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## COMMISSION MEETINGS/HEARINGS

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### GOVERNMENT IN THE SUNSHINE ACT

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The Government in the Sunshine Act (PL 94-409) requires the collegial agencies of the Federal Government, including the NRC, to open meetings of their Commissioners to public observation except where the subject matter falls within one of the specific categories of exemption. The law is based on the premise that "the public is entitled to the fullest practicable information regarding the decision-making process of the Federal Government." The Government in the Sunshine Act applies to meetings of at least a quorum of Commissioners where deliberations determine or result in the joint conduct or disposition of official Commission business. This Chapter describes procedures for Commission meetings which are governed by the Sunshine Act, and briefly covers the scope of Non-Sunshine Act discussions.

The Act favors open meetings. An agency, however, is allowed to close a meeting or portions of a meeting or to withhold information about a meeting or portions of a meeting if the agency determines that the meeting or portions thereof, if opened, or the information, if released, would likely disclose exempted information protected from disclosure under one or more of the 10 exemptions authorized by the Act. A list of these exemptions is contained in 10 CFR Part 9. Determinations to close a meeting require a recorded majority vote of the entire Commission membership.

The Act further requires NRC and similar agencies to publicly announce, at least one week prior to each meeting, its time, place, and subject matter, and whether it is to be open or closed. The agency can provide less than 7 calendar days notice of a meeting, provided a majority of the Commission membership determines by recorded vote "that agency business requires" less notice.

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### DEVELOPMENT OF COMMISSION SCHEDULE

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1. SECY prepares weekly a schedule of Commission meetings from an assessment of the following considerations:
  - a. a projection of anticipated meeting subjects from the EDO;
  - b. projections and requirements known to SECY;

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- c. input from Commissioners, OGC, OCA, OIP, CFO;
  - d. availability of Commissioners;
  - e. readiness of affirmation items;
  - f. requests for meetings with the Commission by outside agencies or organizations; and
  - g. requests for a meeting by any Commissioner.
2. First priority is given to the scheduling of meetings, principally at 9:30 a.m. and 1:30 p.m., on days when all Commissioners are available. When only the staff will be making a presentation, the meeting will generally be scheduled for 1-1/2 hours. When the Commission determines that it would be useful and practical to obtain additional information or views from outside stakeholders, the meeting time would be extended to 2 hours, or longer. However, meetings expected to last longer than 2 hours may be divided into two sessions.
3. Factors such as holidays, Congressional hearings, availability of staff, and the conflicting schedules of individual Commissioners influence the dates and times available for meetings. As part of the data-gathering process, Commissioners' staffs enter individual travel and leave plans and other appointment information of each Commissioner into an on-line automated calendaring system which provides an integrated daily schedule of Commissioner availability.
4. SECY meets at pre-agenda sessions with the Chairman, and representatives of OGC, EDO, and OCA. SECY also informs the Executive Assistants from each Commissioner's office on the agenda prior to an Agenda Planning Session. SECY provides a proposed Commission schedule with a minimum of 7 planning weeks. The results of the meeting form the basis for the Chairman's proposed agenda to the other Commissioners.
5. The schedule, as approved by the Chairman, is reviewed and approved by the Commission at Agenda Planning Sessions (normally held at least once a month) conducted by the Chairman. Commissioners and/or their representatives and representatives from EDO, OGC, SECY, OCA, and OPA, normally attend and participate as appropriate. In recognition of the collegial process, an individual Commissioner's request that a meeting be scheduled will be granted unless a majority of the Commission disapproves the request. The approved schedule for the subsequent 6 week period is published by SECY and given wide circulation to the Headquarters and Regional Offices. A summary of the schedule for a 6 week

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period is also released to the *Federal Register* for publication and posted to the NRC Home Page on the World Wide Web. The Commission will cancel announced meetings only when required by extraordinary circumstances and will provide as much notice as feasible in the event of a cancellation.

6. In addition, the Secretary includes in the Commission's agenda scheduling package a listing of projected future meetings, projected and completed Commissioner visits to nuclear power plants and other facilities, schedules of emergency planning exercises, and a 12 month projection of Commissioners' travel and leave.

7. **Guidelines for stakeholder participation in Commission meetings:**

- a. In planning Commission meetings, the Commission may determine that it would be useful and practical to obtain additional information or views through stakeholder participation. Emphasis will be given to meeting topics where a decision by the Commission on the topic is required (e.g. a notation vote paper is or will be before the Commission for action). In its discretion, the Commission may also schedule meetings with stakeholders covering a broad range of issues.
- b. Upon the Commission's request, the Office of the Secretary, in coordination with the staff, will prepare a list of stakeholders that could be considered for invitation to brief the Commission. The staff should identify to the Office of the Secretary the stakeholders that have shown interest in the particular meeting topic, along with its views for participation that could assist the Commission in making its decision (e.g., particularly active stakeholders). The list will be distributed to the Commission for consideration. SECY will poll the Chairman and the Commissioners with respect to preferred invitees for Commission meetings.
- c. The Commission will decide as part of Agenda Planning who will participate in the Commission meeting. If outside participants are invited, priority consideration will be given to other Federal Agencies, States, elected officials, tribal governments, organizations and persons that represent a broad spectrum of views, have specific interest in the meeting topic and bring a unique perspective to the briefing, and are experts on the subject matter. To the extent practical, the Commission will attempt to achieve a balance in the points of view represented at the meeting. The Commission's goal of including stakeholders in Commission meetings is to give the Commission information on a range of views on a given topic. It is not the intent, nor is it realistic, to try to have every different view on a given topic represented at a meeting. Other organizations and individuals who express an interest in

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speaking will be encouraged to submit written comments for Commission consideration, which will be included as part of the record and/or coordinate common interests with presenters who have agreed to participate. The Commission will not normally reconsider a decision on stakeholder participation. Should a stakeholder ask to be added to the list of participants, the Commission reserves the option to consider whether the stakeholder's participation in the meeting would be helpful to the Commission. Such a request should be made in writing to the Secretary of the Commission 3 weeks in advance of the announced briefing. The written request should be clear as to who is being represented and the unique perspective that would be provided at the briefing. Normally, the Commission will approve a final list of the participants for a Commission briefing at least 2 weeks in advance of the meeting.

- d. The Office of the Secretary will arrange the briefings and invite the participants that have been agreed to by the Commission. Only one speaker will be permitted per party unless the Commission determines that broader participation is desirable or necessary. The length of the meeting will be extended to 2 or more hours. However, meetings expected to last more than 2 hours may be divided into two sessions. Outside participants will be grouped into panels as appropriate. The letter of invitation from the Secretary will state that participants should submit written material no later than 5 business days in advance of the meeting and should summarize their key points at the Commission meeting in 5-10 minutes. The amount of time for each speaker will be determined in the context of Agenda Planning. The letter will clearly state if any different deadlines apply. The Commission reserves the right to withdraw an invitation to speak if the written material on the presentation is not provided 5 business days in advance of the meeting date.
- e. NRC staff will submit to the Commission pertinent SECY Papers or other documents 15 business days in advance of the scheduled Commission meeting. The Commission will be given at least 2 business days to review the staff's meeting materials to determine if they should be released to the outside meeting participants and the public. It is the goal of the Commission to make documents that the Commission determines should be released available to meeting participants and publicly released at least 10 business days in advance of the Commission meeting. The Commission expects to receive meeting materials in a timely manner in the absence of an advance request from the staff for an extension of the due date. If meeting materials are not received in a timely manner, the Commission meeting may be rescheduled.

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FORMAT FOR COMMISSION MEETINGS

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The Commission has conducted business in both open and closed meetings and in several different meeting formats over the years. Adjustments in style, format, and conduct are made to best suit the information gathering and decision-making needs of the Commission.

The majority of Commission meetings are open for public observation. Members of the public may attend meetings held in the Commission's main conference room, observe the presentations and discussions, and obtain copies of NRC documents released at the meeting. They may not address the Commission or other meeting participants without prior Commission approval.

Under certain circumstances allowed by the Government in the Sunshine Act, the Commission may meet in closed session. A separate conference room is normally utilized for this purpose.

1. **Open/Public Commission Meetings**

As previously noted, the Government in the Sunshine Act presumes that most Commission meetings will be conducted in public. Open meetings are held to enable the Commission to gather information in **Briefings** by NRC staff members,<sup>17</sup> the regulated industry, and members of the public in fulfillment of the Commission's responsibilities. In addition to gathering information in staff briefings, the Commission may utilize its meetings to provide the staff with guidance on future activities, and/or **Vote** on specific issues such as restart of a nuclear plant. Commission voting and decision-making activities may occur at the end of briefings by the staff, industry and/or public, or voting may occur at a later date after the Commission has had the opportunity to consider the information received during the briefing or from other documents and views. Commission meetings and briefings are generally scheduled to last 1-1/2 hours to 2 hours.

Voting does occur at short meetings (**Affirmation Sessions**) held to affirm positions previously taken in the notation voting process (see Chapter II for a description of Affirmation Papers and Chapter III "Votes at Commission Meetings"). Affirmation Sessions which may involve a short 5-10 minute discussion of issues, are required, by law,<sup>18</sup> to

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<sup>17</sup> The procedures for staff presentations at Commission meetings are in Appendix 8.

<sup>18</sup> The provisions of the Energy Reorganization Act of 1974 require that a "quorum for the transaction of business shall consist of at least three

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enable the Commissioners, in the presence of each other, to formally ratify votes previously cast by paper ballot. Affirmation Sessions are generally scheduled to obtain a formal vote of the Commission on recommended actions which legally bind those the NRC regulates or has a significant legal effect on persons outside the Commission. Such actions usually involve the issuance of final rules or adjudicatory orders. Upon submission of an order from OCAA or OGC, SECY should provide public notification that an affirmation session has been tentatively scheduled for the first available date following expiration of the action date (normally 10 business days) to complete voting on the paper. Significant Orders of the Commission (and its Licensing Boards) are printed in a cumulative compilation of NRC adjudicatory decisions entitled *Nuclear Regulatory Commission Issuances*.<sup>19</sup>

The Commission may also hold occasional open meetings for a **Collegial Discussion** of a variety of matters of current interest to individual Commissioners. These meetings, while open to the public, do not usually have a formal agenda, do not involve the active participation of the NRC staff, and may or may not result in a Commission decision on any particular issue discussed.

All open meetings are transcribed by a stenographic reporting contractor for the Commission. In addition most open Commission meetings are webcast over the Internet providing real-time viewing of the meeting. These webcasts are also archived to provide for viewing at a later time. Unedited copies of the transcripts are maintained by SECY and are publicly released. Transcripts contain a disclaimer stating that it is not a part of the formal or informal record of decision of matters discussed and that expressions of opinion in the transcript do not necessarily reflect final determinations or beliefs.

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members present" and that "[A]ction of the Commission shall be determined by a majority vote of the members present" (42 USC 5841). The Commission has determined that the requirement of "presence" does not preclude the Commission from meeting with the participation of a Commissioner who is "present" by speaker phone, so long as there is no impairment of the Commissioner's ability to hear and be heard by all those in the room, and no effect on the public rights of attendance and observation under the Sunshine Act.

<sup>19</sup> Appendix 9 contains a description of the Orders published in the Nuclear Regulatory Commission Issuances document.

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### 2. Closed Commission Meetings

Under certain limited circumstances, the Commission may meet in closed session. The Government in the Sunshine Act allows the Commission to hold discussions in closed session when the discussion includes classified information, Safeguards Information, proprietary information, investigation and enforcement matters, internal management and personnel matters, certain adjudicatory/litigation matters, and information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed Commission action. A detailed set of "Security Procedures for Conducting Classified Meetings/Hearings" has been issued by the Division of Security and Facilities Support, Office of Administration, in consultation with the Office of the Secretary. See Appendix 10 for the complete procedures.

As with open meetings, closed meetings are also used to provide the Commission with information in briefings by the staff, and allows the Commission to make decisions (Vote) on issues requiring a decision.

The most common types of closed Commission meetings are:

**Management and Organization** -- the Commission considers management, organization, and personnel issues requiring collegial attention. Attendance is very limited -- often only the Commissioners attend.

**Security Issues** briefings are held in closed session to discuss matters relating to the security and safeguards of nuclear material and facilities.

**Executive Branch** briefings are held in closed session to permit representatives of Executive Branch Departments and Agencies to brief the Commission on classified matters related to the Commission's responsibilities for import and export of nuclear materials and production and utilization facilities.

**Investigative Matters** -- on occasion, the Commission is briefed in closed session by the Inspector General and/or the Office of Investigations on pending investigative matters.

**Adjudicatory/Litigation** -- on occasion, the Commission is briefed in closed session by the General Counsel or the Office of Commission Appellate Adjudication on current adjudicatory/litigation matters.

As required by the Government in the Sunshine Act, NRC maintains a complete verbatim transcript or electronic recording of all closed meetings, except certain adjudicatory meetings which may be recorded by detailed minutes. For every closed meeting, the

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General Counsel must certify that the meeting may be properly closed. The agency must maintain a copy of the General Counsel's certification along with a statement of the presiding officer of the meeting (the Chairman) stating the time and place of the meeting and listing the persons actually present. The Secretary prepares this statement for the Chairman.

