

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Stefan R. Wolfe, Chair
Dr. David A. Smith
Nicholas G. Trikouros

In the Matter of

LONG MOTT ENERGY, LLC

(Long Mott Generating Station)

Docket No. 50-614-CP

ASLBP No. 25-991-01-CP-BD01

March 26, 2026

MEMORANDUM AND ORDER

(Regarding Proposed 10 C.F.R. Part 53)

On March 25, 2026, the NRC issued a public notice that “in the coming weeks” the NRC would issue a final rule regarding the licensing of advanced nuclear reactors.¹ The rule would become effective 30 days after it is published in the Federal Register. As proposed, section 53.1670 of the rule, “Financial Qualifications,” would require “applicants other than electric utilities to appear to be financially qualified for the activities for which the license is being sought.”²

¹ Press Release, NRC Office of Public Affairs, NRC Unveils First New Reactor Licensing Process in Decades to Speed Deployment While Maintaining Safety (Mar. 25, 2026). The proposed publication date is April 3, 2026. See NRC, Planned Rulemaking Activities - Rule | Nuclear Regulatory Commission, <https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/active/ruledetails?id=1108> (Mar. 24, 2026).

² See Staff Requirements—SECY-25-0089—Final Rule: Risk Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors (RIN 3150-AK31; NRC-2019-0062) (Mar. 25, 2026), Encl. 2, Federal Register Notice for Final Rule (ADAMS Accession No. ML26084A489).

This raises the issue of whether the new rule would affect the adjudication of any new or amended contention that Waterkeeper may raise (e.g. Contention 3C). If adopted, the new rule may also affect the adjudication of Contention 3B. With the possibility of the applicable rule changing under the parties' feet, the Board seeks to avoid the circumstance where the parties file briefs under the current rule, and then additional rounds of briefing are required to address the impact of the new rule once it becomes effective.

Given that the new rule may be published as early as April 3, 2026, and become effective 30 days later, to ensure a timely and efficient process, the Board requests the parties jointly confer to determine whether it would serve the parties' joint interest and judicial economy to extend any existing deadline to avoid duplicative work by the parties. If the parties jointly agree to postpone any deadline, the parties should file a brief joint motion proposing the deadline to be extended.³

³ If the parties do not agree, no filing is required.

Absent the Board granting a motion to extend a deadline, the Board directs that all future filings regarding any contention addressing financial qualifications shall include each party's views as to the effect of the new Part 53 on the issue that is being briefed.⁴ That is, each party should address all issues concerning financial qualification under both sets of rules, and state which set of rules the party believes controls the Board's resolution of the issue. For any filing that is subject to a page limit, the page limit is hereby extended by ten pages to address this additional matter.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Stefan R. Wolfe, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 26, 2026

⁴ For any filing made before the final rule is published in the Federal Register, the party shall assume that the NRC will adopt Part 53 as proposed. If the Rule is not adopted as proposed, within five days of publication in the Federal Register, each party may supplement their briefing to address any change.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM and Order(Regarding Proposed 10 C.F.R. Part 53)** have been served upon the following by Electronic Information Exchange.

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Long Mott Energy, LLC., Docket No. 50-614-CP
MEMORANDUM and Order(Regarding Proposed 10 C.F.R. Part 53)

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Office of the Secretary of the Commission

Dated at Rockville, MD,
this 26th day of March 2026.