**FORM 47-S: ADR Confirmatory Order (w/ SUNSI or SGI Information Included)**

**[7590-01-P]**

**UNITED STATES OF AMERICA**

**NUCLEAR REGULATORY COMMISSION**

**In the Matter of** **)**

**)** [**Docket Number**][[1]](#footnote-1) {*if applicable*}

[**LICENSEE, COMPANY OR )**

**INDIVIDUAL’S FULL LEGAL NAME**] **)** [**License Number**] {*if applicable*}

**)**

[**FACILITY NAME**] {*if applicable*} **)** **EA-**[YY]-[XXX]

**CONFIRMATORY ORDER** {*Add* “**MODIFYING LICENSE**” *if licensee*}

**(EFFECTIVE UPON ISSUANCE)**[[2]](#footnote-2)

**{*Double space from here to end, except single space signature block.*}**

**I**

**IF THE PARTY IS A LICENSEE USE ONE OF THE FOLLOWING OPENING PARAGRAPHS:**

[Licensee, Company or Individual’s Full Legal Name] (Licensee) {*or other abbreviation*} is the holder of [Type of license] License No. [License Number] issued on [Date] by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Part [Part Number] of *Title 10 of the Code of Federal* Regulations (10 CFR). The license authorizes the operation of [Facility Name] (facility) in accordance with conditions specified therein. The facility is located on the Licensee's site in [City, State].

**OR**

The licensees identified in Attachment 1 to this Confirmatory Order hold licenses issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) authorizing {*e.g.,* “operation of nuclear power plants”} in accordance with the Atomic Energy Act of 1954, as amended, and Part [Part Number] of Title 10 of the *Code of Federal Regulations* (10 CFR), “[Title].” {*if the Order is applicable to more than one licensee*.}

**IF THE PARTY IS A NON-LICENSEE USE THE FOLLOWING OPENING PARAGRAPH:**

[Company or Individual’s Full Legal Name] ([Abbreviation]) {*if a company, insert a* [short description of the line of business and the type of work it was performing] *giving rise to the issue and the location. If an individual, insert* [individual’s title and role and location of work] *giving rise to the issue.*}

This Confirmatory Order (CO) is the result of an agreement reached during an Alternative Dispute Resolution (ADR) mediation session conducted on [Date]. {*If subsequent discussions, insert* “and subsequent discussions completed on [Date(s)] in [City, State].”}

**II**

{*Section II provides a description of relevant events, facts, violations, technical or legal reasons that forms the substantive basis and procedural or process history for issuing the Order*.}

**IF THE ORDER RESULTED FROM AN OI INVESTIGATION USE THE FOLLOWING PARAGRAPH:**

On [Date], the NRC’s Office of Investigations (OI) opened an investigation (OI Case No. [R‑YYYY‑SSS]) at [Licensee, Company or Individual’s Name]. Based on the evidence developed during its investigation, the NRC identified an apparent violation of 10 CFR Part [Part Number], Section [Regulation(s) and Title(s)]. By letter, dated [Date], the NRC notified [Licensee, Company or Individual’s Name] of the results of the investigation with an opportunity to: (1) provide a response in writing, (2) attend a predecisional enforcement conference or (3) to participate in an ADR mediation session in an effort to resolve this (these) concern(s). {*Modifications may be necessary to ensure correctness based on the facts of each specific case. Additional process or procedural history may be necessary depending on the point in the enforcement process at which ADR was requested*.}

**IF THE ORDER RESULTED FROM AN INSPECTION USE THE FOLLOWING TWO PARAGRAPHS**

On [Date], the NRC issued Inspection Report [XXXXXXXX/YYYY-NNN] to [Licensee] which documented the identification of [Number] apparent violation(s) that were being considered for escalated enforcement action in accordance with the NRC Enforcement Policy.

{*Include information related to each apparent violation and what regulations were violated*.}

By letter, dated [Date], the NRC notified [Licensee, Company or Individual’s Name] of the results of the inspection with an opportunity to: (1) provide a response in writing, (2) attend a predecisional enforcement conference or (3) to participate in an ADR mediation session in an effort to resolve this (these) concern(s). {*Modifications may be necessary to ensure correctness based on the facts of each specific case. Additional process or procedural history may be necessary depending on the point in the enforcement process at which ADR was requested*.}

In response to the NRC’s offer, [Licensee, Company or Individual’s Name] requested the use of the NRC’s ADR process to resolve differences it had with the NRC. On [Mediation Date], the NRC and [Licensee, Company or Individual’s Name] met in an ADR session mediated by a professional mediator, arranged through Cornell University’s Institute on Conflict Resolution. The ADR process is one in which a neutral mediator, with no decision-making authority, assists the parties in reaching an agreement on resolving any differences regarding the dispute. This Confirmatory Order is issued pursuant to the agreement reached during the ADR process.

