

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Ho. K. Nieh, Chairman
David A. Wright
Bradley R. Crowell
Matthew J. Marzano
Douglas W. Weaver

In the Matter of

ORANO ENRICHMENT USA LLC

(PROJECT IKE ENRICHMENT FACILITY)

Docket No. 70-7038

CLI-26-11

**NOTICE OF RECEIPT OF APPLICATION FOR LICENSE; NOTICE OF CONSIDERATION
OF ISSUANCE OF LICENSE; NOTICE OF HEARING AND COMMISSION ORDER;
OPPORTUNITY TO REQUEST A CONTESTED HEARING;
AND ORDER IMPOSING PROCEDURES FOR ACCESS TO SENSITIVE
UNCLASSIFIED NON-SAFEGUARDS INFORMATION AND SAFEGUARDS
INFORMATION FOR CONTENTION PREPARATION**

I. Receipt of Application and Availability of Documents

The U.S. Nuclear Regulatory Commission (NRC) has received an application from Orano Enrichment USA LLC (Orano) for a license to receive, acquire, possess, and transfer byproduct, source, and special nuclear material for the purpose of constructing and operating the Project IKE Enrichment Facility in Oak Ridge, Tennessee.¹ Orano is a regional subsidiary of Orano SA, a French multinational nuclear fuel cycle corporation majority-owned by the French

¹ Letter from Peter Vescovi, Orano Enrichment USA LLC to NRC Document Control Desk (Mar. 27, 2026) (ML26086A377 (package)) (March 27 Application). Orano supplemented its application on May 8, 2026 (ML26128A423), providing responses to an NRC request for supplemental information dated May 1, 2026 (ML26114A041).

state. The requested license would authorize Orano to possess equipment capable of enriching uranium, to construct and operate a uranium enrichment facility, and to receive title to, own, acquire, receive, possess, use, transfer, and/or deliver source material, special nuclear material, and byproduct material as specified in the license for a facility that performs the mechanical separation of isotopes using a fast rotating cylinder (centrifuge) to enrich uranium. The facility would be known as the Project IKE Enrichment Facility and would be located in eastern Tennessee, in Roane County, on land owned by the Industrial Development Board of the City of Oak Ridge.² The requested license would authorize Orano to re-enrich depleted uranium hexafluoride (UF₆) tails and enrich natural-grade UF₆ to a maximum of 8-weight percent uranium-235.

In May 2026, following the initial submission of its application in March, Orano requested that the NRC staff grant an exemption from timing requirements set forth in 10 C.F.R.

§ 70.22(m), which require that certain license applications submitted under Part 70 include a description of the applicant's security program to protect classified matter and equipment.³

Orano asked to be allowed to submit its license application (LA) to provide the required Information Systems Security Plan (ISSP) separate from the other safety and safeguards portions of the LA package.⁴ The NRC staff granted the temporary exemption, allowing Orano until September 21, 2026, to submit the portions of the application required by § 70.22(m).⁵ On May 21, 2026, the NRC staff informed Orano of its determination that "the application provides

² March 27 Application, Enclosure 3 (ML26086A381).

³ Letter from Peter Vescovi, Orano Enrichment USA LLC, to NRC Document Control Desk (May 14, 2026) (ML26134A341).

⁴ *Id.*

⁵ Letter from Tekia Govan, U.S. Nuclear Regulatory Commission, to Peter Vescovi, Orano Enrichment USA LLC (May 20, 2026) (ML26135A230), Encl., "The Safety Evaluation Report for the Orano Enrichment USA, LC Request for Exemption to Segment the License Application for Project IKE," (undated) (ML261235A228).

sufficient information to proceed with a detailed technical review” and formally accepted the application for review.⁶

The NRC staff will perform a detailed technical review of the application and prepare a safety evaluation report (SER) that addresses the findings required by the Atomic Energy Act of 1954, as amended (AEA) (42 U.S.C. §§ 2011 – 2297h-13), and the NRC’s regulations concerning the public health and safety and common defense and security. Additionally, in accordance with section 193 of the AEA, the National Environmental Policy Act of 1969 (NEPA), and the NRC’s regulations in 10 C.F.R. Part 51, the NRC staff will prepare a final environmental impact statement (FEIS) before the required hearing on the issuance of the license is completed.

Interested persons may obtain publicly available documents relating to this application online in the Agencywide Documents Access and Management System (ADAMS) Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. Interested persons may also examine and order copies of publicly available documents at the NRC’s Public Document Room (PDR), which is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays. When available, the NRC staff’s SER and FEIS, except for portions subject to withholding from public inspection in accordance with 10 C.F.R. § 2.390, will also be placed in the PDR and in ADAMS. Copies of correspondence between the NRC and Orano and transcripts of prehearing conferences and hearings, except for portions subject to withholding from public inspection in accordance with 10 C.F.R. § 2.390, similarly will be made available to the public.

