[7590-01-P]

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 51, 52, 53, and 54

[NRC-2025-1501]

RIN 3150-AL58

Streamlining Contested Adjudications in Licensing Proceedings

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC, agency, or Commission) is revising the agency's rules of practice and procedure to streamline contested adjudications in NRC licensing proceedings in response to the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act) and Executive Order 14300, Ordering the Reform of the Nuclear Regulatory Commission.

DATES: This final rule is effective on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]** and applies to contested adjudicatory proceedings noticed on or after the effective date.

ADDRESSES: Please refer to Docket ID NRC-2025-1501 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Electronically at https://www.regulations.gov. Search for Docket ID NRC-2025-1501. Address questions about NRC dockets to Helen Chang; telephone: 301-415-3228; email: Helen.Chang@nrc.gov. For technical

questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at https://www.nrc.gov/reading-rm/adams.html. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.
- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Spencer, Office of the General Counsel, telephone: 301-287-9115; email: Michael.Spencer@nrc.gov, staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

EXECUTIVE SUMMARY

A. Need for the Regulatory Action

The Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act) was signed into law in July of 2024. The ADVANCE Act establishes requirements to enhance the NRC's timeliness and efficiency, including a

broad requirement for efficiency through an updated Mission Statement.[1] As directly relevant to the hearing process, ADVANCE Act § 505(b) requires the NRC to provide "efficient and timely … proceedings" for a broad category of licensing actions, and ADVANCE Act § 207(c) requires the NRC (for certain reactor combined license applications) to, among other things, complete "any necessary public licensing hearings and related processes" not later than two years after docketing the application, to the maximum extent practicable.

Subsequently, the President directed a series of reforms to improve the agency's efficiency and effectiveness in the May 23, 2025, Executive Order (E.O.) 14300, "Ordering the Reform of the Nuclear Regulatory Commission" (90 FR 22587, May 29, 2025). As relevant to this final rule, section 5(j) of E.O. 14300 directs the NRC to streamline its public hearing process. Relatedly, E.O. 14300 section 5(a) directs the NRC to establish fixed deadlines for its evaluation and approval of specified licensing actions and requests, section 5(d) directs the NRC to establish an expedited approval pathway for reactor designs tested and demonstrated by the Department of Defense (also referred to as the Department of War (DOW))[2] or the Department of Energy (DOE), and section 5(e) directs the NRC to "[e]stablish a process for high-volume licensing of microreactors and modular reactors[.]"

In response to Congressional and Executive action, the NRC has developed this final rule focused on streamlining the agency's rules of practice and procedure. The changes to the contested hearing process will reduce burden, increase clarity, and

[1] ADVANCE Act of 2024, Pub. L. No. 118-67, div. B, §§ 206, 207, 501, 504, 505, 506 (2024). For example, Section 506 requires the NRC to periodically improve its performance metrics and milestone schedules for completing safety evaluations "to provide the most efficient metrics and schedules reasonably achievable."

[2] The Department of Defense (DOD) was authorized to use the secondary title, the Department of War (DOW), in September 2025 by Executive Order. *See* Executive Order No. 14347, "Restoring the United States Department of War," 90 FR 43893 (dated September 5, 2025; published September 10, 2025).

promote efficiencies in line with deadlines established in accordance with the ADVANCE Act and E.O. 14300.

B. Major Provisions

Major provisions of this final rule include the following:

- Revisions to the contested hearing process that will enable the NRC to generally complete adjudications within 11 to 13.5 months or faster for expedited proceedings
- A requirement for evidentiary hearings to begin as soon as practicable upon admission of contentions
- Strict deadlines for the completion of hearings
- Tailored hearing schedules that correspond to the staff's review schedule to the maximum extent practicable, considering the complexity of the application
- A reduction in discovery burden on all parties to focus on information of highest value and reflect the greater availability of information due to technological developments
- Revisions to accelerate Commission review of appeals
- Elimination, refinement, or addition of provisions that will accommodate the schedule directives of the ADVANCE Act and E.O. 14300.

C. Costs and Benefits

This final rule is considered to be a deregulatory action and will reduce burden for both the government and hearing participants by streamlining contested hearing proceedings. Over the five-year analysis period (2026-2030), the revisions to the contested hearing procedures are projected to yield savings for the public, the industry, and government. The combined net savings would generate cumulative undiscounted savings of $67.4 million. Using 2025 as the base year, the net present value (NPV) of

these net savings is $61.7 million, discounted at 3 percent, or $55.2 million, discounted at 7 percent. The projected annualized cost savings would be $13.5 million discounted at 3 percent, or $13.5 million discounted at 7 percent. These values represent net savings, as implementation and transition costs are expected to be minimal.

