

Proposed Rule: Streamlining Contested Adjudications in Licensing Proceedings

NRC Staff Presentation

Public Information Meeting

March 19, 2026

Agenda

- ☐ Meeting Logistics
- ☐ Opening Remarks
- ☐ NRC Presentation
- ☐ Public Q&A



Meeting Logistics

- NRC is not recording or transcribing the meeting
- Meeting is not avenue for submitting comments on proposed rule
 - Proposed rule Federal Register Notice (3/3/26, 91 FR 10450) describes how to submit timely written comments
- Comment period closes on 4/2/26

Opening Remarks

Matt Pociask
Principal Deputy General Counsel

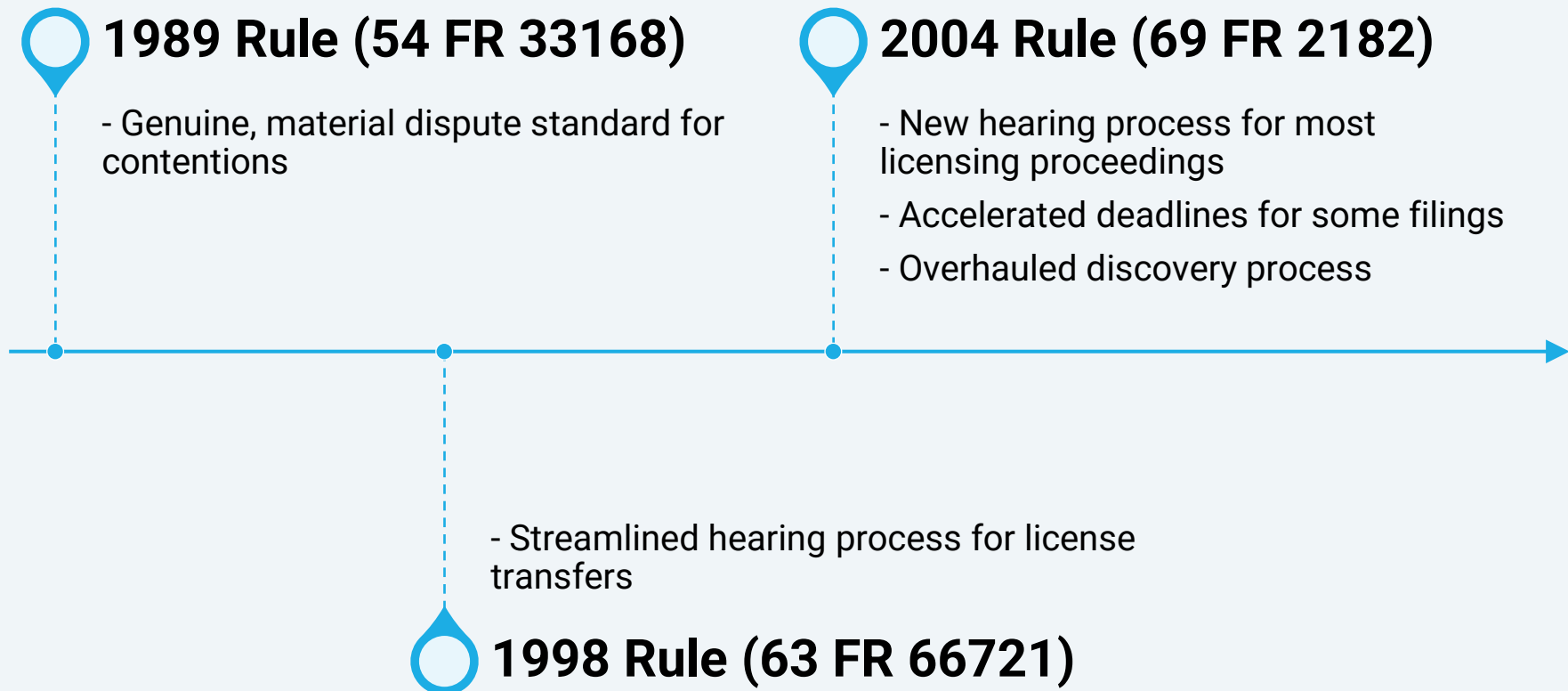


Proposed Rule Overview

- Why is the NRC proposing reform?
- How would the NRC change the contested hearing process?
- What difference would it make?