II. Opportunity to Request a Hearing and Petition for Leave to Intervene

⁶ Letter from Osiris Siurano-Perez, U.S. Nuclear Regulatory Commission, to Peter Vescovi, Orano Enrichment US LLC (May 21, 2026), at 1 (ML26134A3287 (package)).

Pursuant to 10 C.F.R. § 70.23a and Section 193 of the AEA, as amended, a hearing is required prior to the issuance of the license. In the event there is a contested hearing on the application, the Commission does not intend to conduct an additional uncontested hearing. If no contested hearing takes place, the Commission will notice its procedures for the conduct of the uncontested hearing at a later date.

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 C.F.R. Part 2. Interested persons should consult 10 C.F.R. § 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 C.F.R. § 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally-recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 C.F.R. § 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 C.F.R. § 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 C.F.R. § 2.315, see ADAMS Accession No. ML20340A053 (<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053>) and the NRC's public website at

<https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate>.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally-recognized Indian Tribe, or designated agency thereof that requests to participate under 10 C.F.R. § 2.315(c), must be filed in accordance with 10 C.F.R. § 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the “Guidance for Electronic Submissions to the NRC” (ADAMS Accession No. ML13031A056) and on the NRC’s public website at <https://www.nrc.gov/site-help/e-submittals.html>.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at Hearing.Docket@nrc.gov, or by telephone at 301-415-1677, to: (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC’s public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC’s public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered

complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 C.F.R. § 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 C.F.R. § 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 C.F.R. § 2.302(g)(2) must still meet the electronic formatting requirement in 10 C.F.R. § 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 C.F.R. § 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the presiding officer. If you do not have an NRC issued- digital ID certificate as described above, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

IV. Commission Guidance

a. Selection of Hearing Procedures

The NRC's regulations at 10 C.F.R. §§ 2.310(c) and 2.700 and 70.23a provide that proceedings conducted with respect to the initial licensing of a uranium enrichment facility are to be conducted under the procedures of Subpart G to 10 C.F.R. Part 2. After considering the desired goals of efficient conduct and streamlining of adjudicatory proceedings, the Commission directs that, notwithstanding §§ 2.310(c), 2.700, and 70.23a, the procedures of Subpart L (Simplified Hearing Procedures for NRC Adjudications) to 10 C.F.R. Part 2, with certain modifications in this Order, will be used for any contested hearing held in this matter.⁷ Specifically, notwithstanding the provisions of 10 C.F.R. § 2.1202(a), the NRC staff shall not issue its approval or denial of the application during the pendency of the hearing. Furthermore, when the Licensing Board has ruled on the contested matters in a manner that would otherwise

⁷ We are directing the use of Subpart L because it will be more efficient and its procedures meet the requirements for "on the record" proceedings. See *Citizens Awareness Network, Inc. v. NRC*, 391 F.3d 338 (1st Cir. 2004).

conclude the proceeding (i.e., dispositioning all contentions on either threshold admissibility or merits), it shall hold open the record and refer the contested hearing ruling to the Commission.⁸

Consistent with AEA Section 193, final Commission action on this referred contested hearing record will not occur before the NRC staff prepares the FEIS on the licensing action.

Additionally, the parties' litigation of contested issues should commence promptly following the admission of contentions, rather than awaiting the completion of the NRC staff review.

b. Licensing Board Determination of Contentions

The Licensing Board shall issue a decision on the admissibility of contentions no later than **[140 days from the date of publication of this Federal Register notice]**.

c. Novel Legal Issues

If rulings on petitions, contention admissibility, or admitted contentions, raise novel legal or policy questions, the Commission will provide early guidance and direction on the treatment and resolution of such issues. Accordingly, the Commission directs the Licensing Board to promptly certify to the Commission in accordance with 10 C.F.R. §§ 2.319(l) and 2.323(f) all novel legal or policy issues that would benefit from early Commission consideration should such issues arise in this proceeding.

d. Discovery

As provided above, for any contested hearing in this proceeding, the provisions of 10 C.F.R. Subpart L will govern the parties' discovery and disclosure obligations.

e. Hearing Schedule

In the interest of providing a fair hearing, avoiding unnecessary delays in NRC's review and hearing process, and producing an informed adjudicatory record that supports the licensing determination to be made in this proceeding, the Commission expects that both the Licensing

⁸ Pursuant to 10 CFR 2.323(f), a prompt referral from the Licensing Board and Commission decision is necessary to materially advance the orderly disposition of the proceeding that is required under Section 193 of the AEA.

