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

These model milestones would apply to enforcement proceedings conducted under 10 CFR Part 2, Subpart N. As required by 10 CFR 2.312 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 based upon all relevant information. The model milestones are based on the Commission’s Rules of Practice in 10 CFR Part 2, Subparts B, C, and N.

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 2.396. The only discovery provided is the mandatory disclosure made by each party pursuant to 10 CFR 2.396.

MODEL MILESTONES
[10 CFR Part 2, Subpart N]

- Within 20 of date of enforcement order:
  Person subject to order files answer; if order immediately effective, motion to set aside immediate effectiveness due; requests for hearing due, including joint motion to use Subpart N procedures.

- Within 50 days of date of enforcement order:
  Presiding officer decision on requests for hearing and confirms use of Subpart N procedures (note: if presiding officer concludes that Subpart N procedures should not be used, the Model Milestone for Enforcement Actions under Subpart G are applicable).

- Presiding officer certifies record to the Commission.

- Within 30 days of end of evidentiary hearing and closing of record:
  Presiding officer issues initial decision.

- Within 40 days of presiding officer decision granting hearing:
  Oral hearing commences.

- Within 60 days of presiding officer decision granting hearing:
  Prehearing conference to specify issues for hearing and set schedules for remaining course of proceeding.

- Mandatory disclosures complete.

- Evidentiary hearing begins.

- Prehearing conference to specify issues for hearing and set schedules for remaining course of proceeding.

- Presiding officer issues initial decision.

APPENDIX D TO PART 2—SCHEDULE FOR THE PROCEEDING ON CONSIDERATION OF CONSTRUCTION AUTHORIZATION FOR A HIGH-LEVEL WASTE GEOLOGIC REPOSITORY.

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<td>Second Prehearing Conference.</td>
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Nuclear Regulatory Commission

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