from issuance of this pre-hearing conference order is the last date for parties to file motions for summary disposition. Parties have 20 days to respond to other parties' summary disposition motions.

EVENT:

Commission rules on appeals to the second pre-hearing conference order
[~October 2010]

Appendix D indicates that the Commission may rule on appeals to the second pre-hearing conference order in approximately 50 days of the order, which is approximately 22 months (658 days) after publication of the Notice of Hearing.

Evidentiary Hearings

EVENT:

Licensing Board opens hearings on license application [~December 2010]

Appendix D indicates that evidentiary hearings may start no later than 24 months (720 days) after publication of the Notice of Hearing.

EVENT:

Licensing Board issues initial decision [~August 2011]

Appendix D indicates that a Licensing Board final initial decision to deny or authorize repository construction may be issued within approximately 32 months (955 days) after publication of the Notice.

PARTICIPANT DEADLINE:

Appendix D indicates that parties and interested government participants have 10 days to petition for reconsideration, file a motion to stay the decision, or file a notice of appeal with the Commission; and an additional 10 days to respond to other parties' stay motions or petitions for reconsideration. Parties and interested governmental participants have 30 days after the filing of a notice of appeal to file a brief in support of that appeal. Any party or interested governmental participant that has not filed an appeal, may file a brief in support or opposition to another participant's appeal within 30 days after the period has expired for the filing and service of the briefs of all appellants.

Commission Review

EVENT:

Commission issues final decision [~January 2012]

Appendix D indicates that a final Commission decision may be issued within approximately 3 years after publication of the Notice of Hearing.