Michael A. Spencer
Senior Attorney

Prior Major Reforms



No Major Reforms Since 2004

Legislative and Executive Direction

- ADVANCE Act of 2024
 - Provide for efficient and timely reviews and proceedings for applications
 - Complete hearings and related processes within 2 years for certain reactor combined license applications
 - Periodically improve safety evaluation milestones
- Executive Order (EO) 14300
 - Streamline public hearings process
 - Issue final decisions within 18 months or 1 year for certain reactor licenses
 - Establish high-volume licensing process for micro-reactors and modular reactors
 - Establish expedited approval pathway for reactors tested and demonstrated to be safe by DOE or DOW
- *Current contested hearing process not designed to meet legislative and executive direction!*



Significant Issues that Need to be Resolved

- Hearing schedules are for much longer proceedings
 - One-size-fits-all approach to schedules
- Evidentiary hearings delayed until Staff review complete
- Milestones for completing hearing process, not strict deadlines
- Later-filed contentions should be better addressed
- Discovery process too burdensome

Overall Schedule Changes



Tailored Schedules

Faster timelines for simpler applications



Strict Deadlines

For filings and Board decisions



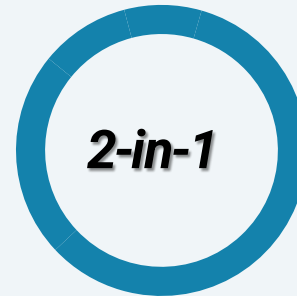
Avoid Delays

Hold hearings as soon as practicable



Faster Appeals

Milestones for completion



Time for 2nd Hearing

If needed for later-filed contentions

Standing and Contentions

- Standing would generally be addressed separately from contentions, on accelerated timeline
 - Standing resolved about 2 months from hearing notice
- Contention filing schedule would depend on application complexity
 - 60 days still provided for most complex applications, but less time for simpler applications
- Contention admissibility requirements refined
 - Petitioner would specify (a) legal basis for materiality of contention and (b) whether contention of omission or adequacy
- Licensing Board decision on contentions would be issued about 4 months or less from hearing notice
 - Extraordinary circumstances required for delay in process

Additional Merits Information in Initial Filings on Contentions

- Applicant required, and Staff may, address merits of proposed contentions in answers to contentions
- Petitioner's reply may respond to answers with additional evidence
- All litigants must provide supporting documents not in ADAMS, including expert declarations
- Aim is to support accelerated evidentiary hearing if contention is admitted

Evidentiary Hearings

- Hearing held as soon as practicable after contention admitted (aims to eliminate Intermediate Phase)
 - Delay permitted if (1) Applicant or Staff seek to dismiss contention (2) Staff decides to participate as a party but is not yet ready to take final positions on contested issues
- Board has discretion to tailor procedures to nature of contention
 - Board may permit written testimony & position statements, rebuttal, oral hearings, proposed findings & conclusions, briefing
 - Formal procedures required only for new enrichment facility license
- Evidentiary hearing phase would take 4 to 5 months for most proceedings, faster for others
 - Delay to overall deadline permitted only for unavoidable and extreme circumstances

Later-Filed Contentions

- Accelerated schedules for contentions filed after the initial deadline
- Just filing a contention would not prevent licensing decision in case where prior hearing is required
 - To be considered pending before NRC, petitioner must timely file based on new, materially different information
- Sets standard time for applying reopening-the-record standard to later-filed contentions
 - Higher standard would apply after Standard Record Closure Date (i.e., point where NRC could have completed hearing on contention submitted by initial deadline if there are no delays)
 - Same reopening criteria: (1) significant safety or environmental issue, (2) likely to change the outcome

Handling More Expedited Proceedings

- Establish “highly expedited proceeding” concept
 - Defined term that includes specified application categories
 - Commission could add to designation (e.g., high-volume licensing under EO 14300 Section 5(e))
 - Significantly accelerated schedules
- Provisions applicable to all proceedings:
 - To greatest extent practicable, hearing schedule would not extend past the Staff’s review schedule
 - Unavoidable and extreme circumstances required for extension of time with demonstrated potential to cause proceeding to extend beyond Staff’s review schedule