For more information, please see the regulatory analysis included later in this notice.

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I. Executive Order 14300: Ordering the Reform of the Nuclear Regulatory Commission

On May 23, 2025, the President signed E.O. 14300, “Ordering the Reform of the Nuclear Regulatory Commission.” Section 5, “Reforming and Modernizing the NRC’s Regulations,” directs the NRC to undertake a review and wholesale revision of its regulations and guidance documents as guided by the policies set forth in section 2 of the E.O. This rulemaking addresses section 5(j), which directs the NRC to “[s]treamline

the public hearings process," and also supports meeting the objectives of sections 5(a), 5(d), and 5(e) of E.O. 14300, as discussed below.

II. Background

Since its inception, the Commission has periodically taken steps to assess and improve the efficiency of its adjudicatory process, as discussed in a 2004 rule (69 FR 2182, pages 2182 through 2186, January 14, 2004) (hereafter "2004 Adjudications Rule"). Generally, these reforms have yielded less formal adjudications intended to reduce the burden of litigation costs for all parties and remove procedural mechanisms that are not essential to developing an adequate hearing record. The Commission last finalized a major reformation of its hearing processes in 2004 in anticipation of a significant volume of new proceedings to consider applications for new facilities, to renew operating licenses, to reflect restructuring in the electric utility industry, and to license waste storage facilities.

The Commission now expects a similar increase in licensing applications in the coming years, and Congress and the President have directed the NRC to prepare to review and process these applications as expeditiously as possible. In 2024, Congress passed the ADVANCE Act, which established requirements to enhance the NRC's timeliness and efficiency, such as the direction to update the NRC's mission statement to provide that the NRC's licensing and regulation of the civilian use of radioactive materials and nuclear energy be conducted in a manner that is efficient and does not unnecessarily limit—(1) the civilian use of radioactive materials and deployment of nuclear energy; or (2) the benefits of civilian use of radioactive materials and nuclear energy technology to society. The ADVANCE Act also addresses the hearing process, with section 505(b) amending the Atomic Energy Act of 1954, as amended (AEA)

section 181 to require the NRC to provide "efficient and timely … proceedings" for a broad category of licensing actions. Also, for certain reactor combined license applications, section 207(c) of the ADVANCE Act requires the NRC, to the maximum extent practicable, to (1) complete safety and environmental reviews not later than 18 months of docketing, (2) complete "any necessary public licensing hearings and related processes" not later than two years after docketing, and (3) make a final decision on whether to issue the combined license not later than 25 months after docketing.[3]

Building on the ADVANCE Act, the President signed E.O. 14300 "Ordering the Reform of the Nuclear Regulatory Commission," on May 23, 2025 (90 FR 22587, May 29, 2025). Section 3 of E.O. 14300 directs the NRC to consider the benefits of increased availability of, and innovation in, nuclear power to the nation's economic and national security in addition to safety, health, and environmental considerations, when the NRC carries out its licensing and related regulatory functions. In furtherance of the President's directive, E.O. 14300 tasked the NRC with streamlining its public hearing process. As relevant here, section 5 of E.O. 14300 directs the NRC to undertake a review and wholesale revision of its regulations and guidance documents and establishes specific tasks this effort must encompass, including streamlining the public hearings process, as directed by section 5(j).

Relatedly, section 5(a) of the E.O. directs the NRC to establish fixed deadlines for its evaluation and approval of specified licensing actions and other requests from a licensee or potential licensee rather than nonbinding generic milestone schedule guidelines. These deadlines include taking no more than 18 months to make a final decision on an application to construct and operate a new reactor of any type and taking

[3] This expedited process applies only to applicants for combined licenses who meet certain requirements regarding, among other things, the use of previously approved designs on existing commercial reactor sites (or on substantially similar sites adjacent thereto), as described in § 207(b).

no more than one year to make a final decision on an application to continue operating an existing reactor of any type. Section 5(a) also directs the NRC to adopt shorter deadlines tailored to particular reactor types or licensing pathways as appropriate. In addition, section 5(e) of the E.O. directs the NRC to establish a process for high-volume licensing of microreactors and modular reactors, and section 5(d) of the E.O. directs the NRC to establish an expedited pathway to approve reactor designs that the DOW or the DOE have tested and that have demonstrated the ability to function safely.

