

Nuclear Regulatory Commission

Pt. 2, App. D

(c) The Commission or presiding officer may request, or upon request of a participant may, in the presiding officer's discretion, permit the submission of additional information following the close of the oral hearing. Such information must be submitted no later than five (5) days after the close of the oral hearing and must be served at the same time upon all participants at the oral hearing.

§ 2.1508 Recommendation of presiding officer.

(a) If the Commission is not acting as a presiding officer, the presiding officer shall, within thirty (30) days following the close of the legislative hearing record, certify the record to the Commission on each of the issues identified by the Commission.

(b) The presiding officer's certification for each Commission-identified issue shall contain:

- (1) A transcript of the oral phase of the legislative hearing;
- (2) A list of all participants;
- (3) A list of all witnesses at the oral hearing, and their affiliation with a participant;
- (4) A list, and copies of, all documentary information submitted by the participants with ADAMS accession numbers;
- (5) All demonstrative information submitted by the participants;
- (6) Any written answers submitted by the NRC staff in response to questions posed by the presiding officer with ADAMS accession numbers;
- (7) A certification that all documentary information has been entered into ADAMS, and have been placed on the NRC Web site unless otherwise protected from public disclosure;
- (8) A certification by the presiding officer that the record contains sufficient information for the Commission to make a reasoned determination on the Commission-identified issue; and
- (9) At the option of the presiding officer, a summary of the information in the record and a proposed resolution of the Commission-identified issue with a supporting basis.

§ 2.1509 Ex parte communications and separation of functions.

Section 2.347 applies in a legislative hearing. Section 2.348 applies in a legislative hearing only where the hearing addresses an issue certified to the Commission under § 2.335(d), and then only with respect to the underlying contested matter.

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.

Day	Regulation (10 CFR)	Action
0	2.101(f)(8), 2.105(a)(5).	Federal Register Notice of Hearing.
30	2.309(b)(2)	Petition to intervene/request for hearing, w/contentions.
30	2.309(b)(2)	Petition for status as interested government participant.
55	2.315(c)	Answers to intervention & interested government participant Petitions.
62	2.309(h)(1)	Petitioner's response to answers.
70	2.1021	First Prehearing conference.
100	2.309(h)(2)	First Prehearing Conference Order identifying participants in proceeding, admitted contentions, and setting discovery and other schedules.
110	2.1021	Appeals from First Prehearing Conference Order.
120	.....	Briefs in opposition to appeals.
150	2.1021, 2.329	Commission ruling on appeals for First Prehearing Conference Order.
548	.....	NRC Staff issues SER.
578	2.1022	Second Prehearing Conference.
608	2.1021, 2.1022	Discovery complete; Second Prehearing Conference Order finalizes issues for hearing and sets schedule for prefiled testimony and hearing.
618	2.1015(b)	Appeals from Second Prehearing Conference Order.
628	2.1015(b), c.f. 2.710(a).	Briefs in opposition to appeals; last date for filing motions for summary disposition.
648	c.f. 2.710(a)	Last date for responses to summary disposition motions.
658	2.710(a)	Commission ruling on appeals from Second Prehearing Conference Order; last date for party opposing summary disposition motion to file response to new facts and arguments in any response supporting summary disposition motion.
698	2.1015(b)	Decision on summary disposition motions (may be determination to dismiss or to hold in abeyance).
720	c.f. 2.710(a)	Evidentiary hearing begins.
810	.....	Evidentiary hearing ends.
840	2.712(a)(1)	Applicant's proposed findings.
850	2.712(a)(2)	Other parties' proposed findings.
855	2.712(a)(3)	Applicant's reply to other parties' proposed findings.

Pt. 4

10 CFR Ch. I (1–1–05 Edition)

Day	Regulation (10 CFR)	Action
955	2.713	Initial decision.
965	2.342(a), 2.345(a), 2.1015(c)(1).	Stay motion. Petition for reconsideration, notice of appeal.
975	2.342(d), 2.345(b).	Other parties' responses to stay motion and Petitions for reconsideration.
985	.....	Commission ruling on stay motion.
995	2.1015(c)(2)	Appellant's briefs.
1015	2.1015(c)(3)	Appellee's briefs.
1055	2.1023 Supp. Info.	Completion of NMSS and Commission supervisory review; issuance of construction authorization; NWPAs 3-year period tolled.
1125	.....	Commission decision.

[69 FR 2275, Jan. 14, 2004; 69 FR 25997, May 11, 2004]

PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE COMMISSION

GENERAL PROVISIONS

- Sec.
- 4.1 Purpose and scope.
- 4.2 Subparts.
- 4.3 Application of this part.
- 4.4 Definitions.
- 4.5 Communications and reports.
- 4.6 Maintenance of records.
- 4.8 Information collection requirements: OMB approval.

Subpart A—Regulations Implementing Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974

DISCRIMINATION PROHIBITED

- 4.11 General prohibition.
- 4.12 Specific discriminatory actions prohibited.
- 4.13 Employment practices.
- 4.14 Medical emergencies.

ASSURANCES REQUIRED

- 4.21 General requirements.
- 4.22 Continuing Federal financial assistance.
- 4.24 Assurances from institutions.

COMPLIANCE INFORMATION

- 4.31 Cooperation and assistance.
- 4.32 Compliance reports.
- 4.33 Access to sources of information.
- 4.34 Information to beneficiaries and participants.

CONDUCT OF INVESTIGATIONS

- 4.41 Periodic compliance reviews.
- 4.42 Complaints.
- 4.43 Investigations.
- 4.44 Resolution of matters.
- 4.45 Intimidatory or retaliatory acts prohibited.

MEANS OF EFFECTING COMPLIANCE

- 4.46 Means available.
- 4.47 Noncompliance with §4.21.
- 4.48 Termination of or refusal to grant or to continue Federal financial assistance.
- 4.49 Other means authorized by law.

OPPORTUNITY FOR HEARING

- 4.51 Notice of opportunity for hearing.

HEARINGS AND FINDINGS

- 4.61 Presiding officer.
- 4.62 Right to counsel.
- 4.63 Procedures, evidence, and record.
- 4.64 Consolidated or joint hearings.

DECISIONS AND NOTICES

- 4.71 Initial decision or certification.
- 4.72 Exceptions and final decision.
- 4.73 Rulings required.
- 4.74 Content of orders.
- 4.75 Post termination proceedings.

JUDICIAL REVIEW

- 4.81 Judicial review.

EFFECT ON OTHER REGULATIONS; FORMS AND INSTRUCTIONS

- 4.91 Effect on other regulations.
- 4.92 Forms and instructions.
- 4.93 Supervision and coordination.

Subpart B—Regulations Implementing Section 504 of the Rehabilitation Act of 1973, as Amended

- 4.101 Definitions.

DISCRIMINATORY PRACTICES

- 4.121 General prohibitions against discrimination.
- 4.122 General prohibitions against employment discrimination.
- 4.123 Reasonable accommodation.
- 4.124 Employment criteria.
- 4.125 Preemployment inquiries.
- 4.126 General requirement concerning accessibility.
- 4.127 Existing facilities.
- 4.128 New construction.

ENFORCEMENT

- 4.231 Responsibility of applicants and recipients.
- 4.232 Notice.