

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS

Sec.

- 2.1 Scope.
- 2.2 Subparts.
- 2.3 Resolution of conflict.
- 2.4 Definitions.
- 2.8 Information collection requirements: OMB approval.

Subpart A—Procedure for Issuance, Amendment, Transfer, or Renewal of a License

- 2.100 Scope of subpart.
- 2.101 Filing of application.
- 2.102 Administrative review of application.
- 2.103 Action on applications for byproduct, source, special nuclear material, facility and operator licenses.

HEARING ON APPLICATION—HOW INITIATED

- 2.104 Notice of hearing.
- 2.105 Notice of proposed action.
- 2.106 Notice of issuance.
- 2.107 Withdrawal of application.
- 2.108 Denial of application for failure to supply information.
- 2.109 Effect of timely renewal application.
- 2.110 Filing and administrative action on submittals for design review or early review of site suitability issues.
- 2.111 Prohibition of sex discrimination.

Subpart B—Procedure for Imposing Requirements by Order, or for Modification, Suspension, or Revocation of a License, or for Imposing Civil Penalties

- 2.200 Scope of subpart.
- 2.201 Notice of violation.
- 2.202 Orders.
- 2.203 Settlement and compromise.
- 2.204 Demand for information.
- 2.205 Civil penalties.
- 2.206 Requests for action under this subpart.

Subpart C—Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings

- 2.300 Scope of subpart C.
- 2.301 Exceptions.
- 2.302 Filing of documents.
- 2.303 Docket.
- 2.304 Formal requirements for documents; acceptance for filing.
- 2.305 Service of papers, methods, proof.

- 2.306 Computation of time.
- 2.307 Extension and reduction of time limits.
- 2.308 Treatment of requests for hearing or petitions for leave to intervene by the Secretary.
- 2.309 Hearing requests, petitions to intervene, requirements for standing, and contentions.
- 2.310 Selection of hearing procedures.
- 2.311 Interlocutory review of rulings on requests for hearings/petitions to intervene and selection of hearing procedures.
- 2.312 Notice of hearing.
- 2.313 Designation of presiding officer, disqualification, unavailability, and substitution.
- 2.314 Appearance and practice before the Commission in adjudicatory proceedings.
- 2.315 Participation by a person not a party.
- 2.316 Consolidation of parties.
- 2.317 Separate hearings; consolidation of proceedings.
- 2.318 Commencement and termination of jurisdiction of presiding officer.
- 2.319 Power of the presiding officer.
- 2.320 Default.
- 2.321 Atomic Safety and Licensing Boards.
- 2.322 Special assistants to the presiding officer.
- 2.323 Motions.
- 2.324 Order of procedure.
- 2.325 Burden of proof.
- 2.326 Motions to reopen.
- 2.327 Official recording; transcript.
- 2.328 Hearings to be public.
- 2.329 Prehearing conference.
- 2.330 Stipulations.
- 2.331 Oral argument before the presiding officer.
- 2.332 General case scheduling and management.
- 2.333 Authority of the presiding officer to regulate procedure in a hearing.
- 2.334 Schedules for proceedings.
- 2.335 Consideration of Commission rules and regulations in adjudicatory proceedings.
- 2.336 General discovery.
- 2.337 Evidence at a hearing.
- 2.338 Settlement of issues; alternative dispute resolution.
- 2.339 Expedited decisionmaking procedure.
- 2.340 Initial decision in contested proceedings on applications for facility operating licenses; immediate effectiveness of initial decision directing issuance or amendment of construction permit or operating license.
- 2.341 Review of decisions and actions of a presiding officer.
- 2.342 Stays of decisions.
- 2.343 Oral argument.
- 2.344 Final decision.
- 2.345 Petition for reconsideration.
- 2.346 Authority of the Secretary.
- 2.347 Ex parte communications.
- 2.348 Separation of functions.

Pt. 2

2.390 Public inspections, exemptions, requests for withholding.

Subpart D—Additional Procedures Applicable to Proceedings for the Issuance of Licenses To Construct or Operate Nuclear Power Plants of Duplicate Design at Multiple Sites

- 2.400 Scope of subpart.
- 2.401 Notice of hearing on applications pursuant to appendix N of part 52 for construction permits.
- 2.402 Separate hearings on separate issues; consolidation of proceedings.
- 2.403 Notice of proposed action on applications for operating licenses pursuant to appendix N of part 52.
- 2.404 Hearings on applications for operating licenses pursuant to appendix N of part 52.
- 2.405 Initial decisions in consolidated hearings.
- 2.406 Finality of decisions on separate issues.
- 2.407 Applicability of other sections.

Subpart E—Additional Procedures Applicable to Proceedings for the Issuance of Licenses To Manufacture Nuclear Power Reactors To Be Operated at Sites Not Identified in the License Application and Related Licensing Proceedings

- 2.500 Scope of subpart.
- 2.501 Notice of hearing on application pursuant to appendix M of part 52 for a license to manufacture nuclear power reactors.
- 2.502 Notice of hearing on application for a permit to construct a nuclear power reactor manufactured pursuant to a Commission license issued pursuant to appendix M of part 52 of this chapter at the site at which the reactor is to be operated.
- 2.503 Finality of decision on separate issues.
- 2.504 Applicability of other sections.