**III**

During the ADR session, [Licensee, Company or Individual’s Name] and the NRC reached a preliminary settlement agreement. The elements of the agreement include the following:

{*In this section provide: (1) any licensee corrective actions that have been taken prior to the mediation session that they were given “credit” for in the mediation, to ensure they are memorialized, even if they are not specifically included in the agreement in principle. NOTE: the actions documented as “completed” in this section should be sufficiently specific for an inspector to verify in the future; (2) the bullets from the agreement in principle. There is no requirement for the entire agreement to be inserted verbatim; (3) if the NRC agreed to an action (e.g., change a severity level, withdraw a violation, lower the CP amount, etc.) include that action as well if it is not included in the agreement in principle; and (4) if the Confirmatory Order does / or does not constitute an escalated enforcement action.}*

Based on the completed actions described above, and the commitments described in Section V below, the NRC agrees to {*provide what the NRC agreed to do. Typically* “not pursue any further enforcement action based on the (apparent) violations identified in the NRC’s [Date], letter.” *(the PEC or Choice letter, typically) or* “withdraw the notice of violation issued [Date]…” *if mediation is subsequent to issuance of an NOV and a statement as to whether the Order will or will not constitute an escalated enforcement action.*}

On [Date], [Licensee, Company or Individual’s Name] consented to issuing this Confirmatory Order with the commitments, as described in Section V below. [Licensee, Company or Individual’s Name] further agreed that this Confirmatory Order is to be effective upon issuance, the agreement memorialized in this Confirmatory Order settles the matter between the parties, and that it has waived its right to a hearing.

**IV**

I find that [Licensee, Company or Individual’s Name] actions completed, as described in Section III above, combined with the commitments as set forth in Section V are acceptable and necessary, and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that [Licensee, Company or Individual’s Name] commitments be confirmed by this Confirmatory Order. Based on the above and [Licensee, Company or Individual’s Name]’s consent, this Confirmatory Order is effective upon issuance.

*{You may choose to include the following}* By no later than {*Choose* “thirty (30) days after the completion of the commitments” *OR* “one year after issuance of the Order and yearly thereafter until completion of the commitments”} specified in Section V, [Licensee, Company or Individual’s Name] is required to notify the NRC in writing and summarize its actions.

**V**

Accordingly, pursuant to Sections {*choose* “81,” (typical for materials)*,* “103,” (rare for currently operating reactors)*, or* “104b,” (typical for currently operating reactors) *as applicable*}, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part {*choose* [20, 30, 40, 50, 52, 55, 73, 76, etc.] *as applicable*}, IT IS HEREBY ORDERED, EFFECTIVE UPON ISSUANCE, THAT {*if licensee insert* “License No. [License Number(s)] IS (ARE) MODIFIED AS FOLLOWS”}:

**SPECIFICALLY LIST THE REQUIREMENTS FROM THE PRELIMINARY AGREEMENT:**

A. ;

B. ;

C. ;

D. .

**INCLUDE SURVIVABILITY CLAUSE IF ORDER IS TO A NON-INDIVIDUAL:**

{*Choose:* “In the event of the transfer of the possession and/or distribution of licenses of [Licensee or Company’s Name] to another entity, the terms and conditions set forth hereunder shall continue to apply to the new entity and accordingly survive any transfer of ownership or license.” *OR* “This agreement is binding upon successors and assigns of [Licensee or Company’s Name].”{*Choose:* “The Director, Office of Enforcement” *OR* “The Regional Administrator, Region [#]” *consistent with who is signing order*} may, in writing, relax or rescind any of the above conditions upon demonstration by [Licensee, Company or Individual’s Name] or its successors of good cause.

**USE THIS SECTION IF SUNSI IS INVOLVED AND ACCESS MAY BE REQUESTED TO SUPPORT A HEARING REQUEST. INSERT APPLICABLE HEADER AND FOOTER.**

**VI**

Procedures for Access to Sensitive Unclassified Non-Safeguards Information (SUNSI) for Contention Preparation:

A. This Confirmatory Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555-0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail addresses for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively[[3]](#footnote-3). The request must include the following information:

1. A description of the licensing action with a citation to this Federal Register notice;
2. The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and
3. The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

1. There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and
2. The requester has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requester satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[[4]](#footnote-4) setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline. This provision does not extend the time for filing a request for a hearing and petition to intervene, which must comply with the requirements of 10 CFR 2.309.

