



RIC 2011 Proposed Changes to Part 2 Rules

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Background

- In early 2004, the Commission implemented major revisions to the 10 C.F.R. Part 2 Rules of Practice.
- The Commission, on February 28, 2011, published for public comment a proposed rule that would make additional changes to Part 2. The comment period expires on May 16, 2011.
- The proposed changes include improvements to promote fairness, efficiency, and openness, and the correction of errors identified since 2004.

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Selected Proposed Changes

- **Timeliness of New or Amended Contentions**
 - "Good cause" will be the sole factor for determining timeliness
 - The factors in section 2.309(f)(2)(i) through (iii) of the 2004 rule will be applied to determine whether "good cause" exists
- **Deadlines for Appeals and Petitions for Review**
 - The time for filing a section 2.311 appeal or a section 2.341 petition for review (or an answer to either) extended from 10/15 days → 25 days
 - The time for filing a section 2.341 reply brief extended from 5 → 10 days

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Selected Proposed Changes (cont.)

- **Scope of Mandatory Disclosures**
 - Specific questions for public comment concerning whether to limit the scope of the NRC staff’s mandatory disclosure obligations under section 2.336(b)(3) to documents *relevant to admitted contentions*
- **Interlocutory Appeal Standards**
 - Two options for public comment:
 - Option 1: allow all parties to immediately appeal any licensing board contention admissibility ruling; or
 - Option 2: allow only a petitioner to appeal on the question whether the hearing request/intervention petition should have been granted



References/Contact

- Proposed rule: 76 Fed. Reg. 10,781
- SECY-10-0106 (ML102250347)
- SRM-SECY-10-0106 (ML110120157)
- Comments (due 5/16/11) to: Rulemaking.Comments@nrc.gov
- Contact: Tison Campbell (Tison.Campbell@nrc.gov)
- Go to <http://www.regulations.gov>, search for Docket ID NRC-2008-0415