Board and NRC staff, as well as the applicant and other parties to this proceeding, will follow the applicable requirements contained in 10 C.F.R. Part 2 and guidance in the *Commission's Statement of Policy on Conduct of Adjudicatory Proceedings*, CLI-98-12, 48 NRC 18 (1998) (63 Fed. Reg. 41872 (August 5, 1998)) to the extent that such guidance is not inconsistent with specific guidance in this Order. The guidance in the Statement of Policy on Conduct of Adjudicatory Proceedings is intended to improve the management and the timely completion of the proceeding and addresses hearing schedules, parties' obligations, contentions and discovery management. In addition, the Commission is providing the following direction for this proceeding:

1) The Licensing Board shall set a schedule for the contested hearing in this proceeding consistent with this Order that provides for the issuance of a final Licensing Board decision within 315 days (10½ months) from the date of the publication of this *Federal Register* notice.

2) The evidentiary hearing with respect to contested issues shall commence promptly and not await issuance of the SER or FEIS unless the Licensing Board finds that doing so will adversely impact its consideration of an issue.

3) The Commission believes that issuing a contested hearing decision within 315 days may be reasonably achieved under the rules of practice contained in 10 C.F.R. Part 2 and the enhancements directed by this Order. We do not expect the Licensing Board to sacrifice fairness and sound decision-making to expedite any hearing granted on this application. We do expect the Licensing Board to use the applicable techniques specified in: this Order; 10 C.F.R. §§ 2.332, 2.333, and 2.334; and the Commission's policy statement on the conduct of adjudicatory proceedings (CLI-98-12, *supra*) to ensure prompt and efficient resolution of contested issues. *See also Statement of Policy on Conduct of Licensing Proceedings*, CLI-81-8, 13 NRC 452 (1981).

4) The Licensing Board shall adopt the following milestones, in developing a schedule, for conclusion of significant steps in a contested adjudicatory proceeding.

Within **[60 days from the date of publication of this Federal Register notice]**

Deadline for Requests for Hearing; Petitions to Intervene and Contentions; and Requests for Limited Participation under 10 C.F.R. § 2.315(c).

Within **[85 days from the date of publication of this Federal Register Notice]**

Answers to Requests for Hearing; Petitions to Intervene and Contentions; and Requests for Limited Participation.

Within **[95 days from the date of publication of this Federal Register Notice]**

Replies to Answers regarding Requests for Hearing; Petitions to Intervene and Contentions; and Requests for Limited Participation.

Within **[140 days from the date of publication of this Federal Register Notice]**

Licensing Board issues decision on Requests for Hearing; Petitions to Intervene and Contentions; and Requests for Limited Participation.

Licensing Board sets initial schedule for evidentiary proceeding.

Within 30 days of the Licensing Board decision determining intervention:

Staff prepares hearing file.

Within **[315 days from the date of publication of this Federal Register Notice]**:

Licensing Board issues initial decision.

To avoid unnecessary delays in the proceeding, the Licensing Board shall not routinely grant requests for extensions of time and should manage the schedule such that the overall hearing process is completed within 315 days from the date of publication of this *Federal Register* notice. The Licensing Board shall not entertain motions for summary disposition under 10 C.F.R. § 2.1205, unless the Licensing Board finds that such motions, if granted, are likely to expedite the proceeding. Unless otherwise justified, the Licensing Board shall provide for the

simultaneous filing of answers to proposed contentions, responsive pleadings, proposed findings of fact, and other similar submittals. In managing the proceeding, the Licensing Board shall establish timetables for consideration and disposition of contentions filed after the initial deadline in a manner that will, to the maximum extent practicable, effectuate the ultimate target of completing the hearing process within 315 days from the date of publication of this *Federal Register* notice.

5) Parties are obligated to comply with applicable requirements in 10 C.F.R. Part 2, unless directed otherwise by this Order or the Licensing Board. They are also obligated in their filings before the Licensing Board and the Commission to ensure that their arguments and assertions are supported by appropriate and accurate references to legal authority and factual basis, including, as appropriate, citation to the record. Failure to do so may result in material being stricken from the record or, in extreme circumstances, a party being dismissed from the proceeding.

6) The Commission directs the Licensing Board to inform the Commission promptly, in writing, if the Licensing Board determines that any single milestone could be missed by more than 30 days. The Licensing Board must include an explanation of why the milestone cannot be met and the measures the Licensing Board will take to mitigate the failure to achieve the milestone and restore the proceeding to the overall schedule.

f. Commission Oversight

As in any proceeding, the Commission retains its inherent supervisory authority over the proceeding to provide additional guidance to the Licensing Board and participants and to resolve any matter in controversy itself. In the event that the Licensing Board issues a final order which would terminate the contested proceeding (or deny a petition to intervene), the Licensing Board shall hold open the record and refer that order to the Commission.