Other Significant Changes

- Eliminate Staff hearing file and generally eliminate Staff's § 2.336 disclosures to avoid duplication
- Exclude drafts from § 2.336 disclosures and do not require updates during evidentiary hearing
- Have Licensing Boards preside over license transfer proceedings rather than Commission
- Eliminate discretionary intervention
- Disallow non-attorney representation of other persons and entities (same as Federal courts)
 - Individuals could still represent themselves
 - Aims to avoid delays and inefficiencies

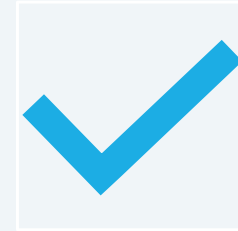
Specific Requests for Comment



Overall Framework



Additional Merits
Information in Initial
Filings



Specific Hearing
Provisions



Discovery



Applicability of Rule
Changes to Ongoing
Proceedings

Saving Time and Resources

Hearing Request/Contention Phase

- From 5½ months (typical) down to 4 months or less

Intermediate Phase

- Rule would eliminate this phase where practicable
- Potentially saves a year or more, even under EO 14300 review schedules

Evidentiary Hearing Phase

- From the typical 9 months or more down to 4 or 5 months or less

Total time from notice to evidentiary hearing decision

- For 18-month reviews – From up to 27 months down to 8 or 9 months
- For 1-year reviews – From up to 20 months down to 7 months

Saves Resources

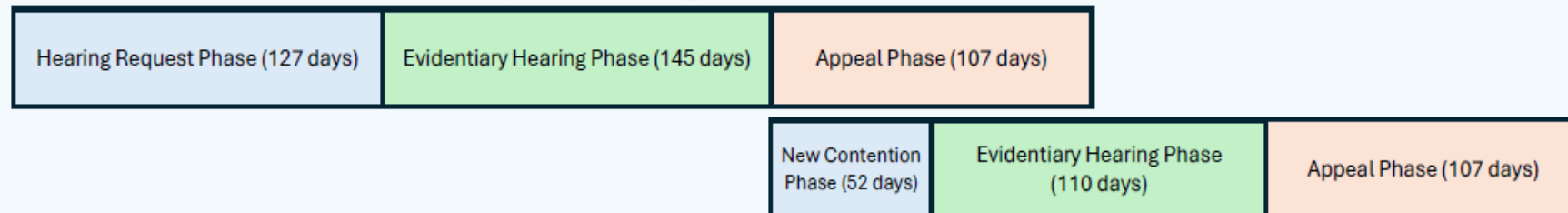
- \$9 million in savings per year vs. current rules, 7% discount rate

Month After Application Accepted for Review

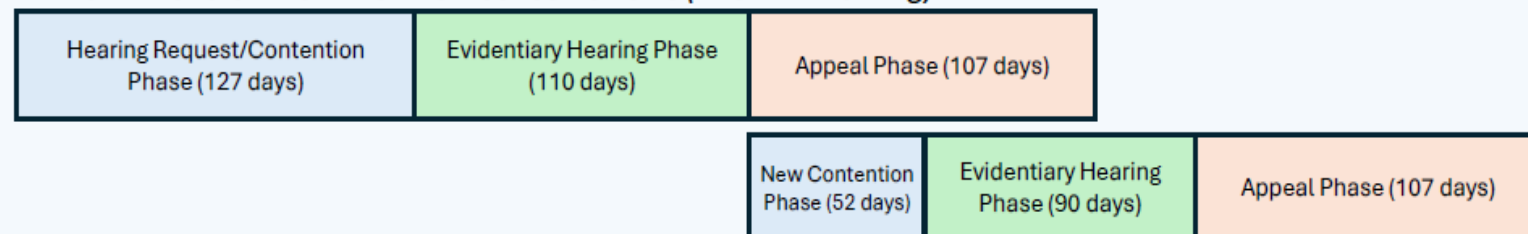
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PROPOSED RULE TIMELINES