The records of closed meetings (transcripts and/or tape recordings) are normally retained by SECY, the Division of Nuclear Security, NSIR, or the Office of the Chairman, depending on the classification and sensitivity of the meeting. These records may be released to the public following review and approval by the Commission. The reviews are conducted by the originators, other agencies if involved, NSIR as needed, OGC, and Commissioners. SECY coordinates the review.

### 3. Non-Sunshine Act Discussions

Non-Sunshine Act discussions among three or more Commissioners are appropriate and legally permissible only when discussions are preliminary, informal, informational, or "big picture." If such a discussion begins to focus on discrete proposals or issues, such as to cause or be likely to cause individual participating members to form reasonably firm positions regarding matters pending or likely to arise before the agency, the discussion should be halted and continued only in the context of a Sunshine Act meeting, scheduled in accordance with the requirements of that statute. The Office of the Secretary maintains a record of the meeting which includes the date, time, topic and attendees (see Appendix 11).

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## CONDUCT OF COMMISSION MEETINGS

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1. The Commission desires to start its meetings promptly at the time scheduled. The Chairman or the designated Commissioner can begin a decision meeting as soon as a quorum of Commissioners is present.
2. The Chairman or designated Commissioner may begin non-decision meetings at the time scheduled but not later than 5 minutes after the scheduled start time unless a Commissioner has requested that the meeting be delayed.
3. Meetings are generally informal in nature; the Chairman or Acting Chairman presides at all meetings and assures equal opportunity for participation and



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questions by all Commissioners present.<sup>20</sup> (Energy Reorganization Act, Section 201(a)(1)).

4. On occasion the Commission conducts formal sessions at which representatives of the parties in a particular adjudicatory proceeding are invited to present their positions in an Oral Argument before the Commission. Procedural arrangements are established in advance to determine the issues for discussion and to specify time limits for each Party's presentation.
5. A Commissioner who is unavoidably absent, such as because of medical leave or official travel, may take part in any Commission meeting, as described above in this Chapter, provided that he or she is in two-way communication with the other Commissioners in the meeting by a device (e.g., a speaker phone) that allows the voice of the absent Commissioner to be heard by all present in the meeting room, and that allows the absent Commissioner to hear the entire discussion in the meeting. This procedure applies whether or not the participation of the absent Commissioner is needed to create a quorum for the transaction of business. A Commissioner participating in a meeting by speaker phone has the same rights of voting possessed by every other Commissioner. When this procedure is employed, the Secretary will ensure that voices are properly identified.

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### MEETING-RELATED DOCUMENTS

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#### 1. Documents in Advance of Meetings

In order to prepare for matters to be discussed at meetings, the following documents are required in advance so that the Commissioners may familiarize themselves with the purpose and content of matters to be presented:

- a. For staff only briefings of the Commission, pertinent SECY papers, documents or briefing outlines by the staff unit involved must (except in extraordinary circumstances) be available to Commissioners at least 10 business days before a meeting on a particular subject is held. The staff should advise the Commission, as early as possible, of any anticipated failure to meet the due date for submission of meeting materials and request

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<sup>20</sup> For example, the Commission recommends following the current practice, which rotates the opportunity to question participants so that each Commissioner has the opportunity to be the initial Commissioner to question participants.

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approval for any necessary extension of the due date. If the document is not available 10 business days in advance, the originating office must explain the reason to the Commission in a cover memorandum. Commissioners may request postponement of a meeting if they do not have sufficient time to review late arriving documents. When such requests are made, SECY discusses the issue with the Chairman and polls the other Commissioners to determine whether the meeting will be postponed.

- b. Viewgraphs, if they are to be used, should also be received by the Commission at least 5 business days prior to meetings. Viewgraphs are routinely posted to the NRC's external web site for open meetings for use by the public when viewing a webcast Commission meeting over the Internet.
- c. Scripts or speaker notes, if used, should be provided to the Commission at least 24 hours in advance of the meeting.
- d. Any memoranda by Commission level offices pertinent to the subject matter should be available well in advance (at least 10 business days) of the meeting.
- e. For Commission meetings at which stakeholders have been invited to speak, pertinent SECY papers, documents, or briefing outlines should be forwarded to the Commission for review at least 15 business days in advance of the meeting. This will allow the Commission time to review the documents prior to release to the meeting participants and the public. Public release will occur generally at 10 business days prior to the meeting.

### 2. Documents at Meetings

At open Commission meetings, SECY ensures that copies of the principal documents referenced in the Commission schedule and viewgraphs are placed near the entrance of the Commission Conference Room for members of the public. The presenters (staff unit or outside entity) are responsible for providing sufficient copies of the viewgraphs or other relevant written information for public availability and should ensure they arrive in the briefing room 20 minutes prior to the start of the meeting. SECY will provide copies of SECY papers. On occasion, additional documents will be available to members of the public at the meeting if it is anticipated that the discussion will draw upon information contained in the documents. SECY ensures that these documents are publicly released at the conclusion of the meeting. Occasionally, documents are made publicly available in advance of a Commission meeting on the subject.

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### STAFF REQUIREMENTS MEMORANDA

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After meetings, Commission decisions are recorded in a Staff Requirements Memorandum (SRM) prepared by the Secretary and issued to the action addressee, with copies to the Commissioners and interested staff offices to memorialize the Commission decisions or actions that took place in the meeting and the requirements placed on the staff for implementing action. Procedures for developing, reviewing, and issuing meeting SRMs are identical to those described in Chapter III for voting SRMs.

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### CONDUCT OF MANDATORY HEARINGS ON APPLICATIONS FOR COMBINED LICENSES

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#### 1. Before the hearing:

Notice: In the case of COL applications, 10 CFR § 2.104(a) requires that the notice of hearing be published as soon as practical after the application has been docketed (or, in certain cases, tendered (see 10 CFR § 2.101(a)(2)). In many cases, later hearing notices are also published in the Federal Register by presiding officers to provide more specific notice of the contested or uncontested portions of the hearing, or to provide notice of the opportunity to make limited appearance statements.<sup>21</sup> In a proceeding that does not involve resolution of contested issues, the Staff should notify the Commission that its review of the application is complete upon completion of the Final Safety Evaluation Report (FSER) or the Final Environmental Impact Statement (FEIS), whichever comes later. Upon receipt of this notification, the Commission should direct the Secretary to issue such a notice of hearing for the mandatory portion of the proceeding.

This later notice should state: (1) the time and place of the hearing, (2) nature of the hearing, (3) the authority under which the hearing is to be held, (4) the matters of fact and law to be considered, (5) the schedule for submittal of the pre-filed documents and the hearing, and (6) the designation of the Commission itself as the presiding officer for the hearing. The notice of hearing should list any specific findings or other issues to be addressed in the hearing, for example, the NEPA findings required under 10 CFR § 51.105, or the findings required by 10 CFR § 52.97.

**Pre-Filed Documents:** Thirty days before the hearing, the applicant and the NRC staff should file written statements (the staff's in the form of a SECY paper) providing a

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<sup>21</sup> See., e.g., 68 Fed. Reg. 69426 (Dec. 12, 2003)(notice of hearing and opportunity to petition for leave to intervene in the Clinton ESP proceeding); 69 Fed. Reg. 54158 (Sept. 7, 2004)(notice of contested proceeding and opportunity to make written limited appearance statements in the Clinton ESP proceeding).

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summary of the application, discussing the safety and environmental reviews, and addressing the findings and issues identified in the notice of hearing. The Commission should be able to look to the SECY paper “for assistance in understanding the basis for each major finding in the SER and EIS and in identifying appropriate areas of inquiry.” *Exelon Generation Co.* (Early Site Permit for the Clinton ESP site), *System Energy Resources, Inc.* (Early Site Permit for Grand Gulf ESP site), CLI-06-20, 64 NRC 15, 21 (2006). The Commission is likely to “concentrate on portions of the documents that do not on their face adequately explain the logic, underlying facts and applicable regulations and guidance.” *Id.* at 22.

The following documents should be referenced in the written statements and included as enclosures to the SECY paper or otherwise made available, for example, by providing ADAMS accession numbers:

- The license application, and all supplements;
- The Final Safety Evaluation Report, and all supplements;
- The Final Environmental Impact Statement, and all supplements;
- The pertinent letter from the Advisory Committee on Reactor Safeguards; and
- The proposed license.

These documents should be filed in accordance with 10 CFR § 2.302, docketed by SECY in accordance with 10 CFR § 2.303, and made part of the hearing record. A sufficient number of copies of the viewgraphs or other relevant written information should be placed in the commission briefing room for the public 30 minutes before the start of the briefing.