V. Applicable Requirements

A. Licensing

The Commission will license and regulate byproduct, source, and special nuclear material at the Project IKE Enrichment Facility in accordance with the AEA. Section 274c.(1) of the AEA was amended by Public Law 102-486 (October 24, 1992) to require the Commission to retain authority and responsibility for the regulation of uranium enrichment facilities. Therefore, in compliance with law, the Commission will be the sole licensing and regulatory authority with respect to possession of equipment capable of enriching uranium, operation of a uranium enrichment facility, and possession and use of byproduct, source, and special nuclear material for the Project IKE Enrichment Facility in connection therewith.

Many rules and regulations in 10 C.F.R. Chapter I are applicable to the licensing of a person to receive, possess, use, transfer, deliver, or process byproduct, source or special nuclear material in the quantities that would be possessed at the Project IKE Enrichment Facility. These include 10 C.F.R. Parts 19, 20, 21, 25, 30, 40, 51, 70, 71, 73, 74, 95, 140, 170, and 171 for the licensing and regulation of byproduct, source, and special nuclear material, including requirements for notices to workers, reporting of defects, radiation protection, waste disposal, decommissioning funding, and insurance. With respect to these regulations, the Commission notes that this is the seventh proceeding involving the licensing of an enrichment facility.⁹

⁹ The Commission issued a number of decisions in earlier proceedings regarding proposed sites in Homer, Louisiana (Claiborne Enrichment Center); Eunice, New Mexico (National Enrichment Facility); Piketon, Ohio (American Centrifuge Plant); Bonneville County, Idaho (Eagle Rock Enrichment Facility); and Wilmington, North Carolina (GLE Commercial Facility). These final decisions—*Louisiana Energy Services, L.P. (Claiborne Enrichment Center)*, CLI-92-7, 35 NRC 93 (1992); *Louisiana Energy Services, L.P. (Claiborne Enrichment Center)*, CLI-97-15, 46 NRC 294 (1997); *Louisiana Energy Services, L.P. (Claiborne Enrichment Center)*, CLI-98-3, 47 NRC 77 (1998); *Louisiana Energy Services, L.P. (National Enrichment Facility)*, CLI-05-05, 61 NRC 22(2005); *Louisiana Energy Services, L.P. (National Enrichment Facility), et. al.*, CLI-05-17, 62 NRC 5 (2005); *USEC, Inc. (American Centrifuge Plant)*, CLI-07-05, 65 NRC 109 (2007); *AREVA Enrichment Services, LLC (Eagle Rock Enrichment Facility)*, CLI-11-4, 74 NRC 1 (2011)—resolve a number of issues concerning uranium enrichment licensing and may be relied upon as precedent.

Consistent with the AEA, and the Commission's regulations, the Commission is providing the following direction for licensing uranium enrichment facilities:

1. Environmental Issues

a. General: 10 C.F.R. Part 51 governs the preparation of an environmental report and an environmental impact statement for a materials license. Orano's environmental report and the NRC staff's associated environmental impact statement shall include a statement on the alternatives to the proposed action, including a discussion of the no-action alternative.

b. Treatment of depleted uranium hexafluoride tails: As to the treatment of the disposition of depleted uranium hexafluoride tails (depleted tails) in these environmental documents, unless Orano demonstrates a use for uranium in the depleted tails as a potential resource, the depleted tails will be considered waste. The Commission has previously concluded that depleted uranium from an enrichment facility is appropriately classified as low-level radioactive waste.¹⁰ An approach for disposition of tails that is consistent with the USEC Privatization Act, such as transfer to the Department of Energy (DOE) for disposal, constitutes a "plausible strategy" for disposition of the Orano depleted tails.¹¹ The NRC staff may consider DOE's Final Programmatic Environmental Impact Statement for Alternative Strategies for the Long-Term Management and Use of Depleted Uranium Hexafluoride in preparing the staff's environmental impact statement.¹² Orano and the Staff shall address alternatives for the disposition of depleted uranium tails in these documents. As part of the licensing process, Orano must also address the health, safety, and security issues associated with the onsite storage of depleted uranium tails pending removal of the tails from the site for disposal or DOE disposition.

¹⁰ See *Louisiana Energy Services*, CLI-05-05, 61 NRC at 36.

¹¹ *Id.*

¹² See Department of Energy, *Final Programmatic Environmental Impact Statement for Alternative Strategies for the Long-Term Management and Use of Depleted Uranium Hexafluoride* (DOE/EIS-0269), 64 Fed. Reg. 43358 (Aug. 10, 1999).