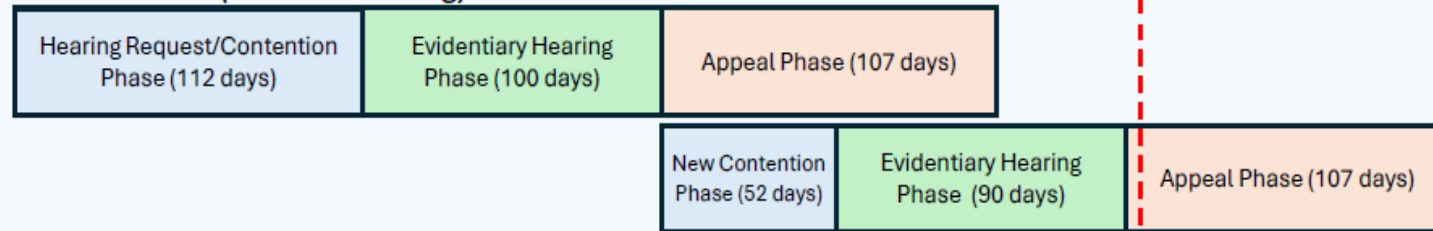
18-Month Uranium Enrichment Reviews (Formal Hearing)



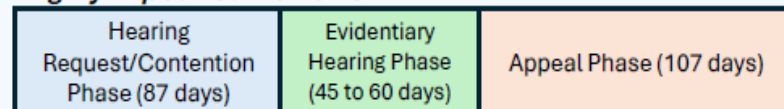
18-Month Reactor and Materials License Reviews (Informal Hearing)



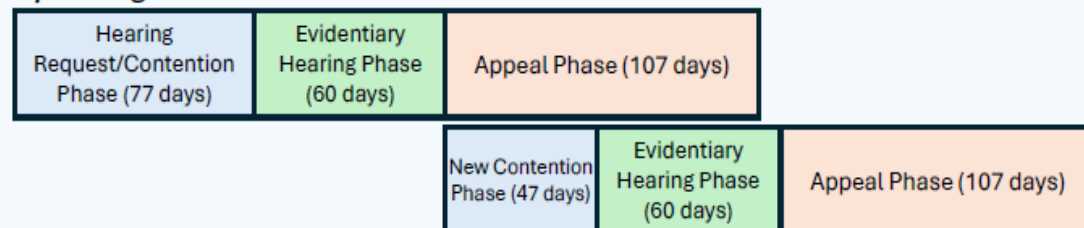
1-Year Reviews (Informal Hearing)



Highly Expedited Reviews



Operating Reactor Transfer Reviews



Economic Impacts

- Primary impact: The NRC is proposing to amend its regulations under 10 CFR Part 2 to streamline its contested hearing process
- Regulatory alternatives:
 - Alternative 1 – Baseline: Maintain current regulations under 10 CFR Part 2
 - Alternative 2 – Proposed Rule: Addresses ADVANCE Act and E.O. 14300, Section 5(j)
- Regulatory analysis
 - Monetizes costs and savings
 - Savings primarily reflect labor savings for NRC, applicants, and petitioners
 - Qualitative benefits include other regulatory efficiencies

Economic Impacts: 5-Year Analysis

Attribute	In Millions (\$)		
	Undiscounted	3% NPV	7% NPV
Applicants' Savings from Rule	21.5	19.1	16.5
NRC Adjudicatory Staff's Savings from Rule	14.8	13.2	11.4
NRC Technical Staff and Attorneys' Savings from Rule	13.0	11.6	10.0
NRC Costs to Prepare Final Rule Costs	(0.3)	(0.3)	(0.3)
Petitioners' Savings from Rule	2.7	2.4	2.1
Net Savings:	51.7	46.0	39.6
Annualized Savings:		9.8	9.0

Contact Information and Links

- *Rulemaking Project Manager:* Dennis Andrukat, Dennis.Andrukat@nrc.gov
- *Lead Attorney:* Michael Spencer, Michael.Spencer@nrc.gov
- *Meeting Feedback:*
<https://www.nrc.gov/pmns/mtg?do=details&Code=20260218>
- *Regulations.gov Rulemaking Docket:*
<https://www.regulations.gov/docket/NRC-2025-1501>
- *NRC Website on Proposed Contested Hearings Rule:*
<https://www.nrc.gov/about-nrc/governing-laws/advance-act/streamlining-contested-hearing-process>

Public Questions



Questions (limit 2 min/speaker)

Raise Hands on Teams

or

Dial-in using the bridge number



Dial-In Info

Number: 1-301-576-2978, Passcode: 792840228#

Press *5 to raise your hand

Press *6 to unmute your microphone



Closed Captioning

Click the three dots at the top of the Teams Application

Click “Language and Speech”

Click “Turn on Live Captions”

Wait for the facilitator to acknowledge your turn to speak