

APPENDIX A TO PART 2 [RESERVED]

MODEL MILESTONES—Continued

APPENDIX B TO 10 CFR PART 2—MODEL MILESTONES TO BE USED BY A PRESIDING OFFICER AS A GUIDELINE IN DEVELOPING A HEARING SCHEDULE FOR THE CONDUCT OF AN ADJUDICATORY PROCEEDING IN ACCORDANCE WITH 10 CFR 2.332.

[10 CFR Part 2, Subpart G]

I. MODEL MILESTONES FOR A HEARING ON AN ENFORCEMENT ACTION CONDUCTED UNDER 10 CFR PART 2, SUBPART G

These model milestones would apply to enforcement proceedings conducted under 10 CFR Part 2, Subpart G. As required by 10 CFR 2.332 and 2.334, the presiding officer establishes, by order, a schedule for the conduct of the proceeding. In establishing a schedule, the presiding officer should use these milestones as a starting point, make appropriate modifications to the milestones, and set detailed schedules (e.g., for filings) based upon all relevant information. Such information would include, but not be limited to, the complexity of the issues, any other relevant consideration that a party brings to the attention of the presiding officer, and the NRC's interest in providing a fair and expeditious resolution of the issues to be adjudicated in the proceeding. The model milestones are based on the Commission's Rules of Practice in 10 CFR Part 2, Subparts B, C, and G.

The model milestones are based upon the following assumptions: (i) the issues to be litigated will involve both disputes over fact and issues of compliance with the Commission's regulations and requirements; and (ii) no petitions to intervene are filed pursuant to 10 CFR 2.309(a)–(b). The model milestones reflect electronic filing and service in accordance with 10 CFR 2.305. In some cases, preparation of direct testimony and motions for summary disposition can proceed once initial mandatory disclosures have been made. The time periods set forth in the model milestones reflect these assumptions.

<ul style="list-style-type: none"> • Within 155 days of presiding officer decision granting hearing: • Within 235 days of presiding officer decision granting hearing: • Within 245 days of presiding officer decision granting hearing: 	<p>Motions for summary disposition due.</p> <p>Presiding officer decisions on motions for summary disposition.</p> <p>Prehearing conference (optional); presiding officer sets schedule for remainder of proceeding.</p> <p>Written testimony filed.</p>
<ul style="list-style-type: none"> • Within 275 days of presiding officer decision granting hearing: • Within 90 days of end of evidentiary hearing and closing of record: 	<p>Presiding officer issues initial decision.</p>

II. MODEL MILESTONES FOR HEARINGS CONDUCTED UNDER 10 CFR PART 2, SUBPART L

These model milestones would apply to proceedings conducted under 10 CFR Part 2, Subpart L, including those on applications for combined licenses (COLs), renewed licenses, and license amendments. While such proceedings differ insofar as the scope and complexity of the NRC staff reviews for the requested actions may vary, such differences will be reflected in the staff's schedule for issuing its review documents in a particular type of action. Because the milestones are keyed to the staff's review schedule, separate milestones are not identified for proceedings on the different types of actions.

As required by 10 CFR 2.332 and 2.334, the presiding officer establishes, by order, a schedule for the conduct of each proceeding. In establishing a schedule, the presiding officer should use these milestones as a starting point, make appropriate modifications to the milestones, and set detailed schedules (e.g., for filings) based upon all relevant information. Such information would include, but not be limited to, the number of contentions admitted, the complexity of the issues, the NRC staff's schedule for completion of its safety and environmental evaluations, any other relevant consideration that a party brings to the attention of the presiding officer, and the NRC's interest in providing a fair and expeditious resolution of the issues sought to be admitted for adjudication in the proceeding. The model milestones are based on the Commission's Rules of Practice in 10 CFR Part 2, Subparts B, C, and L.

The model milestones include only the most significant events in the proceeding and are based upon the following assumptions: (I) the issues to be litigated will involve both disputes over fact and issues of compliance with the Commission's regulations and requirements; (ii) an oral hearing under 10 CFR 2.1207 will be held rather than a written hearing under 10 CFR 2.1208; and (iii) the final Safety Evaluation Report (SER) and final environmental document

MODEL MILESTONES

[10 CFR Part 2, Subpart G]

<ul style="list-style-type: none"> • Within 20 days of date of enforcement order: 	<p>Person subject to order files answer; if order immediately effective, motion to set aside immediate effectiveness due; requests for hearing due.</p>
<ul style="list-style-type: none"> • Within 100 days of enforcement order: 	<p>Presiding officer issues order on hearing request by person who is subject of enforcement order.</p>
<ul style="list-style-type: none"> • Within 25 days of presiding officer decision granting hearing: 	<p>Presiding officer sets initial schedule for the proceeding.</p>
<ul style="list-style-type: none"> • Within 145 days of presiding officer decision granting hearing: 	<p>Discovery complete.</p>