2. Financial Qualifications

Review of financial qualifications for enrichment facility license applications is governed by 10 C.F.R. Part 70. In CLI-97-15, the Commission held that the 10 C.F.R. Part 70 financial criteria, 10 C.F.R. §§ 70.22(a)(8) and 70.23(a)(5), could be met by conditioning the license to require funding commitments to be in place prior to construction and operation.¹³ The specific license condition imposed—providing one way to satisfy the requirements of 10 C.F.R. Part 70—required the licensee to have in place prior to commencement of construction or operation: a minimum equity contribution of 30% of project costs from the parents and affiliates of partners prior to construction of the associated capacity; firm funding commitments for the remaining project costs; and long term enrichment contracts with prices sufficient to cover both construction and operating costs, including a return on investment, for the entire term of the contracts.

3. Foreign Ownership

The Orano application is governed by sections 53 and 63 of the AEA, and, consequently, issues of foreign involvement shall be determined pursuant to sections 57 and 69, not sections 103, 104, or 193(f). Sections 57 and 69 of the AEA require, among other things, an affirmative finding by the Commission that issuance of a license for the facility will not be “inimical to the common defense and security.” The requirements of sections 57 and 69 are incorporated in 10 C.F.R. § 70.31 and 10 C.F.R. § 40.32, respectively.

4. Creditor Requirements

Pursuant to section 184 of the AEA, the creditor regulations in 10 C.F.R. § 50.81 shall apply to the creation of creditor interests in equipment, devices, or important parts thereof, capable of separating the isotopes of uranium or enriching uranium in the isotope U-235. In addition, the creditor regulations in 10 C.F.R. § 70.44 shall apply to the creation of creditor

¹³ *Louisiana Energy Services*, CLI-97-15, 46 NRC at 309.

interests in special nuclear material. These creditor regulations may be augmented by license conditions as necessary to allow ownership arrangements (such as sale and leaseback) not covered by 10 C.F.R. § 50.81, provided it can be found that such arrangements are not inimical to the common defense and security of the United States.

5. Classified Information

All matters of classification of information related to the design, construction, operation, and safeguarding of the Project IKE Enrichment Facility shall be governed by classification guidance in “Joint DOE/NRC Classification Guide for Enrichment of Uranium by the SILEX Process in the United States,” Secret RD, Change 1 (November 2016)(CG-US-SILEX-2) and “Classification Guide for Safeguards and Security Information Associated with Uranium Enrichment by the SILEX Process,” OUC, Change 1 (January 2024)(CG-NRC-SILEX-2A). All decisions on questions of classification or declassification of information shall be made by appropriate classification officials in the NRC and/or DOE and are not subject to *de novo* review in this proceeding.

6. Access to Classified Information

Portions of Orano’s application for a license are classified Restricted Data or National Security Information. Persons needing access to those portions of the application will be required to have the appropriate security clearance for the level of classified information to which access is required. Access requirements apply equally to intervenors, their witnesses and counsel, employees of the applicant, its witnesses and counsel, NRC personnel, and others. Any person who believes that he or she will have a need for access to classified information for the purpose of this licensing proceeding, including the hearing, should immediately contact the NRC, Division of Fuel Cycle, Washington, D.C., 20555, for information on the clearance process. Telephone calls may be made to Osiris Siurano-Perez, Project Manager, Fuel Facility Licensing Branch 2, Division of Fuel Cycle, Office of Nuclear Material Safety and Safeguards. Telephone: (301) 415-7827.

7. Obtaining NRC Security Facility Approval for Safeguarding Classified Information Received or Developed Pursuant to 10 C.F.R. Part 95

Any entity requiring access to or possession of classified information in connection with the licensing proceeding must process, store, reproduce, transmit, or handle such information exclusively at a location that has received facility security clearance approval from the NRC's Division of Fuel Cycle, Washington, DC 20555. Telephone calls may be made to Samuel (Sam) Bazian, Senior Program Manager Materials Security Branch, Division of Fuel Cycle, Office of Nuclear Material Safety and Safeguards. Telephone: (301) 415-7048.

B. Reconsideration

The above guidance does not foreclose the applicant, any person admitted as a party to the hearing, or an entity participating under 10 C.F.R. § 2.315(c) from litigating material factual issues necessary for resolution of contentions in this proceeding. Persons permitted to intervene and entities participating under 10 C.F.R. § 2.315(c) as of the date of the order on intervention may also move the Commission to reconsider any portion of section V of this Notice and Commission Order where there is no clear Commission precedent or unambiguously governing statutes or regulations. Any motion to reconsider must be filed within 10 days after the order on intervention. The motion must contain all technical or other arguments to support the motion. Other persons granted intervention and entities participating under 10 C.F.R. § 2.315(c), including the applicant and the NRC staff, may respond to motions for reconsideration within 20 days of the order on intervention. Motions will be ruled upon by the Commission. A motion for reconsideration does not stay the schedule set out above in section IV.e.4. However, if the Commission grants a motion for reconsideration, it will, as necessary, provide direction on adjusting the hearing schedule.