Subpart F—Additional Procedures Applicable to Early Partial Decisions on Site Suitability Issues in Connection With an Application for a Permit To Construct Certain Utilization Facilities

- 2.600 Scope of subpart.
- 2.601 Applicability of other sections.
- 2.602 Filing fees.
- 2.603 Acceptance and docketing of application for early review of site suitability issues.
- 2.604 Notice of hearing on application for early review of site suitability issues.
- 2.605 Additional considerations.
- 2.606 Partial decisions on site suitability issues.

10 CFR Ch. I (1–1–05 Edition)

Subpart G—Rules for Formal Adjudications

- 2.700 Scope of subpart G.
- 2.701 Exceptions.
- 2.702 Subpoenas.
- 2.703 Examination by experts.
- 2.704 Discovery—required disclosures.
- 2.705 Discovery—additional methods.
- 2.706 Depositions upon oral examination and written interrogatories; interrogatories to parties.
- 2.707 Production of documents and things; entry upon land for inspection and other purposes.
- 2.708 Admissions.
- 2.709 Discovery against NRC staff.
- 2.710 Motions for summary disposition.
- 2.711 Evidence.
- 2.712 Proposed findings and conclusions.
- 2.713 Initial decision and its effect.

Subpart H—Rulemaking

- 2.800 Scope of rulemaking.
- 2.801 Initiation of rulemaking.
- 2.802 Petition for rulemaking.
- 2.803 Determination of petition.
- 2.804 Notice of proposed rulemaking.
- 2.805 Participation by interested persons.
- 2.806 Commission action.
- 2.807 Effective date.
- 2.808 Authority of the Secretary to rule on procedural matters.
- 2.809 Participation by the Advisory Committee on Reactor Safeguards.
- 2.810 NRC size standards.

Subpart I—Special Procedures Applicable to Adjudicatory Proceedings Involving Restricted Data and/or National Security Information

- 2.900 Purpose.
- 2.901 Scope of subpart I.
- 2.902 Definitions.
- 2.903 Protection of restricted data and national security information.
- 2.904 Classification assistance.
- 2.905 Access to restricted data and national security information for parties; security clearances.
- 2.906 Obligation of parties to avoid introduction of restricted data or national security information.
- 2.907 Notice of intent to introduce restricted data or national security information.
- 2.908 Contents of notice of intent to introduce restricted data or other national security information.
- 2.909 Rearrangement or suspension of proceedings.
- 2.910 Unclassified statements required.
- 2.911 Admissibility of restricted data or other national security information.
- 2.912 Weight to be attached to classified evidence.

Nuclear Regulatory Commission

Pt. 2

2.913 Review of Restricted Data or other National Security Information received in evidence.

Subpart J—Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository

2.1000 Scope of subpart J.
2.1001 Definitions.
2.1002 [Reserved]
2.1003 Availability of material.
2.1004 Amendments and additions.
2.1005 Exclusions.
2.1006 Privilege.
2.1007 Access.
2.1008 [Reserved]
2.1009 Procedures.
2.1010 Pre-License Application Presiding Officer.
2.1011 Management of electronic information.
2.1012 Compliance.
2.1013 Use of the electronic docket during the proceeding.
2.1015 Appeals.
2.1017 Computation of time.
2.1018 Discovery.
2.1019 Depositions.
2.1020 Entry upon land for inspection.
2.1021 First prehearing conference.
2.1022 Second prehearing conference.
2.1023 Immediate effectiveness.
2.1025 Authority of the Presiding Officer to dispose of certain issues on the pleadings.
2.1026 Schedule.
2.1027 Sua sponte.

Subpart K—Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors

2.1101 Purpose.
2.1103 Scope of subpart K.
2.1105 Definitions.
2.1107 Notice of proposed action.
2.1109 Requests for oral argument.
2.1113 Oral argument.
2.1115 Designation of issues for adjudicatory hearing.
2.1117 Burden of proof.
2.1119 Applicability of other sections.

Subpart L—Informal Hearing Procedures for NRC Adjudications

2.1200 Scope of subpart L.
2.1201 Definitions.
2.1202 Authority and role of NRC staff.
2.1203 Hearing file; prohibition on discovery.
2.1204 Motions and requests.
2.1205 Summary disposition.
2.1206 Informal hearings.

2.1207 Process and schedule for submissions and presentations in an oral hearing.
2.1208 Process and schedule for a hearing consisting of written presentations.
2.1209 Findings of fact and conclusions of law.
2.1210 Initial decision and its effect.
2.1211 Immediate effectiveness of initial decision directing issuance or amendment of licenses under part 61 of this chapter.
2.1212 Petitions for Commission review of initial decisions.
2.1213 Application for a stay.