The Commission has the option – upon review of the pre-filed documents – of issuing written questions to the applicant or the staff before the hearing. These questions could serve to focus the parties’ presentations at the oral hearing. The Commission should consolidate each Commissioner’s questions into a single set of written questions in the form of an order. The order should specify that responses to these questions must be filed, docketed and made part of the hearing record no later than two weeks after the close of the hearing, whereupon the record of the hearing would be closed.

### 2. The Hearing:

**Opening Remarks:** The Chairman will call the hearing to order, describe what sort of proceeding the hearing is, under what statutes and rules it is taking place, what findings the Commission would have to make before authorizing issuance of the license, what the general order of the hearing will be, and when a Commission decision might be expected.

**Testimony:** Witnesses for both the applicant and NRC staff will be identified and sworn in by the Chairman. The applicant’s presentation will come first and should address any written questions directed to the applicant by the Commission. The Commissioners will ask

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questions of the applicant's witnesses before hearing from the staff. The staff's presentations will follow, and should address any written questions directed to the staff by the Commission. The staff's presentation will be followed by another round of Commission questions. Limited appearance statements will not be entertained.

The maximum allotted time for each Commissioner to ask questions and receive answers to questions at the hearing should be established by a majority of Commissioners prior to the hearing on a case-by-case basis, premised on the complexity of issues that surround the application. An advance decision by the Commission should also be made on a case-by-case basis as to how to handle any follow-up written responses in the event the staff and/or applicant is unable to answer a Commissioner's question at the hearing. Each Commissioner should be free to decide how to divide his or her time for questions and answers among the two witness panels not to exceed the allotted time. Any requests to extend this time could be granted by a majority of the Commissioners present. The Commission does not anticipate, even with more complex matters, that a hearing would last more than three business days.

**Record:** The oral hearing would be transcribed, and the transcription reviewed for errors, corrected, and made part of the hearing record. See 10 CFR § 2.327. Also made part of the record would be any presentation materials used by the applicant or the staff at the hearing, and any written responses from the applicant and staff to orders or questions presented by the Commission. The record would close at the end of the hearing, or, in the event of Commission pre-hearing or follow-up questions, no later than two weeks after the close of the hearing.

### 3. After the Hearing:

The Commission decision after the oral hearing, if favorable to the applicant, should make the findings described in the notice of hearing, provide a brief basis supporting those findings, list the documents that comprise the entire record considered by the Commission, and authorize the Director of the Office of New Reactors to issue the combined license. The decision, if unfavorable to the applicant, would explain, citing to the record, why one or more of the findings described in the notice of hearing could not be made, list the record documents on which the Commission relied, and deny or appropriately condition the license. See 10 CFR § 2.344.

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### TEMPLATE

#### Notice of Hearing

*A template for drafting a mandatory hearing notice is provided below. This notice is to be used to provide specific information on the uncontested ("mandatory") portion of the hearing after the initial notice required by 10 CFR § 2.104 has been issued.*

NUCLEAR REGULATORY COMMISSION

Docket No. **[Insert Docket Number]**

TITLE: In the Matter of **[Insert name of matter]**; Notice of Hearing

The Commission hereby gives notice that it will convene a hearing to receive testimony and exhibits in the uncontested, "mandatory hearing" portion of this proceeding regarding the **[Insert date of application]**, application of **[Insert name of applicant]** for a 10 CFR Part 52 combined license (COL), seeking approval to construct and operate a new nuclear power generation facility at **[Insert description of the site]**. This mandatory hearing will concern safety and environmental matters relating to the proposed issuance of the requested COL, as more fully described below.

#### MATTERS TO BE CONSIDERED

As set forth by the Commission in the **[Insert date of initial notice]** "Notice of Hearing and Opportunity To Petition for Leave To Intervene **[Insert full title of initial notice]**" **[Insert citation for initial notice]** and the applicable regulations in 10 CFR § 52.97 the matters at issue in this proceeding are whether the application and the record of this proceeding contain sufficient information, and the review of the application by the Commission's staff has been adequate to support a finding that: **[Insert the findings required in the initial notice for uncontested proceedings]**.

#### DATE, TIME, AND LOCATION OF THE MANDATORY HEARING

The Commission will conduct this hearing at the specified location and time:

1. Date: **[Insert date]** Time: **[Insert time]** Location: **[Insert location]**

The hearing on these issues will continue day-to-day thereafter until concluded.