VI. Notice of Intent Regarding Classified Information

As noted above, a hearing on this application will be governed by 10 C.F.R. Part 2, Subparts A, C, L, and to the extent classified material becomes involved, Subpart I. Subpart I

requires in accordance with 10 C.F.R. § 2.907 that the NRC staff file a notice of intent if, at the time of publication of the Notice of Hearing, it appears that it will be impracticable for the staff to avoid the introduction of Restricted Data or National Security Information into the proceeding. The applicant has submitted portions of its application that are classified and intends to submit additional portions of its application that will also be classified. The Commission notes that, since the entire application may become part of the record of the proceeding, the NRC staff has found it impracticable for it to avoid the introduction of Restricted Data or National Security Information into the proceeding.

VII. Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing sensitive unclassified information (including Sensitive Unclassified Non-Safeguards Information (SUNSI) and Safeguards Information (SGI)). Requirements for access to SGI are primarily set forth in 10 C.F.R. Parts 2 and 73. Nothing in this Order is intended to conflict with the SGI regulations.

B. Within 10 days after publication of this notice of hearing or opportunity for hearing, any potential party who believes access to SUNSI or SGI is necessary to respond to this notice may request access to SUNSI or SGI. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 C.F.R. § 2.309. Requests for access to SUNSI or SGI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI, SGI, or both to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Licensing, Hearings, and Enforcement, Office of the General Counsel, U.S.

Nuclear Regulatory Commission, Washington, DC 20555-0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email addresses for the Office of the Secretary and the Office of the General Counsel are Hearing.Docket@nrc.gov and RidsOgcMailCenter.Resource@nrc.gov, respectively.¹⁴ The request must include the following information:

- (1) A description of the licensing action with a citation to this *Federal Register* notice;
- (2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and
- (3) If the request is for SUNSI, the identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.
- (4) If the request is for SGI, the identity of each individual who would have access to SGI if the request is granted, including the identity of any expert, consultant, or assistant who will aid the requestor in evaluating the SGI. In addition, the request must contain the following information:
 - (a) A statement that explains each individual's "need to know" the SGI, as required by 10 C.F.R. § 73.2 and 10 C.F.R. § 73.22(b)(1). Consistent with the definition of "need to know" as stated in 10 C.F.R. § 73.2, the statement must explain:

¹⁴ While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI and/or SGI under these procedures should be submitted as described in this paragraph.

(i) Specifically, why the requestor believes that the information is necessary to enable the requestor to proffer and/or adjudicate a specific contention in this proceeding;¹⁵ and

(ii) The technical competence (demonstrable knowledge, skill, training or education) of the requestor to effectively utilize the requested SGI to provide the basis and specificity for a proffered contention. The technical competence of a potential party or its counsel may be shown by reliance on a qualified expert, consultant, or assistant who satisfies these criteria.

(b) A completed Form SF-85, "Questionnaire for Non-Sensitive Positions," for each individual who would have access to SGI. The completed Form SF-85 will be used by the Personnel Security Branch in the Office of the Chief Human Capital Officer to conduct the background check required for access to SGI, as required by 10 C.F.R. Part 2, Subpart C, and 10 C.F.R. § 73.22(b)(2), to determine the requestor's trustworthiness and reliability. For security reasons, Form SF-85 can only be submitted electronically through the National Background Investigation Services e-App system, a secure website that is owned and operated by the Defense Counterintelligence and Security Agency (DCSA). To obtain online access to the form, the requestor should contact the NRC's Office of the Chief Human Capital Officer at 301-415-3710.¹⁶

(c) A completed Form FD-258 (fingerprint card), signed in original ink, and submitted in accordance with 10 C.F.R. § 73.57(d). Copies of Form FD-258 will be provided in the background check request package supplied by the Office of the Chief Human Capital Officer

¹⁵ Broad SGI requests under these procedures are unlikely to meet the standard for need to know; furthermore, NRC staff redaction of information from requested documents before their release may be appropriate to comport with this requirement. These procedures do not authorize unrestricted disclosure or less scrutiny of a requestor's need to know than ordinarily would be applied in connection with an already-admitted contention or non-adjudicatory access to SGI.

