

UNITED STATES
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
August 7, 2026

The Commission met in open session, pursuant to notice at 2:00 PM., Ho K. Nieh, Chairman, presiding.

COMMISSIONERS PRESENT:

HO K. NIEH, Chairman (via teleconference)

DAVID A. WRIGHT, Member of the Commission (via teleconference)

BRADLEY R. CROWELL, Member of the Commission (via teleconference)

MATTHEW J. MARZANO, Member of the Commission (via teleconference)

DOUGLAS W. WEAVER, Member of the Commission (via teleconference)

ALSO PRESENT:

MATTHEW POCIASK, General Counsel (via teleconference)

JODY C. MARTIN, Secretary of the Commission (via teleconference)

DISCLAIMER

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The transcript is intended solely for general information purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect final determination or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of, or addressed to, any statement or argument contained herein, except as the Commission may authorize.

[2:00 p.m.]

PROCEEDINGS

CHAIRMAN NIEH: Thank you, operator. Good afternoon, I am Ho Nieh, Chairman of the Nuclear Regulatory Commission, and I am presiding over this public affirmation session, which is being conducted by teleconference.

With me today are the other members of the Commission and may I have each Commissioner please affirm your presence when I call their name:

Commissioner Wright: Here

Commissioner Crowell: Present

Commissioner Marzano: Here

Commissioner Weaver: Here

We also have Jody Martin, Secretary of the NRC: Here
and

Mary Spencer, Deputy General Counsel for Licensing, Hearings, and Enforcement

CHAIRMAN NIEH: Mary are you with us?

CHAIRMAN NIEH: Mary have you join the bridge yet?

JODY MARTIN: She's not she's going to come to my office to get on

CHAIRMAN NIEH: To our public participants we apologize for the momentary delay and
we are just waiting for one other participant to join us.

JODY MARTIN: Chairman, can you still hear me, Mary is here

MARY SPENCER: Sorry

CHAIRMAN NIEH: OK I take that as here

This meeting is open to the public to listen in.

Mister Secretary, I believe we have three items for affirmation. Would you please lead the Commission through these items?

JODY C. MARTIN: Yes. Good afternoon, everybody. Today's first item is SECY-26-0069: Direct Final Rule: NRC Modernization: Federal Advisory Committee Act Alignment, Access, and Security. The Commission is being asked to act on a direct final rule and companion proposed rule amending regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) parts 2, 7, and 10 to streamline procedural requirements, align with Committee Management Secretariat Federal Advisory Committee Act standards, and update national security eligibility criteria.

The Commission has voted to approve the publication of this direct final rule and companion proposed rule. The Commission has also certified, under the Regulatory Flexibility Act, that this rule will not have significant economic impact on a substantial number of small entities.

Would you please affirm your votes after I call your name?

CHAIRMAN NIEH: Aye.

COMMISSIONER WRIGHT: Aye.

COMMISSIONER CROWELL: Aye.

COMMISSIONER MARZANO: Aye.

COMMISSIONER WEAVER: Aye.

JODY C. MARTIN: Thank you. Today's second item is SECY-26-0083: Long Mott Energy, LLC; Appeal of LBP-26-1. The Commission is being asked to act on a Memorandum and Order

addressing Long Mott Energy, interlocutory appeal of the Atomic Safety and Licensing Board's decision in LBP-26-1, in which the Board determined that San Antonio Bay Estuarine Waterkeeper had standing to intervene in this Part 50 construction permit proceeding and admitted two contentions.

The Commission has voted to approve a Memorandum and Order that dismisses LME's appeal of LBP-26-1 as moot and declines to review the Board's standing determination.

Would you please affirm your votes after I call your name?

CHAIRMAN NIEH: Aye.

COMMISSIONER WRIGHT: Aye.

COMMISSIONER CROWELL: Aye.

COMMISSIONER MARZANO: Aye.

COMMISSIONER WEAVER: Aye.

JODY C. MARTIN: Thank you. Today's third item is SECY-26-0085: Draft Notice and Order for Orano Enrichment USA LLC, Project Ike Enrichment Facility. The Commission is being asked to act on a draft hearing notice and Order in response to an application submitted by Orano Enrichment USA LLC for a license to receive, acquire, possess, and transfer byproduct, source, and special nuclear material for the purpose of constructing and operating a uranium enrichment facility.

The Commission has voted to approve the proposed notice and Order.

Would you please affirm your votes after I call your name?

CHAIRMAN NIEH: Aye.

COMMISSIONER WRIGHT: Aye.

COMMISSIONER CROWELL: Aye.

COMMISSIONER MARZANO: Aye.

COMMISSIONER WEAVER: Aye.

JODY C. MARTIN: Thank you, Chairman. That's all I have.

CHAIRMAN NIEH: Thank you, Mister Secretary. Would any of the members of the Commission like to make comments regarding the decisions just reached?

Yes Mr. Chairman, this is Commissioner Marzano I would like to offer my comments on the Orano Order

CHAIRMAN NIEH: Yes please

COMMISSIONER MARZANO: OK thank you Mr. Chairman

Re-establishing domestic enrichment capacity has been top national priority over the past several years. Congress, along with both the current and prior administrations, has pursued a deliberate, coordinated strategy to address gaps in the front-end of the fuel cycle in support of our nation's energy security. This strategy depends not only on timely and efficient fuel facility licensing, but also on processes that promote predictability and long-term stability for applicants, stakeholders, and the public. While the order before us may offer short-term efficiency gains, in my view it does so at the expense of the framework that Congress intentionally established for these proceedings. Although I support the current legislative efforts to modernize Section 193 of the Atomic Energy Act and have backed recent changes to the mandatory hearing process under Section 189, the Commission should not preempt or outpace Congress's ongoing work in this area. Until such time that Congress

amends Section 193, the agency should strive for efficiency within the bounds of the statute, not by redefining those bounds. For these reasons, I cannot support the order.

COMMISSIONER MARZANO: Thank you for the opportunity to add these additional views

Mr. Chairman

CHAIRMAN NIEH: Thank you very much Commissioner Marzano and thank you all others for the participation today and I'll call the affirmation session to close. End of meeting thank you.

CERTIFICATE

This is to certify that the attached description of a meeting of the U.S. Nuclear Regulatory Commission entitled:

TITLE OF MEETING: Affirmation Session

 (PUBLIC MEETING)

PLACE OF MEETING: Rockville, Maryland

DATE OF MEETING: August 7, 2026

was held as herein appears, is a true and accurate record of the meeting, and that this is the original transcript thereof taken stenographically by me, thereafter reduced to typewriting by me or under the direction of the court reporting company.

Transcriber: Betty Thweatt

Reporter: Via Teleconference