

## Request for Records Disposition Authority

Records Schedule Number      DAA-0431-2013-0001  
Schedule Status                Approved  
  
Agency or Establishment        Nuclear Regulatory Commission  
Record Group / Scheduling Group   Records of the Nuclear Regulatory Commission  
Records Schedule applies to    Agency-wide  
Schedule Subject                Licensing - Adjudications and Hearings  
Internal agency concurrences will be provided      No

### Background Information

Activities related to the conduct and content of Administrative hearings conducted by the NRC in support of the NRC's licensing and enforcement cases associated with nuclear power reactors and nuclear materials. Includes transcripts, and related audio and video recordings; staff hearing files, reports documenting conclusions and recommendations, and License Docket Formal Hearing files.

As a way to assure the full disclosure of appropriate information, the NRC's regulations in 10 CFR Part 2 specify different types of hearing processes for different types of agency actions such as Commission-Ordered Proceedings, Enforcement Proceedings, Reactor License Amendments, Materials Licenses, and Reactor Licensing. For some cases, particularly in the enforcement and certain reactor licensing areas, the NRC employs a formal, trial-type process similar to the procedures used in non-jury Federal court lawsuits, including pre-trial discovery between the parties and questioning of witnesses at an evidentiary hearing. In most cases, however, the NRC follows a more informal hearing process. Decisions of licensing boards can be appealed to the Commission, and Commission decisions can be appealed to the U.S. Courts of Appeals.

NRC is obligated by its own regulations to retain, prepare, and to disclose relevant materials under 10 CFR Part 2 and the hearings are conducted in accordance with the Administrative Procedure Act. NRC is also required to provide the public and those subject to agency enforcement actions an opportunity to challenge proposed licensing and enforcement activities as required by Section 189(a) of the Atomic Energy Act (AEA).

A series of interrelated information systems also support the hearings for licensing or enforcement action involving a facility that produces

or uses nuclear materials. These systems allow access to records intended to be used during the adjudicatory process and provide equal access to all parties during the pre-hearing, hearing, and post-hearing phases of the proceedings, however, they do not contain the records themselves and therefore it is not necessary to have recordkeeping rules (see Attachment A).

**\*Note:**

- Litigation actions, appeals, FOIA and any other disclosure request will suspend the retention of the records until litigation is terminated.
- Records series that are determined to be significant for research, document decisions that set precedent, or would otherwise be appraised as permanent records (see NARA Appraisal Guidance) by the National Archives and Records Administration (NARA) will be submitted as a separate proposed retention schedule via NARA's Electronic Records Archives system. For example, all unstructured documents related to High Level Waste Repository submitted under the licensing for Yucca Mountain.

**Item Count**

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
3	0	3	0

**GAO Approval**

## Outline of Records Schedule Items for DAA-0431-2013-0001

Sequence Number	
1	License Adjudications / Hearings Files
1.1	Staff Hearing Files Disposition Authority Number: DAA-0431-2013-0001-0001
1.2	Licensing Docket Proceeding Files Disposition Authority Number: DAA-0431-2013-0001-0002
2	Audio and Video
2.1	Audio and Video Disposition Authority Number: DAA-0431-2013-0001-0003

## Records Schedule Items

Sequence Number	
1	License Adjudications / Hearings Files
1.1	Staff Hearing Files
	Disposition Authority Number      DAA-0431-2013-0001-0001
	Files specially designated as discovery materials for combined license applications , license renewals, license extensions, new construction, and any other action pertaining to the NRC requirement to for contested hearings. These files are collected by program staff and submitted to project managers and then OGC for review as potential records for the anticipated hearings.
	Final Disposition                      Temporary
	Item Status                              Active
	Is this item media neutral?          Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      Yes
	Do any of the records covered by this item exist as structured electronic data?                      No
	<b>Disposition Instruction</b>
	Cutoff Instruction                      Cutoff when all licensing activities have ended.
	Retention Period                        Destroy 20 year(s) after cutoff
	<b>Additional Information</b>
	GAO Approval                            Not Required
1.2	Licensing Docket Proceeding Files
	Disposition Authority Number      DAA-0431-2013-0001-0002
	Case files maintained by the Office of the General Counsel on hearings before the Commission, Boards, Presiding Officers, and Panels relating to antitrust actions, and applications for construction and operating licenses for individual nuclear facilities, as well as for combined licenses, renewed licenses, reactor and senior reactor operator licenses, materials and facilities licenses, waste storage and disposal licenses, and enforcement actions. Files consist of correspondence, briefs, pleadings, hearing transcripts, and related records on cases and are used by OGC staff in adjudications. This series includes written transcripts of the hearings, exhibits, and filings (for Appellate Adjudication Documents Files see

N1-431-99-9). Excluded from this retention and records series is the docket file for the Department of Energy (DOE) high level waste repository which will be submitted under a separate retention schedule.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? Yes

GRS or Superseded Authority Citation NC1-431-81-5, Item 1.3.19 a  
NC1-431-81-5, Item 2.2.4

**Disposition Instruction**

Cutoff Instruction Cutoff when all licensing activities have ended.

Retention Period Destroy 20 year(s) after Cutoff

**Additional Information**

GAO Approval Not Required

**Audio and Video**

Audio and vide files of the hearing proceedings that are fully transcribed into a written transcript for the Licensing Docket Files proceedings.

**Audio and Video**

Disposition Authority Number DAA-0431-2013-0001-0003

Audio and video files of the hearing proceedings that are fully transcribed into a written transcript for the Licensing Docket Files proceedings. Note: This retention/disposition is only applicable to files created for the sole purpose of capturing hearing information. Other videos created, such as those for Knowledge Management purposes have different records retention authorities.

Final Disposition Temporary

Item Status Active

Is this item media neutral? No

Explanation of limitation retention is for media that is used as source material for transcriptions

Do any of the records covered by this item currently exist in Yes

2

2.1

electronic format(s) other than e-mail and word processing?

Do any of the records covered by this item exist as structured electronic data?

No

GRS or Superseded Authority Citation

NC1-431-81-5, Item 2.2.9

**Disposition Instruction**

Cutoff Instruction

When transcribed and verification of accuracy has been completed.

Retention Period

Destroy 60 days after cutoff.

**Additional Information**

GAO Approval

Not Required

## Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

## Signatory Information

Date	Action	By	Title	Organization
12/19/2012	Certify	Deborah Armentrout	Records Officer	Nuclear Regulatory Commission - Office of Information Services
12/13/2017	Submit for Concurrency	Steven Rhodes	Senior Appraisal Archivist	National Archives and Records Administration - Records Management Services
12/19/2017	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
12/19/2017	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
12/21/2017	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist