

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM Tracking No. msp-4zfi-b2ht Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0003](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Anonymous

Submitter Information

Name: Anonymous Anonymous

General Comment

PROPIN CONFIDENTIAL

NRC-2025-1139

RIN 3159-AL46

Declaration of Rule-making Procedure

I am Requesting this Declaration of Final Rule for implementation by the Approval of this revised regulation and for the immediate enactment under the Nuclear Regulatory Commission and the Executive Order 14300 enactment Ordering the Reform of the Nuclear Regulatory Commission and the Executive Order 14418 enactment to Continue to Protect the Meaning and Value of American Citizen, to streamline procedural provisions related to information with-holding to align with ADV Part 2A, FACA, CMS, ADR, and this written statement of Request for Variances , Appeals, Objections, for the necessary limitations of the Empowerment Control Act to the Director of the Office of Federal Operations. This Request shall provide for the Mandatory Presentment Clause by both standing and merits and the enactment of the Line Item Veto Act and Sole-Discretion shall be mandatory and remains fully available to a simple majority of Congress. Effective 08/11/2026 by voluntary Consent of Authorization and Approval specified by the Director of Administration and Approval in place by the Directors of the Office of Management and Budget, according to the EAG under the Advisors Act, pursuant to Court Order and by enacting by positive law, the Title I General Provisions Acts and resolutions of the Prison Litigation Reform Act.

Please accept this Final Determination of Rule Making Policy under the Administrative Procedure Act as Amended for the participation with the private label institutional arrangements, in the range of high-level service , financial planning service and the spend-down advice developed and maintained by Investment Management. Thank you for your attentionn to this important matter. God bless!

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM Tracking No. mti-8f0x-0s0j Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0004](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Paula Sanford

Submitter Information

Name: Paula Sanford

General Comment

See attached file(s)

Attachments

[NRC appeal](#)

[NRC appeal-2](#)

Greetings to whom this may concern,

Please do not remove ALARA from the nuclear safety plan. Urgent demands for electricity should never supersede safety. It is essentially important to keep the "As Low As Reasonably Achievable" guideline to support appropriate safeguards for nuclear exposure to workers and the general public. Through greed, expediency, or short-sightedness, people in companies and government departments may lose sight of this basic fundamental goal of nuclear power: that it must be a safe technology that produces power. They need incentives to always continue the practices that protect everyone. Aspirational expectations of nuclear exposure limitations like the ALARA are necessary to keep the focus on continuing to improve the safety of nuclear power, which could improve the public's negative attitude about it. The NRC can use both ALARA and have thresholds that can decrease as the technology becomes safer. ALARA is vital for the continuation of nuclear power development and production.

Sincerely,
Paula Sanford

Greetings to whom this may concern,

Please do not remove ALARA from the nuclear safety plan. Urgent demands for electricity should never supersede safety. It is essentially important to keep the "As Low As Reasonably Achievable" guideline to support appropriate safeguards for nuclear exposure to workers and the general public. Through greed, expediency, or short-sightedness, people in companies and government departments may lose sight of this basic fundamental goal of nuclear power: that it must be a safe technology that produces power. They need incentives to always continue the practices that protect everyone. Aspirational expectations of nuclear exposure limitations like the ALARA are necessary to keep the focus on continuing to improve the safety of nuclear power, which could improve the public's negative attitude about it. The NRC can use both ALARA and have thresholds that can decrease as the technology becomes safer. ALARA is vital for the continuation of nuclear power development and production.

Sincerely,

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM
Tracking No. mtl-ekhu-6ri1
Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0005](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Steven Singleton

Submitter Information

Name: Steven Singleton

General Comment

This comment addresses the Nuclear Regulatory Commission's proposed amendments to 10 CFR Parts 2, 7, and 10. The rule's Plain Writing Act section, requesting comment specifically on the clarity of the language used, is a reasonable and constructive addition worth acknowledging, and the codification of Security Executive Agent Directive 4 into 10 CFR part 10 (rather than leaving it only in an internal management directive) is a sensible step toward putting the applicable personnel-security standard directly in regulatory text where the public can find it.

The most significant defect concerns a citation date error tied to the Federal Advisory Committee Act (FACA) portion of the rule. Section IV.3 states that "[o]n December 16, 2026, GSA issued a final rule (90 FR 58408)" that NRC is conforming 10 CFR part 7 to. Independent review confirms the GSA rule at 90 FR 58408 (Docket No. GSA-FMR-2025-0005) was actually published December 16, 2025 — a date the rule's own "Availability of Documents" table correctly states, creating a direct inconsistency within the same document. That is a date four months after this rule's own August 11, 2026 publication, not a date that has already occurred, so it cannot be correct as written. NRC should correct the narrative text to match its own table before finalizing.

A second, similar citation inconsistency appears with the 1998 Plain Language Presidential Memorandum. Section IV's Plain Writing Act discussion cites the memorandum as "63 FR 31883," while the rule's own "Availability of Documents" table cites the same memorandum as "63 FR 31885." Both citations cannot be correct for the same document; NRC should confirm the correct Federal Register page and use it consistently in both places. Taken together with the GSA rule date error above, this is now a second instance of the narrative text and the table disagreeing on the citation for a document the rule itself relies on, suggesting the citation-verification step between narrative drafting and the table was incomplete.

A third, more substantive concern is an internal contradiction regarding whether the changes to 10 CFR 2.804 are statutorily required. Section IV states that the post-promulgation comment-period provision in 2.804 "is not statutorily required and thus imposes unnecessary administrative burdens." Section VII.D, addressing Executive Order 14270's sunset-date requirement, states NRC determined that the regulatory changes in this rule "are for processes that are required by statute and are part of the NRC's regulatory permitting scheme," and on that basis declined to add a sunset date. Both statements cannot be accurate simultaneously for the same provision. NRC should clarify, provision by provision, which of the four changes are and are not statutorily required, since that

determination affects both the deregulatory characterization of the rule and its exemption from the sunset-date requirement.

Fourth, the description of the 10 CFR part 7 conforming amendments is too general for meaningful public comment. The rule states only that these conforming amendments "update terminology, clarify procedural expectations, and consolidate administrative requirements to reflect GSA's current regulatory framework," without identifying which sections are being changed or providing the proposed regulatory text. A commenter cannot evaluate a change that is not shown. NRC should identify the specific Part 7 provisions being amended, or include draft regulatory text, before the comment period closes.

Finally, the cost and regulatory-analysis details supporting the deregulatory classification under Executive Order 14192 are located only in the companion direct final rule rather than in this proposed rule document. A reader relying on this document alone cannot evaluate that cost claim. Including a citation or brief summary of that analysis here would let the proposed rule stand on its own for comment purposes.

These points identify a factual error, a related citation-consistency pattern, and gaps in specificity and internal consistency; they are not an objection to NRC's general effort to align its regulations with FACA and personnel-security standards, which appears reasonable in substance.

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM Tracking No. mtp-50tb-nrky Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0006](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Kelley Boltin

Submitter Information

Name: Kelley Boltin

General Comment

I oppose these proposals because they weaken the very safeguards that allow the public to meaningfully oversee nuclear activities that affect our communities. NRC-2025-1139 would dilute rulemaking transparency, limit access to agency records, and restrict advisory-committee participation at the exact moment when Wyoming residents need stronger—not weaker—tools to scrutinize reactor and fuel-facility decisions. NRC-2025-1237 goes even further by reducing training and licensing requirements for medical radioactive materials, despite recent Yttrium-90 overdose reports in Utah that show how dangerous gaps in oversight can be. Calling these changes “flexible modernization” does not answer the core question: whether accountability, independent checks, and public protections will survive these rollbacks. Based on the record, they will not.

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM Tracking No. mtu-8qp6-73z5 Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0007](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Carol Dunn

Submitter Information

Name: Carol Dunn

General Comment

I oppose the proposed change to **10 CFR § 2.804(e)** that would replace “shall” with “may” when determining whether the NRC provides a public comment period after issuing certain rules without advance notice and comment.

This may look like a minor wording change, but it changes a guaranteed opportunity for public participation into one that is entirely discretionary. For an agency responsible for nuclear safety, transparency and public input should be strengthened, not reduced.

Post-promulgation comments give members of the public, technical experts, affected communities, and advocacy organizations an opportunity to identify errors, unintended consequences, or important issues the NRC may not have considered before issuing a rule. Administrative convenience is not sufficient justification for eliminating that safeguard.

I urge the NRC to retain the existing language in **10 CFR § 2.804(e)** requiring a post-promulgation comment opportunity. If the NRC believes the process creates unnecessary administrative burdens, it should streamline the process rather than make public participation optional.

I consider this a significant adverse comment because the proposed change would materially reduce an existing public-participation safeguard without demonstrating that doing so improves nuclear safety or regulatory decision-making.

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM Tracking No. mtv-el6g-zgos Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0008](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from TerryAnn Towers Saint Amand

Submitter Information

Name: TerryAnn Towers Saint Amand

General Comment

Re: NRC-2025-1139 — Significant Adverse Comment on NRC Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

I strongly oppose the proposed changes to 10 CFR 2.804(e) and 2.390(b)(4), and I request that NRC withdraw the companion direct final rule. This is a significant adverse comment because the changes reduce a guaranteed opportunity for public participation and weaken the information supporting requests to withhold regulatory records. These are substantive accountability changes, not merely technical corrections.

NRC should retain “shall” in 10 CFR 2.804(e). When an agency issues a rule without ordinary advance notice and comment, the post-promulgation comment opportunity provides an important safeguard against errors, omissions and unintended consequences. The fact that the Administrative Procedure Act may not require this additional safeguard does not establish that it is unnecessary or burdensome.

NRC has not provided evidence showing how frequently this requirement is used, what administrative burden it creates, or what measurable benefit would result from making it discretionary. Nor has NRC examined the potential costs of discovering an error only after a rule has taken effect. Those costs could include corrective rulemaking, implementation changes, delayed proceedings, disclosure disputes and litigation. Eliminating a dependable review mechanism without comparing these foreseeable costs against documented savings is not sound regulatory analysis.

The present rulemaking itself demonstrates the practical value of outside review. The proposed rule states in one location that the relevant GSA Federal Advisory Committee Act rule was issued on December 16, 2026—even though NRC published this proposal on August 11, 2026. Other portions of NRC’s materials give the apparently correct date of December 16, 2025. This internal inconsistency may be an editing error, but that is precisely the point: opportunities to identify errors and oversights should be preserved rather than made optional.

NRC should also retain a meaningful requirement that applicants seeking confidential treatment explain the consequences of disclosure. I recognise that the Supreme Court rejected the former “substantial competitive harm” test for FOIA Exemption 4. Nevertheless, that decision does not require NRC to abandon documented, reviewable explanations for withholding information. NRC must still distinguish properly protected information

from unsupported or excessively broad confidentiality claims.

A conclusory assertion that information is confidential is not an adequate basis for withholding material from the public. NRC should require requesters to identify the information precisely, state the applicable legal basis, explain how the information has been treated as private, and provide sufficient facts for NRC and any reviewing body to evaluate the claim. If NRC believes the existing wording no longer reflects governing law, it should replace it with a legally current evidentiary standard—not simply remove useful justification.

The rule's cost analysis is also inadequate. NRC states that the amendments will have minimal economic impact and that more detailed quantification is not warranted, but it supplies no data demonstrating savings or evaluating countervailing costs. A change that may increase erroneous withholding decisions, public-record disputes, corrective proceedings or litigation cannot responsibly be characterised as costless without supporting analysis.

The public docket's limited visible participation cannot cure these defects or be treated as evidence that the amendments are noncontroversial. As of September 10, the Federal Register reported five comments received while only four were publicly displayed on Regulations.gov. That is far too small and incomplete a record from which to infer informed stakeholder agreement, particularly for a direct final rule affecting public participation and access to nuclear-regulatory information.

NRC should withdraw the direct final rule and address these matters through ordinary notice-and-comment rulemaking. At minimum, it should retain mandatory post-promulgation comments whenever advance public participation has been bypassed; require a documented and reviewable basis for withholding requests; correct the inconsistent date; publish the evidence supporting its burden and cost conclusions; and explain how the public may challenge an unsupported confidentiality determination.

Efficiency is not achieved by removing safeguards without measuring the risks. A short-term reduction in administrative procedure can generate larger costs when errors, secrecy disputes or inadequate records must be corrected later. NRC should preserve these protections unless and until it demonstrates, through a transparent evidentiary record, that an alternative provides equivalent accountability at lower total cost.

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM Tracking No. mtv-maft-lb11 Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0009](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Connecticut Department of Energy and Environmental Protection

Submitter Information

Government Agency Type: State

Government Agency: Connecticut Department of Energy and Environmental Protection

General Comment

See attached file

Attachments

[State Comments on FRN 2025-1139_erc](#)

September 9, 2026

Chairman Ho K. Nieh and Fellow Commissioners
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Comments of Connecticut Department of Energy and Environmental Protection on revisions to 10 CFR Parts 2, 7, and 10 related to NRC Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Docket ID: NRC-2025-1139

Dear Chairman Nieh, and Commissioners Wright, Crowell, Marzano, and Weaver,

The Connecticut Department of Energy and Environmental Protection (DEEP) appreciates the opportunity to provide comments on the U.S. Nuclear Regulatory Commission's (NRC's or "the Commission's") direct final rule (DFR) revising 10 CFR Parts 2, 7, and 10 related to NRC Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security¹. The rule would make changes related to information withholding, post-promulgation comment periods, Federal Advisory Committee Act (FACA) requirements, and personnel security eligibility criteria. DEEP does not seek to challenge the substance of the proposed FACA changes. Rather, DEEP believes that the DFR process is not appropriate for this action, particularly where the proposed amendments would alter the NRC's own public-participation and information-disclosure procedures. Although the NRC considers these amendments administrative and procedural in nature, DEEP believes these are substantive amendments. Therefore, DFR is not an appropriate mechanism to make such amendments.

DEEP submits these comments consistent with the policy framework established in Section 16a-100 of the Connecticut General Statutes regarding the development and regulation of nuclear energy and the use of radioactive materials. The State of Connecticut affirms its support for the development and utilization of atomic energy, consistent with the protection of public health and safety, the common defense and security, and the preservation of the environment. In furtherance of this policy, Connecticut is committed to working with the federal government, including the NRC, and to maintaining a regulatory program that is compatible with, and complementary to, the Atomic Energy Act of 1954 and its accompanying regulations.

¹ "NRC Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security," 91 Fed. Reg. 51555 (August 11, 2026).

Consistent with Section 16a-102 of the Connecticut General Statutes, the Commissioner of DEEP is charged with coordinating all atomic development activities within the state and serving as the state's lead representative in matters relating to atomic energy. The Commissioner's statutory role encompasses coordination with the federal government, including the NRC, and reinforces DEEP's responsibility to ensure that state and federal regulatory programs are comprehensive, compatible, and effectively implemented.

DEEP supports the NRC's efforts to modernize its regulatory framework and to enable the safe, secure, and efficient deployment of advanced nuclear technologies. As energy demand grows, nuclear energy remains a critical component of a reliable and secure electric grid. Connecticut has taken deliberate steps to explore advanced nuclear deployment through a transparent, community-centered approach, including enactment of Connecticut Public Act 25-173 which established an Advanced Nuclear Reactor Site Readiness Funding Program. These efforts emphasize robust public engagement and informed decision-making as foundational to building public trust.

Proposed changes to notice and post-promulgation comment requirements.

Under 10 CFR § 2.804(d), the NRC currently provides exceptions from advance notice and comment for certain changes, including interpretive rules, general statements of policy, and rules concerning agency organization, procedure, or practice. The regulation also provides an exception where the Commission finds, for good cause, that notice and comment are "impracticable, unnecessary, or contrary to the public interest," and are not otherwise required by statute. Under the current 10 CFR § 2.804(e), when the NRC proceeds under these exceptions, the Commission "shall" provide a 30-day post-promulgation comment period. The DFR would change "shall" to "may."

Proposed changes to treatment of proprietary information under the Freedom of Information Act (FOIA).

The NRC proposes to eliminate the requirement that an applicant seeking to withhold materials provide a statement describing the harm that would result from disclosure. The NRC explains that the proposed changes are intended to clarify the Commission's procedures and align with a recent revision to 10 CFR § 2.390. DEEP understands the potential administrative rationale for this change and does not seek to challenge the NRC's policy of protecting legitimate commercial, financial, and proprietary information.

Rulemaking Approach

DEEP is very concerned with the NRC's use of the DFR process for both of the above proposed actions and considers it an inappropriate procedure to apply to this rulemaking. The NRC asserts that the DFR process is appropriate for this proposed rule because it is non-controversial and

unlikely to generate significant adverse comment.² DEEP is not merely expressing a preference for a different rulemaking process. Rather, these comments (1) explain why the proposed changes would be improper without further analysis and clarification, (2) challenge the underlying premise that the changes are non-controversial, and (3) identify procedural safeguards that, if this rule proceeds despite those fundamental problems, should be retained or added before the rule is finalized.

First, DEEP challenges the NRC's characterization of this rule as "non-controversial" and therefore appropriate for a DFR. The NRC's decision to use the DFR process rests on the premise that the proposed changes are non-controversial and do not warrant the full notice-and-comment process. DEEP challenges this premise with respect to the proposed changes to 10 CFR § 2.804(d) and (e) concerning notice and post-promulgation comment.

The proposed change from "shall" to "may" in 10 CFR § 2.804(e), when considered together with the existing exceptions to advance notice and comment in 10 CFR § 2.804(d), could materially expand the circumstances in which the NRC may adopt procedural changes without advance public participation and without a mandatory opportunity for post-promulgation comment; essentially eliminating the public's opportunity to meaningfully participate in a rulemaking.

DEEP's concern is not simply that the NRC has selected a different procedural mechanism; it is that the proposed approach would eliminate the current mandatory post-promulgation public participation safeguard by changing the NRC's standard to provide a 30-day comment period from "shall" to "may" without adequately explaining the limits on that discretion or establishing substantive criteria governing when post-promulgation comment would be required. In addition, the NRC proposes to rely on an undefined standard that would leave to the Commission to determine which rules are non-controversial, and which are not, without providing substantive criteria in the rule to govern that determination. Allowing a federal agency to exercise broad discretion increases subjectivity, undermines consistency and precedent in decision-making, and severely undermines public confidence in the rulemaking process.

DEEP therefore concludes that the proposed changes cannot be properly characterized as non-controversial. A rule that changes the point at which the public is entitled to notice and an opportunity to comment, and makes that requirement discretionary, is not non-controversial merely because it concerns agency procedure rather than substantive technical requirements. These changes raise due process, among other, concerns and should be adequately evaluated under a full rulemaking process.

² The NRC's definition provides that a significant adverse comment is one in which the commenter explains why the rule would be inappropriate, challenges the rule's underlying premise or approach, or argues that the rule would be ineffective or unacceptable without a change. The definition further identifies comments that require the NRC to reevaluate its position, raise issues serious enough to warrant a substantive response, or raise relevant issues not previously addressed or considered by the NRC. 91 FR 51555 (August 11, 2026).

Second, DEEP asserts that our comments raise issues serious enough to require a substantive response and additional analysis. DEEP's comments raise significant questions concerning the interaction of the proposed changes with the Administrative Procedure Act (APA) and the NRC's obligations to provide a meaningful opportunity for public participation.

DEEP recognizes that the APA does not independently require advance notice and comment for every category of agency action identified in 10 CFR § 2.804(d), and that the NRC may have discretion to determine when an exception applies. However, the proposed amendment to 10 CFR § 2.804(e) raises a separate question: What meaningful limits would remain on the NRC's discretion if the Commission could invoke an exception to advance notice and comment and then choose whether to provide any post-promulgation comment period?

The NRC should explain:

- How the proposed changes would operate together in practice;
- What standards would constrain the NRC's use of the "impracticable, unnecessary, or contrary to the public interest" exception;
- Whether the NRC could use that exception to characterize changes intended to streamline or accelerate licensing as being in the public interest;
- What circumstances would require the NRC to provide post-promulgation comment; and
- What safeguards would ensure that the public retains a meaningful opportunity to identify errors, unintended consequences, or legal concerns before changes become effective.

The proposal would provide the NRC with considerably more discretion to make certain changes without prior public notice and potentially without any post-promulgation opportunity for public comment. That is particularly significant where the distinction between an administrative or procedural change and a change with broader regulatory consequences may not be clear. For example, depending on how broadly "impracticable, unnecessary, or contrary to the public interest" is interpreted, the Commission could potentially characterize changes intended to streamline or accelerate nuclear licensing under Executive Order 14156—Declaring a National Energy Emergency as being in the public interest and proceed without the normal notice-and-comment process. Under the proposed amendment, there would then also be no mandatory post-promulgation comment period. DEEP is not asserting that the NRC necessarily intends to use the exception in that manner. Rather, the example illustrates why the proposed rule should explain the limits of the discretion being created.

These are not editorial questions. They concern the scope of the NRC's authority to alter long established public-participation procedures that fosters transparency and the circumstances under which stakeholders may be excluded from the rulemaking process. The fact that numerous explanations should have accompanied this amendment elucidates the inappropriateness of using DFR process for this amendment. Such changes warrant a substantive response and, therefore, additional analysis before the NRC determines that the changes are appropriate.

Third, DEEP's comments identify relevant issues that were not adequately addressed in the NRC's explanation of the DFR. The NRC's characterization of the rule as non-controversial does not appear to adequately address the cumulative effect of the proposed changes to notice, post-promulgation comment, and proprietary-information procedures.

In particular, the NRC should address whether the proposed changes could:

- Reduce opportunities for affected stakeholders to identify and challenge procedural changes before they take effect;
- Permit significant changes to agency practice to be adopted without a full public record;
- Make it more difficult for the public to understand the basis for the NRC's withholding of information; or
- Create a precedent for using direct final rulemaking to implement increasingly consequential administrative changes without meaningful public participation.

DEEP also requests a substantive explanation of the proposed changes to 10 CFR § 2.390 concerning proprietary information. DEEP understands the NRC's administrative rationale for removing the applicant's required statement describing the harm that would result from disclosure. However, the proposed change raises a relevant question that should be addressed in the rulemaking record: What standards and safeguards will constrain the NRC's discretion to determine that information is proprietary and withhold it from public disclosure, particularly when the applicant is no longer required to articulate the basis for the claimed competitive harm?

This question is especially important as the NRC expands pre-application and pre-licensing activities, during which substantial information may be submitted before a formal licensing action is initiated. The public should not be required to rely solely on the NRC's determination that information is proprietary without a clear explanation of the standards applied and the safeguards available to prevent over-withholding.

DEEP is not opposing the protection of legitimate proprietary information. Rather, DEEP is requesting that the NRC explain how the proposed changes would preserve the appropriate balance between protecting proprietary information and ensuring that the public is adequately informed of matters relevant to nuclear safety, environmental protection, and agency decision-making, and that the NRC build additional safeguards into the rule to ensure that balance is maintained. The NRC should identify the standards, procedural protections, and opportunities for review that would constrain its discretion to withhold information, particularly when the applicant is no longer required to articulate the basis for the claimed competitive harm.

Fourth, DEEP's comments propose changes that are necessary to make the rule acceptable. DEEP's comments also satisfy the NRC's definition because they identify changes that are necessary to make the proposed rule acceptable.

At a minimum, DEEP recommends that the NRC:

- Withdraw the direct final rule in response to these significant adverse comments and provide a full opportunity for public comment on these procedural changes before finalizing them;
- Explain the APA implications of the proposed changes to 10 CFR §§ 2.804(d) and (e), including the limits on the NRC’s discretion to dispense with advance notice and post-promulgation comment; and,
- Clarify and strengthen the substantive standards and safeguards that would govern the NRC’s determination that information is proprietary under 10 CFR § 2.390, including criteria for withholding, documentation of the basis for that determination, and meaningful opportunities for review.

Fifth, DEEP’s comments meet the NRC’s own definition of significant adverse comment. DEEP’s comments oppose the proposed changes and provide reasons sufficient to require a substantive response in a notice-and-comment process. Specifically, they challenge the rule’s underlying premise and approach, raise issues serious enough to warrant a substantive response to clarify or complete the record, and identify relevant issues that the NRC has not adequately addressed or considered. They also propose changes and additional safeguards necessary to make the rule acceptable. Accordingly, the comments fall within the NRC’s stated criteria for significant adverse comments under paragraphs (1)(a)–(c) and (2) of its definition contained in section III, Rulemaking Procedure³.

In Summary

In closing, DEEP remains supportive of the NRC’s efforts to modernize its regulatory framework and enable the next generation of nuclear technologies. However, achieving these objectives in a manner that maintains public trust and ensures robust oversight requires a deliberate, transparent, and inclusive regulatory process.

DEEP believes the proposed changes to notice and post-promulgation comment requirements and the treatment of proprietary information under FOIA raise questions that warrant additional consideration from an APA and public-participation perspective. The NRC should not treat DEEP’s comments as general expressions of disagreement or as comments that can be resolved through editorial changes. They directly challenge the premise that the proposed procedural changes are non-controversial and identify substantive issues that warrant consideration through the full notice-and-comment process. DEEP respectfully states that this rule should follow the standard notice-and-comment process rather than the DFR process. Accordingly, DEEP strongly opposes this proposal and urges the NRC to withdraw the DFR.

Thank you for the opportunity to comment on this important matter.

³ “NRC Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security,” 91 Fed. Reg. 51556 (August 11, 2026).

Sincerely,

A handwritten signature in black ink that reads "Emma Cimino". The script is fluid and cursive, with the first letters of both names being capitalized and prominent.

Emma Cimino

Acting Commissioner

Connecticut Department of Energy and Environmental Protection

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM Tracking No. mtv-qmdg-fdc0 Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0010](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from The Breakthrough Institute

Submitter Information

Organization: The Breakthrough Institute

General Comment

Please see the attached comment.

Attachments

[Breakthrough Institute Comment on Rulemaking Procedure Federal Advisory Committee Act Alignment Access and Security](#)

September 10, 2026

Subject: Breakthrough Institute Comment on NRC Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security [Docket ID NRC-2025-1139; RIN 3150-AI46].

The Breakthrough Institute (BTI) appreciates the opportunity to comment on the Nuclear Regulatory Commission's proposed and direct final rule, *NRC Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security* (Docket NRC-2025-1139).^{1,2} BTI is an independent 501(c)(3) global research center that advocates for appropriate regulation and oversight of nuclear reactors to enable the new and continued use of safe and clean nuclear energy. BTI acts in the public interest and does not receive funding from industry.

BTI generally supports the NRC's proposed modernization of Parts 2, 7, and 10. The rule would remove outdated procedural requirements, align NRC regulations with current government-wide standards, and reduce unnecessary administrative burden. Those objectives are consistent with a regulatory framework that is clear, efficient, and predictable. The NRC also requests comment on the clarity and effectiveness of the proposed rule language. The recommendations below respond directly to that request by identifying provisions that would benefit from clearer statutory boundaries, implementation criteria, and internal consistency. BTI recommends targeted revisions to preserve meaningful public participation, clarify the exercise of regulatory discretion, and ensure that the affected provisions remain consistent with governing statutes and related NRC requirements.

¹ Nuclear Regulatory Commission, *NRC Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security*, Docket ID NRC-2025-1139, 91 FR 51600 (August 11, 2026), <https://www.federalregister.gov/documents/2026/08/11/2026-16374/nrc-modernization-rulemaking-procedure-federal-advisory-committee-act-alignment-access-and-security> (Hereinafter Direct Final FACA Rule).

² Nuclear Regulatory Commission, *NRC Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security*, Docket ID NRC-2025-1139, 91 FR 51555 (August 11, 2026), <https://www.federalregister.gov/documents/2026/08/11/2026-16373/nrc-modernization-rulemaking-procedure-federal-advisory-committee-act-alignment-access-and-security> (Hereinafter Proposed FACA Rule).

I. SUMMARY OF RECOMMENDATIONS

1. **Clarify that GSA alignment in Part 7 remains subordinate to the Atomic Energy Act.**
Proposed § 7.1(j) should clearly state that GSA regulations control conflicts with Part 7 except where the Atomic Energy Act (AEA) requires otherwise.
2. **Pair the shorter Part 7 notice period with timely materials and prompt communication of schedule changes.** BTI does not oppose reducing the minimum meeting-notice period from 15 to 7 calendar days, but meaningful participation depends on stakeholders receiving substantive materials in time to prepare and being promptly informed when a meeting or major agenda item changes.
3. **Clarify when information gathering becomes advisory deliberation subject to Part 7.**
Workshops, listening sessions, and preparatory work should remain available as flexible tools, but the final rule should state clearly when those activities become advisory deliberation subject to FACA.
4. **Retain the proposed discretion in § 2.804(e), but establish a clear threshold for post-promulgation comments.** Technical, editorial, and other non-substantive changes should not automatically require an additional comment period. A post-promulgation comment period should be provided for new or substantive regulatory changes where public input has a reasonable potential to affect NRC decision-making, public health and safety, or common defense and security.
5. **Conform § 10.10 to the proposed SEAD 4-based § 10.11 framework.** BTI supports the NRC's use of the government-wide adjudicative framework, but § 10.10 should not refer to categories and criteria that would no longer appear in § 10.11.
6. **Review the final rule for consistency with related licensing and security requirements.**
The NRC should verify that the Part 7 amendments operate consistently with ACRS responsibilities under Parts 50, 52, 53, and 57, and that the Part 10 amendments remain coordinated with access-authorization and security requirements under Parts 25, 73, and 95. The review should focus on concrete inconsistencies in regulatory text, procedural responsibilities, and cross-references.

II. RULEMAKING PROCEDURE: PRESERVE A PREDICTABLE POST-PROMULGATION COMMENT MECHANISM

The NRC should retain the proposed change in § 2.804(e) from “shall” to “may,” but the final rule should establish a clear threshold for when a post-promulgation comment period should be provided. A mandatory 30-day period can impose unnecessary delay for technical or editorial corrections, while unrestricted discretion could eliminate useful public input on new or substantive regulatory changes.

Section 2.804(e) currently requires a 30-day post-promulgation comment period for specified rules issued without ordinary pre-promulgation notice and comment. The proposed rule would change only the introductory requirement from “shall provide” to “may provide,” leaving the categories of covered rules otherwise unchanged. The NRC explains that the procedure is self-imposed, is not required by the Administrative Procedure Act (APA) where an exception to ordinary notice and comment applies, and can impose unnecessary administrative burden.

BTI agrees that an additional comment period should not be automatic in every case. A rulemaking that corrects a typographical error, makes a purely technical amendment, or implements a non-substantive conforming change is unlikely to benefit from an additional 30-day comment period. Requiring comment in those circumstances could delay routine corrections without improving the regulatory outcome.

However, as the proposed rule is written, the NRC could choose not to request public comments even when a rule involves a substantive regulatory change and additional public input could materially improve the outcome. Public comments can help identify cross-rule inconsistencies, implementation problems, and unintended effects before they become embedded in the regulatory framework. Especially now, with the extraordinary number of rulemakings underway, post-promulgation public comments are even more important. NRC staff have repeatedly emphasized during public meetings on Executive Order 14300 rulemakings that stakeholder engagement is important to ensuring that new requirements are workable.³

³ U.S. Nuclear Regulatory Commission, *Public Meeting on Executive Order 14300 Section 5(b) — Reconsidering the NRC's Radiation Protection Framework*, Official Transcript of Proceedings, July 16, 2025, ADAMS Accession No. ML25205A168, <https://www.nrc.gov/docs/ML2520/ML25205A168.pdf>.

The proposed rule does not identify the standard that will govern the NRC's new discretion. The NRC states that it will use post-promulgation comments "as appropriate," but does not explain what makes a rule appropriate for additional public input. The APA establishes the framework in which public participation is required, and departures from pre-promulgation procedures are tied to specified circumstances.⁴ APA § 553(c), for example, generally provides interested persons an opportunity to submit "written data, views, or arguments."⁵ The NRC's post-promulgation comment procedure can serve as a complementary safeguard where prior participation was appropriately omitted, but subsequent public input could still materially improve the regulatory decision. The final rule should draw that line.

A post-promulgation comment period should ordinarily be provided where the rule is new, novel, or substantively changes regulatory policy and there is a reasonable expectation that public input could affect agency decision-making or matters involving public health and safety or common defense and security. By contrast, purely editorial, technical, organizational, or conforming changes that do not materially affect regulatory obligations ordinarily would not warrant an additional comment period.

Recommendation

The NRC should retain "may" in § 2.804(e), but explain in the final rule the substantive criteria it will use to determine when a post-promulgation comment period is warranted. This approach preserves the efficiency benefit of replacing "shall" with "may" while providing a predictable guardrail for the exercise of that discretion. It directs public participation toward actions where additional input can materially improve the regulatory decision without imposing unnecessary process on routine changes.

⁴ Administrative Procedure Act, 5 U.S.C. § 553(b)–(c).

⁵ Administrative Procedure Act, 5 U.S.C. § 553(c).

III. MODERNIZE FACA PROCEDURES CONSISTENT WITH NRC STATUTORY RESPONSIBILITIES IN PART 7

GSA Alignment Should Remain Consistent With the AEA

The NRC should align Part 7 with the government-wide FACA regulations administered by GSA, but proposed § 7.1(j) should clearly state that GSA regulations control only where they do not conflict with the AEA. Where Congress has prescribed requirements for the NRC or the Advisory Committee on Reactor Safeguards (ACRS), the statute controls; where no specific statutory requirement governs, alignment with the GSA framework is appropriate.

The NRC explains that the Part 7 amendments are intended to conform its advisory committee regulations to GSA's updated FACA framework and improve administrative efficiency, transparency, and accountability. Many proposed changes appropriately advance that objective. For example, proposed § 7.12 would reduce the NRC's meeting-notice period from 15 days to seven calendar days and add more detailed notice and electronic-access requirements. Because the AEA does not establish a separate notice period for ACRS meetings, that type of procedural alignment does not create a statutory conflict. The situation is different where Congress has established specific requirements in the AEA, such as those establishing the ACRS, its membership, term limits, and other specified requirements.⁶ Those statutory requirements cannot be displaced by a conflicting government-wide advisory committee rule.

The proposed rule already recognizes this principle in several places. Proposed § 7.18(a), for example, states that the NRC appoints advisory committee members "unless otherwise provided for by a specific statute or Presidential directive."⁷ Proposed §§ 7.4 and 7.7 likewise distinguish statutorily required committees from discretionary committees in their establishment, renewal, and termination provisions.⁸ Proposed § 7.1(j), however, states categorically that if Part 7 conflicts with GSA regulations in 41 CFR part 102-3, "the GSA regulations control."⁹ That language should include the same statutory qualification used elsewhere in the proposed rule.

⁶ Atomic Energy Act of 1954 § 29, 42 U.S.C. § 2039.

⁷ Proposed FACA Rule at 51567.

⁸ Proposed FACA Rule at 51562–64.

⁹ Proposed FACA Rule at 51561.

Shorter Notice Periods Should Be Paired With Timely Materials and Communication

The proposed rule would reduce that notice period for advisory committee meetings from 15 to 7 calendar days while substantially expanding the information contained in the notice, including electronic connection instructions, registration requirements, the meeting agenda or topics, instructions for accessing meeting materials, procedures for submitting comments, and information about accommodations. BTI does not oppose the proposed seven-calendar-day notice period and strongly supports the expanded access to information. The NRC should pair these changes with timely and consistent implementation, including prompt communication of material changes to meeting schedules, agendas, and supporting materials.

Recent ACRS experience illustrates why timely communication matters. The NRC's notice for the September 3, 2026 ACRS meeting scheduled more than five hours of discussion on the proposed rulemaking for reactor licensing, decommissioning, and operational oversight, followed by additional committee deliberation later that day.¹⁰ Participants who had arranged to attend were informed only after joining the meeting that the scheduled rulemaking discussion would not proceed. As of September 10, 2026, the online agenda still had not been updated to reflect that the scheduled rulemaking discussion did not occur.¹¹ A reader reviewing the agenda after the meeting could therefore reasonably conclude that the ACRS discussed the proposed rule as scheduled. Leaving the public record uncorrected can create an inaccurate account of the Committee's work and undermine the usefulness of NRC meeting materials for stakeholders tracking regulatory development.

The proposed rule moves to improve such instances. Proposed § 7.12(a) states that Federal Register notices, agendas, and supporting materials "should be posted" on the NRC advisory committee website as soon as they are available or when they are provided to committee members.¹² Section 7.14 also states that advisory committee records should be available to the public "as soon as

¹⁰ Nuclear Regulatory Commission, *738th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)*, 91 FR 51184 (August 7, 2026).

¹¹ U.S. Nuclear Regulatory Commission, *738th Meeting of the Advisory Committee on Reactor Safeguards (ACRS), Agenda*, September 3–4, 2026, ADAMS Accession No. ML26203A257, <https://www.nrc.gov/docs/ML2620/ML26203A257.pdf> (accessed September 10, 2026).

¹² Direct Final FACA Rule at 51565. (proposed 10 CFR § 7.12(a)).

practicable" so that the public has a meaningful opportunity to understand the committee's work.¹³ These changes improve the accessibility and usefulness of the NRC's advisory committee process, and BTI supports this approach. The same principle should apply to material schedule changes. Publishing an agenda seven days in advance provides limited value if a major session is canceled or postponed without timely notice. The NRC should communicate such changes as soon as practicable through the same public channels used to provide meeting notices and materials. This approach is consistent with the broader transparency principle already reflected in Part 7. The NRC should consider applying the same communication and record-update practices to other public meetings.

Clarify the Boundary Between Flexible Information Gathering and Advisory Deliberation

Proposed § 7.2 excludes certain activities from advisory committee treatment, including workshops, listening sessions, and similar engagements where the NRC is not seeking consensus advice or recommendations. Proposed § 7.15 likewise allows preparatory and administrative work to occur outside the normal open-meeting requirements. BTI supports this flexibility. Workshops, listening sessions, and preparatory work can improve technical understanding without requiring every exchange of information to be treated as a formal advisory committee meeting. The key issue is identifying when an excluded activity becomes substantive committee deliberation.

That transition should be determined by function rather than label. A workshop or preparatory session may begin with fact gathering but evolve into a discussion in which committee members compare views, weigh alternatives, or develop a collective position for the NRC. At that point, the activity is no longer merely informational or preparatory.

Recommendations

The NRC should revise § 7.1(j) to provide that GSA regulations control conflicts with Part 7 except where otherwise required by the AEA. This would preserve government-wide FACA alignment for

¹³ 10 CFR § 7.14(b).

ordinary administrative procedures while making clear that statutory requirements governing the NRC and the ACRS remain controlling.

The NRC should retain the proposed seven-calendar-day notice period in § 7.12, but clarify that substantive materials should be posted when they are provided to advisory committee members and, where practicable, with the meeting notice. Where important materials become available later, the NRC should make them public promptly and preserve a meaningful opportunity for written public input when their late availability prevents informed participation at the meeting.

The final rule or Statement of Considerations should clarify that the exclusions in §§ 7.2 and 7.15 cease to apply once committee members collectively deliberate toward advice, recommendations, or consensus. The NRC should retain the proposed exclusions for workshops, listening sessions, individual-advice activities, and preparatory or administrative work, but should clarify that those exclusions apply only while the activity remains informational or preparatory. This would preserve flexible, low-burden information gathering while ensuring that substantive advisory deliberation remains subject to the transparency and participation requirements of Part 7.

IV. ALIGN WITH SEAD 4 WHILE PRESERVING INTERNAL CONSISTENCY AND REGULATORY PREDICTABILITY

Current § 10.10 refers to § 10.11 as containing specific “types,” “items,” and “stated categories” of derogatory information.¹⁴ The proposed rule would replace those NRC-specific criteria in § 10.11 with direct reliance on Security Executive Agent Directive 4, *National Security Adjudicative Guidelines*, and the whole-person concept.¹⁵ If § 10.10 remains unchanged, it would continue to describe a structure that no longer appears in § 10.11.

BTI supports the NRC’s use of a government-wide adjudicative framework. The NRC already uses SEAD 4, but the CFR text should remain internally consistent when that framework is codified. This is a straightforward correction: the NRC should revise § 10.10 in this rulemaking to remove references that assume § 10.11 contains its own enumerated categories and instead refer to the adjudicative guidelines applicable under § 10.11. This consistency also matters beyond Part 10 because § 25.21 states that, when the NRC is the cognizant security agency, questions concerning

¹⁴ 10 CFR § 10.10(b)-(d).

¹⁵ Direct Final FACA Rule at 51568, (proposed 10 CFR § 10.11).

initial or continued eligibility for access authorization are determined in accordance with Part 10.¹⁶

Proposed § 10.11 would also apply SEAD 4 “or any successor directive.”¹⁷ That language can avoid unnecessary rulemaking for routine updates, but if a successor directive materially changes the adjudicative framework, the NRC should review whether corresponding changes to Part 10 or related provisions are needed.

Recommendation

The NRC should finalize the SEAD 4-based § 10.11 with corresponding revisions to § 10.10 so that the two provisions remain internally consistent. The NRC should also review related provisions if a future successor directive materially changes the governing adjudicative framework.

V. CROSS-RULE COORDINATION

This rule is one component of the NRC's broader implementation of Executive Order 14300 and overlaps with several recent or pending revisions to the agency's licensing and security framework.¹⁸

The NRC should implement the Part 7 amendments with attention to the ACRS's role across Parts 50, 52, 53, and proposed Part 57, as changes governing ACRS can affect implementation across multiple licensing pathways. Parts 50, 52, and 53 require ACRS review across several licensing and approval pathways. Notably, the proposed Part 57 framework contemplates the ACRS's role in reviewing Part 57 applications. The NRC should ensure that revised Part 7 procedures do not create uncertainty about when ACRS deliberation occurs, what procedures govern that deliberation, or how the Committee carries out responsibilities assigned elsewhere in the CFR.

¹⁶ 10 CFR § 25.21(a).

¹⁷ Nuclear Regulatory Commission, *NRC Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security*, Direct Final Rule, 91 FR 51555, 51557–58, 51568.

¹⁸ Executive Order 14300, “Ordering the Reform of the Nuclear Regulatory Commission,” 90 Fed. Reg. 22587 (May 23, 2025), <https://www.federalregister.gov/d/2025-09798>.

Part 53 and proposed Part 57 also contemplate operating models that may include remote or autonomous functions and nontraditional staffing arrangements. The NRC should verify that personnel-security and access-authorization requirements under Parts 10, 25, 73, and 95 map clearly onto those models and do not assume traditional onsite staffing where the licensing framework permits other arrangements. Because Parts 53 and 57 also amend or propose conforming changes to Part 10, the NRC should review the final integrated text rather than treat each amendatory instruction as operating against a static regulatory baseline.¹⁹

Specific to the proposed Part 10 amendments, section 25.21 directs NRC access-authorization eligibility determinations to Part 10, while the separate *Modernizing Security Requirements* rulemaking proposes related changes to Parts 73 and 95.²⁰ The NRC should review the final integrated security provisions to ensure that terminology, cross-references, and implementation standards remain consistent as these proceedings are finalized. Additionally, proposed § 10.11 would apply SEAD 4 “or any successor directive,” while proposed § 7.1(j) would give controlling effect to GSA regulations in the event of a conflict with Part 7.²¹ Government-wide harmonization can reduce duplication, but material future changes to those external standards may require corresponding updates to NRC regulations, guidance, forms, or cross-references.

If these interactions are not addressed before implementation, the NRC may need to resolve otherwise avoidable inconsistencies through interpretive guidance, exemptions, petitions, or later corrective rulemaking. That result would undermine the efficiency and predictability the current modernization effort is intended to produce.

Recommendation

The NRC should review the final rule against provisions that depend on Parts 7 and 10, with particular attention to ACRS functions under Parts 50, 52, 53, and 57 and access-authorization requirements under Parts 25, 73, and 95. Cross-rule review should focus on concrete

¹⁹ Nuclear Regulatory Commission, Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors, 91 FR 15696 (March 30, 2026); Nuclear Regulatory Commission, Licensing Requirements for Microreactors and Other Reactors With Comparable Risk Profiles, 91 FR 23628 (May 1, 2026).

²⁰ Nuclear Regulatory Commission, *Modernizing Security Requirements*, Docket ID NRC-2025-1303, 91 FR 38928 (June 26, 2026), <https://www.federalregister.gov/documents/2026/06/26/2026-12989/modernizing-security-requirements>.

²¹ Direct Final FACA Rule at 51563 and 51568.

inconsistencies in regulatory text, procedural responsibilities, and cross-references before the affected amendments take effect.

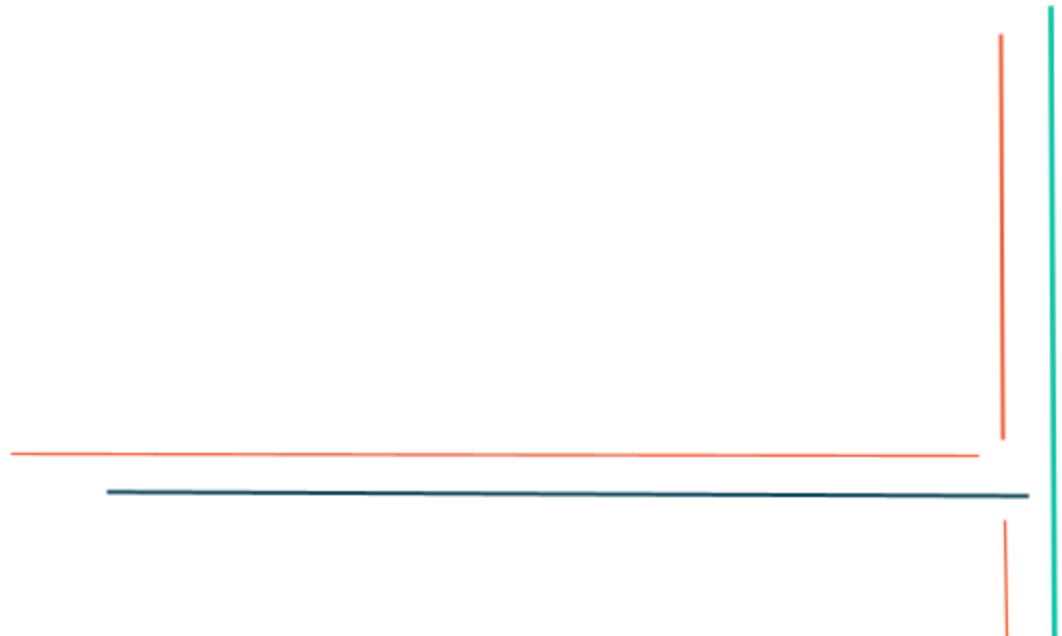
VII. CONCLUSION

BTI supports the NRC's effort to modernize Parts 2, 7, and 10. The final rule should preserve the benefits of the proposed changes while maintaining clear statutory boundaries, meaningful opportunities for public participation, and internal consistency across the affected regulations. Before finalization, the NRC should adopt the targeted revisions described above to clarify the exercise of discretion, preserve appropriate transparency in advisory committee activities, and ensure consistency among related regulatory provisions.

The NRC should finalize the principal modernization reforms with those safeguards in place so that the resulting framework is clear, predictable, and durable. These revisions are limited in scope and consistent with the NRC's broader modernization objectives. BTI appreciates the opportunity to comment on this docket and welcomes further engagement on the recommendations provided in this letter.

Sincerely,

Yue "Joy" Jiang
Energy Innovation Analyst
The Breakthrough Institute



PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM
Tracking No. mtv-tp3p-17uv
Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0011](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Ace Hoffman

Submitter Information

Name: Ace Hoffman

General Comment

The NRC describes this proposed rulemaking as non-controversial and plans to move directly to a final rule unless it receives " ... significant adverse comments ... ". (The final version of the rule has specific changes to 10 CFR, and is available here: <https://www.regulations.gov/document/NRC-2025-1139-0002>.)

It is generous to presume most of these changes are merely administrative. However, the wording of the rule doesn't make it clear what the actual impact of the changes will be, since, for example, "substantive" is an ambiguous term.

The final version of the rule has a long and detailed section devoted to "advisory committees" which is aimed at reducing the number and cost of such committees. What will the practical impact of such a change be for society, or the public, and for impacted individuals? The rulemaking does not make any of that clear, and leaves us with vague statements such as:

" ... changes are administrative and procedural in nature and do not introduce new substantive obligations for NRC licensees or other stakeholders ..."

" ... revisions affect terminology, chartering requirements, membership appointment processes, and reporting obligations ... "

Which advisory committees and advisors will be eliminated? Will the NRC be getting less input from industry organizations, such as the Nuclear Energy Institute (NEI), or from companies seeking nuclear licenses, or from experts in the field who do not have a vested interest? Numerous scientific studies support more-restrictive radiation standards — not less. Will support for that position be the first to be eliminated?

Similarly, the rulemaking changes the requirements for additional public comment periods after a rule is announced, because such comment periods were not actually required in some cases. (The NRC had made the requirement for these additional comment periods explicit in an 1985 amendment to 10 CFR, part 2.) The NRC explains the proposed reversal of that amendment by quoting the 1985 final rule which says: "The Commission normally provides for ... comment on policy statements and interpretive rules, and will continue to do so in the future."

However, it is not clear whether the entire 1985 amendment is being eliminated and therefore whether this vague reassurance has any weight. In addition, the underlying reasons for additional public comment periods are ignored in the new rule. How will making the extra comment period optional allow for exposing: " ... any errors or oversights that occurred in the formulation of the rule ... " which was the intent of the 1985 change to 10 CFR part 2?

There is no discussion in the proposed rule changes for what might be lost by making current requirements for public comment periods discretionary. If the public had the opportunity to comment prior to this new rule — why shouldn't the rule specify that the NRC should give the public at least as much opportunity to comment as is currently available?

This change should be completely discarded.

Ace & Sharon Hoffman, Carlsbad, California USA

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM Tracking No. mtv-xgzd-qs2b Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0012](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Nuclear Innovation Alliance

Submitter Information

Organization: Nuclear Innovation Alliance

General Comment

Please see the attached NIA comment

Attachments

[NIA FACA Public Comment](#)



September 10, 2026

U.S. Nuclear Regulatory Commission
11555 Rockville Pike,
Rockville, Maryland 20852

Subject: Public Comment on Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security (Docket ID NRC-2025-1139)

Dear NRC Staff,

The Nuclear Innovation Alliance (NIA) is an independent, non-profit, non-partisan “think-and-do” tank whose mission is to help create the conditions for success for new nuclear energy so it can play a major role as an energy security and climate solution. Through policy analysis, research, outreach, and education, NIA is catalyzing the next era of nuclear energy. We focus on regulatory modernization, federal and state policy, and enabling private investment to support new reactor commercialization while meeting national environmental and energy security goals.

NIA appreciates the opportunity to comment on the proposed Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act (FACA) Alignment, Access, and Security rule issued on August 11, 2025. We understand the due date for comments is identical for both the Direct Final Rule and the Proposed Rule (in the event of significant adverse comments on the Direct Final Rule).

Post-Promulgation Public Comment

NIA has a concern about the proposed rule and the long-term implications. The final rule would revise a procedural requirement related to post-promulgation comment periods. Under current rules, it is mandatory for NRC to have a 30-day public comment period after it promulgates a rule. The proposed change would allow NRC to forgo the comment period at its discretion. NRC cites the mandatory provision as an unnecessary administrative burden.

NIA appreciated Chairman Ho Nieh’s recent comments in *Power Magazine*, “We welcome scrutiny. We welcome technical debate. And we welcome public participation in the rulemaking process. That is how a regulator should operate.”¹ Importantly the opportunity for “public”

¹ <https://www.powermag.com/modern-regulation-for-a-new-nuclear-era/>

comment includes (and is often the sole mechanism for) stakeholders - including affected industry, NGO, and public advocacy groups - to provide input. Thus, NIA is concerned that the NRC could choose not to request public comments. Now, with the extraordinary number of rulemakings underway, post-promulgation public comments are even more important. NRC will benefit significantly from external input to help ensure the rules are durable and do not conflict with one another.

Additionally, the rule language does not identify who decides whether to forgo the public comment period. NRC staff have repeatedly stated throughout the public meetings on Executive Order 14300 rulemakings that they need stakeholder engagement to ensure the rules are workable. The NRC states that it would use post-promulgation comments “as appropriate” but does not define any criteria for appropriateness.

