



**RIC 2012
Mandatory Hearings at the NRC -
Perspectives from Participants and
Decision-Makers**

Paul Bollwerk
Administrative Judge (Legal)
Atomic Safety and Licensing Board Panel
March 13, 2012



Mandatory Hearings – Overview

- Mandatory Hearings Then and Now: Everything Old is New Again
- Type of Licensing Proceeding Does Not Necessarily Result in Different Hearing Procedures
- Recurring Procedural Points of Interest

2



Designating the Presiding Officer

- Commission or a Licensing Board?
- Board Membership: Contested Hearing Board or Different Board?
- Timing: At Issuance of Draft Safety Evaluation Report/Environmental Impact Statement or Sometime Thereafter?

3



Prehearing “Discovery”

- Questions to Applicant/NRC Staff
 - When
 - How Many
- Prefiled Testimony v. Presentations

4



Section 2.315 Participants

- Interested Governmental Entities
 - Soliciting Participation
 - What Role in Hearing?
- Limited Appearance Statements
 - When and How
 - Incorporation into Hearing and Decisional Process?

5



Designating the Issues

- When
- Issue Selection Considerations
- Lead Party Designation

6



Conducting the Hearing

- Location – Rockville or Remote
- Witnesses/Witness Panels – Who Gets Empanelled When
- Participation by Counsel
- Presiding Officer Examination of Witnesses

7



Post-Hearing

- Additional Presiding Officer Questions
- Proposed Findings of Fact
- Presiding Officer Decision
- Appellate Review

8



ESPs	Clinton	North Anna	Grand Gulf	Vogtle
Contested Case/ Admitted Contentions	Yes/1	Yes/2	Yes/0	Yes/3
Bd. Questions (Approx.)	200	240	185	65
Ltd. Appearance Sessions/ Speakers (Approx.)	1/20	1/30	1/20	4/50
Pre-Filed Test.	Yes	Yes	Yes	No
No. of Issues	6	7	9	9
No. of Hearing Sessions/Days	1/2	1/3	1/3	1/3

9



Uranium Enrichment Facilities	LES	USEC	AREVA	GE-Hitachi (Pending)
Contested Case/Admitted Contentions	Yes/15	Yes/0	No/0	No/0
Bd. Questions (Approx.)	10	135	75	TBD
Ltd. Appearance Sessions/Speakers (Approx.)	4/100	1/25	2/15	None Scheduled
Pre-Filed Test.	Yes	Yes	No	Yes
No. of Issues	7	20	10	TBD
No. of Hearing Sessions/Days	1/1	1/4	2/3	1/3 (Tent.)

10