In some cases, completing licensing decisions within the E.O.-directed timeframes could turn on timely completion of a contested adjudication. However, the Commission's existing hearing procedures in title 10 of the *Code of Federal Regulations* (10 CFR) part 2, "Agency Rules of Practice and Procedure," provide model milestones that would collectively exceed the timeframes specified in E.O. 14300. And these milestones, which are not binding, are sometimes exceeded in practice. Therefore, the Commission is revising its hearing procedures to support faster adjudications that will enable the agency to meet the licensing timelines contemplated by the ADVANCE Act and E.O. 14300. The NRC believes that the revised adjudicatory deadlines will provide reasonable timeframes for parties to meaningfully raise, and the presiding officer to resolve, disputed issues. These revisions will continue the overall trend, described previously, of reducing the formality in NRC adjudications to enhance efficiency.

The NRC's predecessor agency, the Atomic Energy Commission, at one time believed that the AEA required formal adjudicatory hearings in all cases (2004 Adjudications Rule, 69 FR 2182, page 2183, January 14, 2004). Now the prevailing view is that, with the exception of hearings on applications for licenses to construct and operate uranium enrichment facilities, informal hearings will also satisfy the AEA. (2004 Adjudications Rule, 69 FR 2182, pages 2183 through 2186, January 14, 2004). On balance, these amendments generally use simpler, more informal processes and shorter

schedules to complete adjudications within the timeframes contemplated in the ADVANCE Act and E.O. 14300.While the final rule establishes three primary pathways for hearings (a “Standard Proceeding” for 18-month reviews, a “Focused Proceeding” for 12-month proceedings, and an “Expedited Proceeding” for faster reviews), the Commission does not intend for these designations to be rigid. Rather, in light of the direction in E.O. 14300 to “adopt shorter deadlines tailored to particular reactor types or licensing pathways as appropriate,” the rule does not preclude reliance on the Commission’s authority to move a proceeding to a faster pathway when warranted. Additionally, within the pathways, the final rule directs the presiding officer to ensure the hearing schedule does not exceed the staff review schedule to the greatest extent practicable. Collectively, these provisions should ensure that the hearing procedures for each adjudication appropriately reflect the complexity of the issues raised by the underlying application.

The Commission has chosen to use a Licensing Board as the default presiding officer for contested licensing proceedings, including license transfers, because Boards are independent and statutorily established, possess legal and technical expertise, and are well placed to efficiently conduct NRC licensing proceedings given their experience and ability to focus exclusively on adjudicatory matters. Considering the wide variety of situations a Board could face after a contention is admitted, the presiding officer will have considerable flexibility to select the appropriate procedures for resolving disputed issues within the strict timeframes imposed by this rulemaking. For example, these procedures will continue to rely primarily on written pleadings and statements to maintain clarity and precision in the record, although the presiding officer will have the flexibility to convene oral proceedings when necessary.

These revisions will require evidentiary hearings to be held as soon as practicable after a decision admitting contentions. Nonetheless, to support more efficient

and timely resolution of admitted contentions in certain circumstances, the procedures and practice will still provide for motions to dismiss contentions and motions for summary disposition prior to an evidentiary hearing.

These procedures also address new or amended contentions filed later in the NRC's review process to ensure that the NRC is still able to complete adjudications in a timely manner. The Commission is making three significant revisions to accomplish this goal.

First, in light of the dynamic nature of our licensing process, parties frequently file new or amended contentions throughout NRC adjudications, often in response to amended applications or other new information. To accommodate these filings within the 18-month and 1-year E.O. 14300 timelines, the revisions establish deadlines the presiding officer must use in setting hearing schedules that will provide sufficient time to (1) fully litigate an initial round of contentions (including an evidentiary hearing on any admitted contentions) and (2) fully litigate a second round of new or amended contentions through an evidentiary hearing on those contentions, even if there is no overlap between the rounds of litigation.

Second, the Commission recognizes that, in rare instances, critical issues could arise sufficiently late in a proceeding to challenge the E.O. 14300 timelines for a decision on the application. To ensure that only critical issues have the potential to be admitted late in the proceeding, these revisions establish that the NRC's standards for reopening the record will apply to contentions raising new issues that are submitted after the date by which the presiding officer would be expected to enter an initial decision after an evidentiary hearing on the initial round of contentions, assuming that the evidentiary hearing phase immediately commences upon the admission of the contention and there are no delays along the way.

Third, these revisions establish that new or amended contentions would not be considered pending before the agency until the presiding officer finds there is good cause for submitting these contentions after the prescribed initial filing deadline for contentions (i.e., that they have been timely submitted based on new, materially different information). This change will, as discussed later in this notice, eliminate the possibility of parties delaying licensing in certain proceedings simply by filing an untimely new or amended contention.

As stated previously, the Commission is establishing hearing schedules that would allow for two non-overlapping hearings to be conducted within the 18-month and 1-year E.O. 14300 timelines—one hearing for contentions submitted by the initial filing deadline for contentions and a second hearing held thereafter on a new or amended contention arising later in the review. The revisions to 10 CFR part 2 primarily accomplish this acceleration by requiring the presiding officer to commence the evidentiary hearing as soon as practicable after admitting contentions. In contrast, evidentiary hearings generally do not begin under the existing rules until after the staff completes its review.

This change also reflects the Commission's understanding that the E.O.'s discussion of fixed deadlines for the NRC's evaluation to support a final decision on the application refers to the agency's approval of the licensing action or other request if the NRC's evaluation determines that applicable requirements are met. Given this understanding, the changes in this final rule focus on ensuring that there is a final presiding officer decision on all contested issues within the E.O. 14300 timelines as these decisions have immediate effect by default, regardless of the pendency of appeals. As such, the presiding officer's decision would allow the licensing decision to be made even in circumstances where the AEA requires a hearing to be completed before the issuance and effectiveness of a license. Consequently, in this final rule, the

appeals process occurs outside of the scope of the fixed deadlines outlined in section 5(a) of E.O. 14300. Nonetheless, the NRC is streamlining the appeals process to support the overarching goals of the ADVANCE Act and E.O. 14300. First, this final rule makes small changes to the filing deadlines for appeals, shortening the process. Second, the Commission recognizes the importance of issuing its adjudicatory decisions in a timely manner and will use milestones in its internal procedures to effectuate this goal.

While the Commission expects these revisions will substantially improve the efficiency of NRC contested licensing adjudications, they do not constitute a wholesale rewrite of 10 CFR part 2, and many proceedings such as enforcement proceedings, proceedings on denials of applications, or proceedings for construction or operation of a high-level waste geological repository are only minimally impacted. Proceedings under § 52.103 or 53.1452 are also minimally impacted by the changes because the procedures for such hearings are established by case-specific order, and the NRC will consider modifications to the existing standard procedures for these proceedings in a separate process. Further, a final rule published April 15, 2026 (91 FR 20063) increased flexibility in the mandatory hearing process, and a policy statement published June 8, 2026 (91 FR 34661) made changes to the agency's mandatory hearing process for reactors to increase efficiency and timeliness while also enhancing public participation. Additionally, in a separate rulemaking, the NRC proposed changes to the agency's implementation of the National Environmental Policy Act (91 FR 42086, July 7, 2026), which could impact the scope of issues that may be permissible for adjudication in contested hearings. The changes in this final rule are a series of targeted amendments intended to ensure timely and efficient contested adjudication for most NRC licensing actions.

This final rule reflects changes to the proposed rule made in response to public comments, as documented in the "NRC Response to Public Comments: Streamlining Contested Adjudications in Licensing Proceedings" (hereafter, Comment Response Document). This final rule also accounts for changes made to the regulations since publication of the proposed rule, including a final rule adding a new 10 CFR part 53, "Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors" (91 FR 15696, March 30, 2026), which generally revised 10 CFR part 2 to apply the same processes to applications under 10 CFR part 53, "Risk-Informed, Technology-Inclusive Regulatory Framework for Commercial Nuclear Plants," as would apply to corresponding applications under 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities," or 10 CFR part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." This final contested hearings rule includes these changes and consistently treats 10 CFR part 53 applications and licenses the same as the corresponding applications and licenses under 10 CFR parts 50 and 52. This final rule also accounts for changes made by the rule, mentioned previously, that increased flexibility in the mandatory hearing process (91 FR 20063, April 15, 2026). In addition, this final rule makes certain corrections, clarifications, and other minor changes that were not in response to comments but that the NRC identified during the development of the final rule. All changes made in the final rule logically grow out of the proposed rule provisions.