G. Review of Denials of Access.

1. If the request for access to SUNSI is denied by the NRC staff after a determination on standing and need for access, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.
2. The requester may challenge the NRC staffs adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) officer if that officer has been designated to rule on information access issues.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[[5]](#footnote-5)

The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2. Attachment 2 to this Order summarizes the general target schedule for processing and resolving requests under

**OR**

**USE THIS SECTION IF SGI IS INVOLVED AND ACCESS MAY BE REQUESTED TO SUPPORT A HEARING REQUEST. INSERT APPLICABLE HEADER AND FOOTER.**

**VI**

This Confirmatory Order and its Attachment contain information up to the Safeguards Information (SGI) designation, as defined in 10 CFR [Applicable Section of 10 CFR], and its disclosure to unauthorized individuals is prohibited by 10 CFR [Applicable Section of 10 CFR]. Therefore, any redacted material will not be made available for public inspection in the NRC Public Document Room or electronically in the NRC’s Agencywide Documents Access and Management System. Any person requesting to obtain a copy of this order or portions thereof will be required to demonstrate their trust and reliability through a Federal Bureau of Investigation background check and criminal history check, as well as demonstrate a “need to know” such information.

**VII**

In accordance with 10 CFR 2.202 and 10 CFR 2.309, any person adversely affected by this Confirmatory Order, other than [Licensee, Company or Individual’s Name], may request a hearing within thirty (30) calendar days of the date of issuance of this Confirmatory Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene (hereinafter “petition”), and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC’s E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

***Verify E-Filing Requirements at****:*

<https://adamsxt.nrc.gov/idmws/ViewDocByAccession.asp?AccessionNumber=ML120410550>

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC’s E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E‑Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC Web site at<https://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC’s public Web site at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC’s public Web site at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC’s E‑Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E‑Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC’s Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC’s adjudicatory E-Filing system may seek assistance by contacting the NRC’s Electronic Filing Help Desk through the “Contact Us” link located on the NRC’s public Web site at <https://www.nrc.gov/site-help/e-submittals.html>, by e‑mail to MSHD.Resource@nrc.gov, or by a toll-free call at 1‑866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC’s electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click “cancel” when the link requests certificates and you will be automatically directed to the NRC’s electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

***End of E-Filing Language***

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the *Federal Register* and served on the parties to the hearing.

If a person (other than [Licensee, Company or Individual’s Name]) requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR. 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 30 days from the date of this Confirmatory Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

For the Nuclear Regulatory Commission

[Name]

Director (Regional Administrator)

Office of Enforcement (NRC Region [#])

Dated this \_\_\_\_ day of [Month] [Year]

Attachments: As stated

ALL FACILITIES OWNED AND OPERATED BY [LICENSEE NAME]

[Facility Name]

[Licensee Name]

Docket Nos. [Docket Numbers]

License Nos. [License Numbers]

[Name of Licensee Official]

[Facility Name]

[Licensee Name]

[Street Address]

[City], [State] [Zip Code]

***REPEAT ABOVE FORMAT FOR EACH LICENSE INCLUDED WITHIN SCOPE OF ORDER***

Attachment 1

**USE THIS SECTION ONLY IF SUNSI INFORMATION IS INVOLVED AND ACCESS MAY BE REQUESTED TO SUPPORT A HEARING REQUEST:**

**General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in this Proceeding**

**Day** **Event/Activity**

0 Publication of *Federal Register* notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.

10 Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNS!) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.

60 Deadline for submitting petition for intervention containing: (i) demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).

20 U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the status determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNS I and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).

25 If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC starts denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNS I, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff’s grant of access.

30 Deadline for NRC staff reply to motions to reverse NRC staff determination(s).

40 (Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.

Attachment 2

**Day Event/Activity**

A If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.

A + 3 Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.

A + 28 Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNS I contentions by that later deadline.

A + 53 (Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.

A + 60 (Answer receipt+ 7) Petitioner/Intervener reply to answers.

>A + 60 Decision on contention admission.

1. Frequently in ADR, “fleet” wide corrective actions are taken to reduce the chance of a similar issue at a different site that is owned and operated by the licensee. If more than one license or licensee is involved in the corrective actions, either completed actions or future commitments, include all dockets on the order. Either list a small number at the header, or for larger “fleets,” use an attachment, referenced as:

   In the Matter of )

   )

   ALL POWER REACTOR LICENSEES ) Docket Nos. (as shown in Attachment 1)

   OWNED AND OPERATED BY ) License Nos. (as shown in Attachment 1)

   [LICENSEE CORPRORATE NAME(S)] )

   ) EA-[YY]-[XXX] [↑](#footnote-ref-1)
2. Note that ADR-related Confirmatory Orders are NOT to be “Immediately Effective” Orders. [↑](#footnote-ref-2)
3. While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI under these procedures should be submitted as described in this paragraph. [↑](#footnote-ref-3)
4. Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request. [↑](#footnote-ref-4)
5. Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures. [↑](#footnote-ref-5)