¹⁶ The requestor will be asked to provide the requestor's full name, social security number, date and place of birth, telephone number, and email address. After providing this information, the requestor usually should be able to obtain access to the online form within one business day.

for each individual for whom a background check is being requested. The fingerprint card will be used to satisfy the requirements of 10 C.F.R. Part 2, Subpart C, 10 C.F.R. § 73.22(b)(1), and Section 149 of the Atomic Energy Act of 1954, as amended, which mandates that all persons with access to SGI must be fingerprinted for a Federal Bureau of Investigation identification and criminal history records check.

(d) A check or money order payable in the amount of \$403.00¹⁷ to the U.S. Nuclear Regulatory Commission for each individual for whom the request for access has been submitted.

(e) If the requestor or any individual(s) who will have access to SGI believes they belong to one or more of the categories of individuals that are exempt from the criminal history records check and background check requirements in 10 C.F.R. § 73.59, the requestor should also provide a statement identifying which exemption the requestor is invoking and explaining the requestor's basis for believing that the exemption applies. While processing the request, the Office of the Chief Human Capital Officer, Personnel Security Branch, will make a final determination whether the claimed exemption applies. Alternatively, the requestor may contact the Office of the Chief Human Capital Officer for an evaluation of their exemption status prior to submitting their request. Persons who are exempt from the background check are not required to complete the SF-85 or Form FD-258; however, all other requirements for access to SGI, including the need to know, are still applicable.

Note: Copies of documents and materials required by paragraphs C.(4)(b), (c), and (d) of this Order must be sent to the following address:

¹⁷ This fee is subject to change pursuant to DCSA's adjustable billing rates.

U.S. Nuclear Regulatory Commission
Office of the Chief Human Capital Officer
ATTN: Personnel Security Branch
Mail Stop: TWFN -07D04M
11555 Rockville Pike
Rockville, MD 20852

These documents and materials should *not* be included with the request letter to the Office of the Secretary, but the request letter should state that the forms and fees have been submitted as required.

D. To avoid delays in processing requests for access to SGI, the requestor should review all submitted materials for completeness and accuracy (including legibility) before submitting them to the NRC. The NRC will return incomplete packages to the sender without processing.

E. Based on an evaluation of the information submitted under paragraphs C.(3) or C.(4), the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI or need to know the SGI requested.

F. For requests for access to SUNSI, if the NRC staff determines that the requestor satisfies both E.(1) and E.(2), the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order¹⁸ setting forth terms and conditions

¹⁸ Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

G. For requests for access to SGI, if the NRC staff determines that the requestor has satisfied both E.(1) and E.(2), the Office of the Chief Human Capital Officer will then determine, based upon completion of the background check, whether the proposed recipient is trustworthy and reliable, as required for access to SGI by 10 C.F.R. § 73.22(b). If the Office of the Chief Human Capital Officer determines that the individual or individuals are trustworthy and reliable, the NRC will promptly notify the requestor in writing. The notification will provide the names of approved individuals as well as the conditions under which the SGI will be provided. Those conditions may include, but are not limited to, the signing of a draft Non-Disclosure Agreement or Affidavit, or Protective Order¹⁹ by each individual who will be granted access to SGI.

H. Release and Storage of SGI. Prior to providing SGI to the requestor, the NRC staff will conduct (as necessary) an inspection to confirm that the recipient's information protection system is sufficient to satisfy the requirements of 10 C.F.R. § 73.22. Alternatively, recipients may opt to view SGI at an approved SGI storage location rather than establish their own SGI protection program to meet SGI protection requirements.

I. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing),

¹⁹ Any motion for Protective Order or draft Non-Disclosure Agreement or Affidavit for SGI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 180 days of the deadline for the receipt of the written access request.

the petitioner may file its SUNSI contentions by that later deadline.

J. Review of Denials of Access.

(1) If the request for access to SUNSI or SGI is denied by the NRC staff after a determination on standing and requisite need, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) Before the Office of the Chief Human Capital Officer makes a final adverse determination regarding the trustworthiness and reliability of the proposed recipient(s) for access to SGI, the Office of the Chief Human Capital Officer, in accordance with 10 C.F.R. § 2.336(f)(1)(iii), must provide the proposed recipient(s) any records that were considered in the trustworthiness and reliability determination, including those required to be provided under 10 C.F.R. § 73.57(e)(1), so that the proposed recipient(s) have an opportunity to correct or explain the record.

(3) The requestor may challenge the NRC staff's adverse determination with respect to access to SUNSI or with respect to standing or need to know for SGI by filing a challenge within five days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 C.F.R. § 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(4) The requestor may challenge the Office of the Chief Human Capital Officer's final adverse determination with respect to trustworthiness and reliability for access to SGI by filing a request for review in accordance with 10 C.F.R. § 2.336(f)(1)(iv).