It is imperative that the NRC provide a post-promulgation period for substantive regulatory changes. The NRC should establish distinct criteria in § 2.804(e) for when it is appropriate to forgo the post-promulgation public comment period. For example, if a rule change is a technical correction or edit, NRC does not need to automatically require the post-promulgation comment period. Allowing NRC to forgo the post-promulgation comment period for technical or editorial corrections would help increase efficiency without downside, as the public is unlikely to submit comments. NRC should also create a transparent process to ensure the staff receives the feedback it needs and to identify the decision-maker. NIA believes that establishing criteria and a transparent process would increase rulemaking efficiency while preserving important public engagement.

Advisory Committee on Reactor Safeguards (ACRS)

The proposed rule aims to align the NRC with the U.S. government-wide FACA regulations. If this change is implemented, the NRC needs to ensure there is no conflict with the specific statutory requirements for ACRS in the Atomic Energy Act (AEA). In the proposed rule language, NRC notes that the alignment with FACA regulations would improve administrative efficiency. NIA has long supported creating a more efficient ACRS.² One of the proposed rule changes in § 7.12 would reduce the NRC’s meeting-notice period from 15 days to seven calendar days but require the notices to be more detailed. NIA is supportive of this type of change as it would not conflict with the statutory requirements in the AEA. The proposed change adds more details to the meeting notice, such as topics, instructions for submitting comments, and reasonable accommodation requests, which would all help the public prepare for the meetings. NIA notes that timely communication efficiencies are especially pertinent with the increased number of rulemakings before the ACRS.³

² NIA’s report on [Improving the Effectiveness and Efficiency of the Advisory Committee on Reactor Safeguards](#)

³ On September 3, 2026, there was an ACRS meeting scheduled for five hours on a proposed rulemaking that was not yet public, resulting in the ACRS adjourning the meeting shortly after it started. Furthermore, the NRC website was never updated to reflect what had happened. The proposed changes to § 7.12 would help guarantee that both members of ACRS and the public receive timely updates and materials prior to an ACRS meeting.

Another change proposed to align with the FACA regulations is in § 7.15 *Procedures for closing an NRC advisory committee meeting*. This section now states, “if the General Counsel finds that the request for closure is consistent with the provisions of the Government in the Sunshine Act, FACA, and this part, a determination shall be issued in writing that all or part of the meeting will be closed.” Previously FACA was not on the list for consistency. This section also adds a list of advisory committee activities that are excluded from the procedural requirements pertaining to notice and open meetings.

The list includes

“(1) Preparatory work. Meetings of two or more advisory committee or subcommittee members convened solely to gather information, conduct research, or analyze relevant issues and facts in preparation for deliberation by advisory committee members in a public meeting of the advisory committee, or deliberation by subcommittee members in a public meeting of the subcommittee (where applicable). These meetings to conduct preparatory work do not include deliberation among advisory committee or subcommittee members; and

“(2) Administrative work. Meetings of two or more advisory committee or subcommittee members convened solely to discuss administrative matters of the advisory committee or subcommittee (such as meeting logistics) or to receive administrative information from a Federal officer or agency (such as a briefing on ethics or FACA procedural requirements).”

NIA agrees that administrative work does not need to be subject to notice and open meeting requirements and is supportive of this efficiency improvement. However, NIA recommends that NRC more clearly define the line between preparatory activities and substantive discussion, to ensure that the ACRS’s collective deliberations remain open to the public.

NIA appreciates the Commission’s leadership on this issue and the opportunity to provide input. If you have any questions, please contact Miranda McGuire at mmcguire@nuclearinnovationalliance.org.

Sincerely,

Judi Greenwald
President & CEO
Nuclear Innovation Alliance

PUBLIC SUBMISSION

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NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0013](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Catherine Skopic

Submitter Information

Name: Catherine Skopic

General Comment

Docket (NRC - 2025-1139) / Document Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Thank you, Members of the NRC for providing this opportunity to give comment on your proposed amendment to your regulations by streamlining procedural provisions related to information - would like to learn more about this -

and post-promulgation - "to make known to public the terms of a proposed law" - comment periods aligning the NRC's regulation with Committee Management Secretariat (CMS) Federal Advisory Committee Act (FACA) standards;
and upgrading and updating national security eligibility criteria.

This sounds like a complex and multi-tasking set of goals, all worthy and needed, no doubt. However, as a citizen, I'm hoping the NRC. will in the future use language that is clearly understood by the general public and work more diligently to protect me and all citizens from the dangers of ionizing radiation being emitted from the operating of nuclear power plants, nuclear waste storage, transporting of nuclear waste, uranium mining, transforming uranium to yellow cake, the making fuel rods and high burn-up fuel, the construction of the nuclear power plants and all 20 some processes involved in providing nuclear energy that utilize and emit carbon in varying forms along the way, especially when we have perfectly efficient forms of renewable energy that can provide the energy need and in through cleaner, faster, safer, less expensive ways.

I long for you to let people know that nuclear power is NOT carbon free.
I long for you to let people know the dangers of a single radionuclide.

And when it comes to comments, I'd prefer to see your acknowledgement of the many public comments you receive requesting extensions for comment time. The length of time you allot for comment seems too short, if you'd really like to hear from the public, rather than all your goals stated so eloquently at the opening of this document. Fine as they are, they do not meet the needs of most people I know making up our public citizenry.

Thank you for reading these words - they are meant for the betterment of the NRC,
and the public citizenry and with all due respect.

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM
Tracking No. mtw-10vc-zcpa
Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0014](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Zackary Whitworth-Painter-Swayze

Submitter Information

Name: Zackary Whitworth-Painter-Swayze

General Comment

To Whom it May Concern,

My name is Zackary Whitworth-Painter-Swayze, I am a college student writing in support of the NRC's proposed rule to modernize and simplify portions of the agency's internal regulations.

I support this proposal because an effective nuclear regulator is essential to the future of the American nuclear energy industry. Nuclear power provides reliable, affordable, and clean energy while strengthening America's energy security for the future. However, these duplicative procedures and unnecessary requirements can make nuclear development slower and more expensive without providing a corresponding improvement in safety.

The NRC's core responsibility should be maintaining strong and effective nuclear safety standards. At the same time, the agency should be able to regularly examine its own procedures to determine whether outdated, duplicative, or unnecessarily burdensome requirements remain necessary for future development. So, modernizing the internal rules surrounding paperwork, advisory committees, sensitive information, and employee security standards is a practical step toward accomplishing that goal.

One example of a rule that the NRC is planning to update is the provision in 10 CFR 2.804 which states the following:

Second, the NRC is revising a provision in 10 CFR 2.804 that established procedural requirements related to post-promulgation comment periods. This provision is not statutorily required and thus imposes unnecessary administrative burdens. Revision of this provision provides additional flexibility to rulemaking processes.

This means that the proposed changes will reduce the administrative burdens and procedural delays that serve to only lengthen the process and not strengthen the process towards nuclear energy.

I recognize that this proposed rule does not directly reform reactor licensing or approve the construction of new nuclear facilities across the US. Nevertheless, improving the NRC's administrative efficiency is an important part of broader regulatory reform to keep up the nuclear energy momentum in the US. For instance, the Department of Energy has a new goal of 10 new large nuclear reactors under construction in 2030(McDermott), while the

same department is committing over \$17.5 billion towards low interest loans to different nuclear power companies for development(McDermott). Therefore, in order to keep that momentum, the NRC should continue to modernize while getting rid of more bureaucratic red tape that hinders the nuclear industry.

Furthermore, a regulator that operates with greater clarity, consistency, and efficiency will be better positioned to focus its resources on its most important responsibility: protecting public health and safety while allowing safe nuclear energy to be built in greater numbers to achieve a faster shift towards a more sustainable American Energy system

As a college student, I believe this issue is particularly important because the decisions made today will influence America's energy system for decades to come. Younger Americans will inherit the consequences of both our energy choices and our regulatory choices. We should not allow outdated bureaucratic procedures to unnecessarily limit access to a powerful source of American energy.

For these reasons, I encourage the NRC to finalize this proposed rule to change the standards. The Commission should continue pursuing reforms that reduce unnecessary administrative burdens while maintaining rigorous safety standards. Modernizing the NRC is not about weakening nuclear safety; it is about making the agency more focused, effective, transparent, and capable of fulfilling its mission to make America energy independent again.

SOURCES:

<https://www.pbs.org/newshour/nation/u-s-energy-secretary-announces-17-5-billion-in-loans-for-10-new-large-nuclear-reactors>

<https://www.energy.gov/articles/fact-sheet-golden-era-american-nuclear-energy-has-arrived>

<https://www.regulations.gov/document/NRC-2025-1139-0001>

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM
Tracking No. mtw-4v5p-of12
Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0015](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Jan Boudart

Submitter Information

Name: Jan Boudart

General Comment

This is an earnest request that the public be given more time to compare the original rule with these proposed changes. We do not have paid jobs where we are expected to spend full working days responding to the changes resulting from the Trump Administration's Executive Orders.