Subpart M—Procedures for Hearings on License Transfer Applications

2.1300 Scope of subpart M.
2.1301 Public notice of receipt of a license transfer application.
2.1302 Notice of withdrawal of an application.
2.1303 Availability of documents.
2.1304 Hearing procedures.
2.1305 Written comments.
2.1308 Oral hearings.
2.1309 Notice of oral hearing.
2.1310 Notice of hearing consisting of written comments.
2.1311 Conditions in a notice or order.
2.1315 Generic determination regarding license amendments to reflect transfers.
2.1316 Authority and role of NRC staff.
2.1319 Presiding Officer.
2.1320 Responsibility and power of the Presiding Officer in an oral hearing.
2.1321 Participation and schedule for submissions in a hearing consisting of written comments.
2.1322 Participation and schedule for submissions in an oral hearing.
2.1323 Presentation of testimony in an oral hearing.
2.1324 Appearance in an oral hearing.
2.1325 Motions and requests.
2.1327 Application for a stay of the effectiveness of NRC staff action on license transfer.
2.1331 Commission action.

Subpart N—Expedited Proceedings with Oral Hearings

2.1400 Purpose and scope of subpart N.
2.1401 Definitions.
2.1402 General procedures and limitations; requests for other procedures.
2.1403 Authority and role of the NRC staff.
2.1404 Prehearing conference.
2.1405 Hearing.
2.1406 Initial decision—issuance and effectiveness.
2.1407 Appeal and Commission review of initial decision.

Subpart O—Legislative Hearings

2.1500 Purpose and scope.

§ 2.1

- 2.1501 Definitions.
- 2.1502 Commission decision to hold legislative hearing.
- 2.1503 Authority of presiding officer.
- 2.1504 Request to participate in legislative hearing.
- 2.1505 Role of the NRC staff.
- 2.1506 Written statements and submission of information.
- 2.1507 Oral hearing.
- 2.1508 Recommendation of presiding officer.
- 2.1509 Ex parte communications and separation of functions.

APPENDIXES A–C TO PART 2 [RESERVED]
APPENDIX D TO PART 2—SCHEDULE FOR THE PROCEEDING ON CONSIDERATION OF CONSTRUCTION AUTHORIZATION FOR A HIGH-LEVEL WASTE GEOLOGIC REPOSITORY.

AUTHORITY: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87-615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552; sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f); Pub. L. 97-425, 96 Stat. 2213, as amended (42 U.S.C. 10143(0)); sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Section 2.102, 2.103, 2.104, 2.105, 2.321 also issued under secs. 102, 163, 104, 105, 183i, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 161 b. i, o, 182, 186, 234, 68 Stat. 948–951, 955, 83 Stat. 444, as amended (42 U.S.C. 2201(b), (i), (o), 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Section 2.205(j) also issued under Pub. L. 101-410, 104 Stat. 90, as amended by section 3100(s), Pub. L. 104-134, 110 Stat. 1321–373 (28 U.S.C. 2461 note). Subpart C also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332). Section 2.700a also issued under 5 U.S.C. 554. Sections 2.343, 2.346, 2.754, 2.712, also issued under 5 U.S.C. 557. Section 2.764 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553, Section 2.809 also issued under 5 U.S.C. 553, and sec. 29, Pub. L. 85-256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Subpart M also issued under sec. 184 (42 U.S.C. 2234) and sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Subpart N also issued under sec.

10 CFR Ch. I (1–1–05 Edition)

189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91-550, 84 Stat. 1473 (42 U.S.C. 2135).

SOURCE: 27 FR 377, Jan. 13, 1962, unless otherwise noted.

§ 2.1 Scope.

This part governs the conduct of all proceedings, other than export and import licensing proceedings described in part 110, under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, for—

(a) Granting, suspending, revoking, amending, or taking other action with respect to any license, construction permit, or application to transfer a license;

(b) Issuing orders and demands for information to persons subject to the Commission's jurisdiction, including licensees and persons not licensed by the Commission;

(c) Imposing civil penalties under section 234 of the Act; and

(d) Public rulemaking.

[56 FR 40684, Aug. 15, 1991]

§ 2.2 Subparts.

Each subpart other than subpart C of this part sets forth special rules applicable to the type of proceeding described in the first section of that subpart. Subpart C sets forth general rules applicable to all types of proceedings except rulemaking, and should be read in conjunction with the subpart governing a particular proceeding. Subpart I of this part sets forth special procedures to be followed in proceedings in order to safeguard and prevent disclosure of Restricted Data.

[69 FR 2233, Jan. 14, 2004]

§ 2.3 Resolution of conflict.

(a) In any conflict between a general rule in subpart C of this part and a special rule in another subpart or other part of this chapter applicable to a particular type of proceeding, the special rule governs.

(b) Unless otherwise specifically referenced, the procedures in this part do not apply to hearings in 10 CFR parts 4, 9, 10, 11, 12, 13, 15, 16, and subparts H and I of 10 CFR part 110.

[69 FR 2233, Jan. 14, 2004]