(5) Further appeals of decisions under this paragraph must be made pursuant to 10 C.F.R. § 2.311.

K. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within five days of the notification by the NRC staff of its grant of access and must be filed with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 C.F.R. § 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 C.F.R. § 2.311.²⁰

L. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI or SGI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 C.F.R. Part 2. The attachment to this Order

²⁰ Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012, 78 FR 34247, June 7, 2013) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

summarizes the general target schedule for processing and resolving requests under these procedures.

IT IS SO ORDERED.

For the Commission



Jody Martin
Secretary of the Commission

Dated at Rockville, Maryland,
this 7th day of August 2026.

ATTACHMENT 1--General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information in this Proceeding

Day	Event/Activity
0	Publication of <i>Federal Register</i> notice of hearing or opportunity for hearing, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and/or Safeguards Information (SGI) which contains information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding; demonstrating that access should be granted (e.g., showing technical competence for access to SGI); and, for SGI, including application fee for fingerprint/background check.
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and demonstrates the (1) need for SUNSI or (2) need to know for SGI. (For SUNSI, NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). If NRC staff makes the finding of need to know for SGI and likelihood of standing, NRC staff begins background check (including fingerprinting for a criminal history records check), information processing (i.e., preparation of redactions or review of redacted documents), and readiness inspections.
25	If NRC staff finds no "need," no "need to know," or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff's reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Agreement or Affidavit. Deadline for applicant/licensee to file draft Non-Disclosure Agreement or Affidavit for SUNSI.

- 60 Deadline for submitting petition for intervention which contains: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI and/or SGI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
- 190 (Receipt +180) If NRC staff finds standing, need to know for SGI, and trustworthiness and reliability, deadline for NRC staff to file motion for Protective Order and draft Non-Disclosure Agreement or Affidavit (or to make a determination that the proposed recipient of SGI is not trustworthy or reliable). Note: Before the Office of the Chief Human Capital Officer makes a final adverse determination regarding access to SGI, the proposed recipient must be provided an opportunity to correct or explain information.
- 205 Deadline for petitioner to seek reversal of a final adverse NRC staff trustworthiness or reliability determination under 10 C.F.R. § 2.336(f)(1)(iv).
- A If access is granted: Issuance of a decision by a presiding officer or other designated officer on motion for Protective Order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
- A + 3 Deadline for filing executed draft Non-Disclosure Agreements or Affidavits. Access provided to SUNSI and/or SGI consistent with decision issuing the Protective Order.
- A + 28 Deadline for submission of contentions whose development depends upon access to SUNSI and/or SGI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI or SGI contentions by that later deadline.
- A + 53 (Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.
- A + 60 (Answer receipt +7) Petitioner/Intervenor reply to answers.
- >A + 60 Decision on contention admission.

Additional Views of Commissioner Marzano

While I support the agency's goal of timely, efficient adjudication, I would have voted to disapprove the proposed order. While I do not oppose elimination of mandatory hearings for enrichment facilities through legislation and supported the recent changes to the mandatory hearing process under Section 189, I cannot reconcile this order with the Atomic Energy Act's current hearing requirements.

For enrichment facilities, Section 193 requires a single hearing, on the record, linked to the licensing decision. It further imposes timing requirements relative to the issuance of an environmental impact statement.¹

In the order issued today, the Commission now states that if there is a contested hearing on the application, it does not intend to conduct an additional uncontested hearing. It further directs the Board to hold open the record and refer the final ruling to the Commission. This path sets the stage for the Commission to credit any form of an adjudicatory record as sufficient for the statute's hearing requirement.

The order rests on an overly permissive reading of Section 193 that I do not share. Congress designed this hearing to function as a comprehensive public adjudication on the licensing decision.² Treating early dispositive rulings as sufficient for the "single adjudicatory hearing on the record" hollows out the statute's requirement and the balance struck by Congress.

Even if one could read the statute to permit the proposed approach, the attendant risks outweigh the potential schedule benefits. Other efficiencies could be addressed in the overall process, and there is still room for improvement in mandatory hearings for enrichment facilities. The national interest in the timely expansion of domestic enrichment capacity is better served by process certainty than by significant, ad hoc changes to Commission practice.

For these reasons, I would deny the order as written. Until Congress amends Section 193, we remain bound by its text. The agency should instead expedite schedules where possible without departing from the statute and what our rules require.

¹ Licensing of uranium enrichment facilities, Atomic Energy Act § 193, 42 U.S.C. § 2243.

² 136 Cong. Rec. 32761 (1990) (statement of Rep. Miller) ("The compromise language provides for the following procedural safeguards that were not contained in the Senate-passed licensing amendment: Provision for a mandatory full adjudicatory public hearing prior to the issuance of a combined construction/operation license.").