The NRC should be offering classes to the public to help us understand what is going on with scientific advances in nuclear energy and weapons. But that would present a cost in the thousands if done by Zoom or the like, and would break through the secrecy that has befallen government workings since the advent of the Bomb.

In addition, Docket number NRC-2025-1139 is complicated, even for a constitutional lawyer to understand. Please see my take on how complicated this document is below. It is ludicrous to expect even well-informed members of the public to disentangle the imbroglio presented to us by docket #NRC-2025-1139.

In fact, those who do have jobs studying and developing rule making for the NRC are, by my calculations, 7-months late in delivering said document, as the first paragraph of Section 5 of E.O. 14300 says, "... issue notices(s) of proposed rule making effecting this revision within 9 months of the date of this order." May 23, 2025 was the date of the order, but the document in question was issued August 23 — in 15 months, thus 6 months late.

The document in question is 12,700 words long. Here is a list of references as well as I could determine them:

1. 36 references to 10 CFR.
2. There are about 13 references to Executive Orders. And at least 3 more simply listed "E.O." (Pre-Trump numbered 10450, 10865, 12968)
3. At least 8 references to the Federal Register ranging from #63 through #90; but these are possibly co-referenced with the 13 or so E. O. References.
4. The following acts of Congress are referenced:
 - A. Atomic Energy Act of 1954 (eighteen sections [and eighteen sections of 42 U. S. C.]); Sec 161 (42 U. S. C. 2201
 - B. Energy Reorganization Act of 1954 (in 7 places)
 - C. Nuclear Waste Policy Act of 1982 (four sections [and four sections of 42 U. S. C.]);
 - D. Administrative Procedures Act (no reference date, but five sections in 5 U. S. C.).

- E. References to the National Environmental Policy Act of 1969 are more complicated: Both 42 and 44 of the U. S. C. are cited (4332 and 3504, respectively) with a special reference to section 2.205(j) and section 31001(s).
- F. Federal Advisory Committee Act
- 5. Security Executive Directive Agent Directive 4 (Effective June 8 2017, as far as I could tell)
- 6. National Security Adjudicative Guidelines (issued by the Director of National Intelligence [presently Jay Clayton])
- 7. For the finale of these unreadable paragraphs, public Law 104-134. 110 Stat. 1321-373 (could the typist have meant 1373?) (28 U. S. C. 2461 note)

Granted this list might be an exaggeration. But if it is, that further serves to show how confused lay people are. Such confusion is deliberately fostered by a government that loathes participation by the general public, particularly that part of the GP that disagree with both the impending, and the immediate, changes; those of us who fear the juggernaut bearing down on us from a Fascist takeover of the regulatory agencies our forebears have fought and bled for.

Thus — here is my ask: That the NRC hold classes explaining the old rule making and the new rule making; and that a light be shined on what is happening to protect citizens from radiation danger. At least, I am asking that you forgo the 30-day deadline for comments and give us another month to try to understand on our own.

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM Tracking No. mtw-6gq8-oi2o Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0016](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Daryl Gale

Submitter Information

Name: Daryl Gale

General Comment

This Rule-making change is disconcerting and confusing!

You need to hear what the public has to say.

Our feedback and concerns will help us effectively strategize on reactors and their forever waste

We Must Work Together!

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM
Tracking No. mtw-elpw-xyvb
Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0017](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Ann Suellentrop

Submitter Information

Name: Ann Suellentrop

General Comment

This change should be completely discarded as it seems to lessen input from the public and scientists unfairly. Also, the wording of the rule doesn't make it clear what the actual impact of the changes will be.

The final version of the rule has a section on

"advisory committees" aimed at reducing the number and cost of these committees. What will the real impact of such a change be for

society, or the public, and for impacted individuals? The rulemaking does not make any of that clear.

Numerous scientific studies support more-restrictive radiation standards — not weaker. An example is the research done by Dr. Yazan Alwadi, Environmental Epidemiologist at the Harvard TH Chan School of Public Health.

Will support for that position be the first to be eliminated?

I do not trust the proposed changes are fair or beneficial to protecting our health or the environment, rather the « streamlining » appears to benefit corporations and financial institutions.

PUBLIC SUBMISSION

As of: 9/23/26 2:10 PM
Tracking No. mtw-efyl-lozt
Comments Due: September 10, 2026

Docket: [NRC-2025-1139](#)

NRC Modernization: Rulemaking Procedure, FACA Alignment, Access, and Security

Comment On: [NRC-2025-1139-0001](#)

Nuclear Regulatory Commission Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

Document: [NRC-2025-1139-0018](#)

Comment on FR Doc # 2026-16373, NRC-2025-1139-0001, from Anonymous

Submitter Information

Name: Anonymous Anonymous

General Comment

We appreciate the opportunity to submit these comments regarding the Nuclear Regulatory Commission's (NRC) ongoing efforts to update and modernize its administrative procedures. Modernizing regulatory frameworks is an important objective, and we support the Commission's goal of streamlining administrative efficiency.

To build a clear administrative record and provide ample opportunity for stakeholder engagement, we encourage the Commission to consider transitioning this action from a Direct Final Rule to standard NPRM proceedings.

- While procedural updates are often straightforward, adjustments involving public disclosure criteria, post-promulgation recourse, and personnel security cross multi-disciplinary operational areas. Direct final rulemaking is an administrative mechanism strictly reserved for routine, non-controversial regulatory updates where public opposition is absent. The Commission's assertion in Section III that these actions are "non-controversial" is legally unsupportable. Utilizing the standard NPRM path ensures all affected parties have sufficient time to provide technical feedback, reducing the potential for post-implementation confusion.

- Direct final rulemaking is an administrative mechanism strictly reserved for routine, non-controversial regulatory updates where public opposition is absent. The Commission's assertion in Section III that these actions are "non-controversial" is legally unsupportable. An agency cannot circumvent statutory public participation requirements by labeling substantive policy shifts as administrative housekeeping (USWAG v. EPA)

- The proposed rule fails to state whether this standard applies prospectively or retroactively.

1. 10 CFR § 2.804: Elimination of Post-Promulgation Review and Hobbs Act Exhaustion

The Commission proposes to eliminate post-promulgation comment periods under 10 CFR § 2.804, claiming the provision is "not statutorily required" and imposes "unnecessary administrative burdens." Post-promulgation comment periods serve as a vital administrative mechanism allowing regulated entities and the public to seek agency correction of immediately effective or direct final rules. Eliminating § 2.804 deprives stakeholders of an administrative remedy, forcing aggrieved parties to immediately file petitions for review in federal courts of appeals under the Hobbs Act, 28 U.S.C. § 2342, within the strict 60-day jurisdictional window. The Commission failed to consider how stripping this administrative recourse increases litigation burdens on both the judiciary and the agency.

The proposed rule exhibits an internal self-contradiction in its administrative record:

- Section III Position: The agency justifies bypassing standard notice-and-comment by asserting the amendments are minor, routine, and "non-controversial administrative changes."
- Section VII.D Position: The agency justifies exempting these same regulations from mandatory conditional sunseting under Executive Order 14270 by asserting that these rules are an integral part of the NRC's core "regulatory permitting scheme authorized by the AEA, ERA, or NWPA."

The Commission cannot maintain both positions. If administrative procedural adjustments, advisory committee management, and personnel clearance guidelines are so fundamental that they constitute part of the statutory "permitting scheme," they are inherently substantive and cannot be processed as "non-controversial" direct final rules. Conversely, if they are minor administrative rules, the agency's exemption claim under E.O. 14270 is invalid.

2. 10 CFR Part 10: Unreasoned Codification and Whistleblower Protection Concern

The NRC proposes to codify Security Executive Agent Directive 4 (SEAD 4) into 10 CFR Part 10 to standardize personnel security adjudications. SEAD 4 incorporates subjective adjudicative criteria (e.g., financial considerations, personal conduct). The Commission failed to evaluate how hardcoding these guidelines into commercial plant access regulations interacts with whistleblower protections under Section 211 of the Atomic Energy Act (42 U.S.C. § 5851). Without explicit anti-retaliation safe harbors, licensees could invoke subjective clearance criteria to revoke site access for workers who report safety violations.

Codifying external executive directives without preserving explicit statutory administrative hearing rights guaranteed under Section 181 of the Atomic Energy Act creates procedural due process defects for commercial nuclear personnel.

Conclusion

Under Atomic Energy Act § 181, the Commission maintains an affirmative statutory duty to ensure public access to agency decision-making regarding nuclear safety. Because this comment raises substantive legal defects under the APA, identifies internal record contradictions regarding E.O. 14270, and demonstrates unconsidered operational and statutory impacts under AEA §§ 181 and 211, the Commission should re-issue this notice as a NPRM.