III. Discussion

To achieve the objectives described previously, the Commission is amending 10 CFR part 2 in the following areas:

Hearing Schedule Framework and New Definitions in 10 CFR 2.4

In this rule, the NRC is taking a tailored approach to timeframes for hearing requests and evidentiary hearings to account for specific types of applications rather than the one-size-fits-all approach in the existing regulations, where the same time is generally provided for hearing requests and evidentiary hearings on shorter or simpler applications as on longer or complex applications. The tailored timeframes in this final rule provide sufficient time for the parties to meaningfully raise and litigate disputed issues in the type of proceeding at issue and for the presiding officer to make accurate determinations on these disputed issues. Using tailored hearing timelines is consistent with direction in the Nuclear Energy Innovation and Modernization Act section 102(c), ADVANCE Act section 504, and E.O. 14300 section 5 regarding specified timelines for different types of NRC reviews.

To accomplish this objective, the NRC is establishing three basic timeframes for most licensing proceedings so that the NRC's hearing regulations are clear and manageable and provide greater flexibility, while recognizing that it would be impractical to establish a multitude of timeframes for every type of proceeding and constantly modify hearing processes and regulations to account for the different NRC decision-making schedules as they are updated over time. Nonetheless, as discussed later, the NRC is accounting for potential variability in NRC decision-making schedules by requiring the presiding officer in each proceeding to establish a hearing schedule that, to the greatest extent practicable, will not extend past the NRC staff's scheduled date for completing its review of the application. This provision could, for example, address an expedited NRC review under E.O. 14300 section 5(d) of a reactor design tested and demonstrated by DOE or DOW.

The NRC is adding new definitions in § 2.4 to account for the three basic timeframes established by this rule. The new definitions are "Standard Proceeding,"

"Focused Proceeding," and "Expedited Proceeding," where Standard Proceedings have the longest hearing schedules, Expedited Proceedings have the shortest hearing schedules, and Focused Proceedings have hearing schedules in between these two categories. The proposed rule followed the same basic scheduling construct as this final rule but did not establish formal labels for Standard Proceedings or Focused Proceedings.[4] The NRC has determined that the clarity of 10 CFR part 2 will be enhanced by formal labels for each basic type of proceeding, and the final rule is accordingly adding definitions for Standard Proceedings and Focused Proceedings. Also, in establishing the basic hearing timeframes in this rule, the NRC has followed the general approach taken in the proposed rule by specifying the applications that are in the Standard Proceeding category and the applications that are in the Expedited Proceeding, with the Focused Proceeding category including, with certain limited exceptions, all other licensing proceedings.

The new definition for "Standard Proceeding" captures those applications that generally present more complex technical issues than those applications that fall into the other categories. While the applications in this category are not all equally complex, they are currently subject to the longer 18-month standard NRC review schedules and warrant longer hearing schedules because of the anticipated complexity of material on which contentions could be based, as well as the potential complexity of the technical issues that could be the subject of admitted contentions. As discussed later in this notice, the hearing schedules established for Standard Proceedings support the potential completion of two non-overlapping evidentiary

[4] The preamble for the proposed rule (91 FR 10450, March 3, 2026) referred to Standard Proceedings as "most complex" proceedings, referred to Focused Proceedings as "other" proceedings, and referred to Expedited Proceedings as "highly expedited proceedings."

hearings within 13.5 months and allow for Commission consideration of any associated appeals within 18 months.

Reactor applications falling under the Standard Proceeding category are those for the grant of a construction permit, an operating license, or a combined license under 10 CFR part 50, 52, or 53 for a commercial production or utilization facility (other than a non-power production or utilization facility (NPUF)), where the application does not reference an NRC approval providing finality in the adjudicatory proceeding on design matters (e.g., a design certification or manufacturing license).[5] For materials licenses, the proposed rule applied the Standard hearing schedules to the following licenses: (1) a license to construct and operate a uranium enrichment facility, and (2) a license to construct or operate a uranium recovery or fuel cycle facility under 10 CFR part 40, "Domestic Licensing of Source Material," or part 70, "Domestic Licensing of Special Nuclear Material." The NRC is retaining these categories in the final rule but in response to comments is clarifying what constitutes a "fuel cycle facility" in this category. Specifically, licenses for new fuel cycle facilities that are subject to the Standard hearing schedules are those that are subject to subpart H of 10 CFR part 70, "Additional Requirements for Certain Licensees Authorized To Possess a Critical Mass of Special Nuclear Material," i.e., a facility with a critical mass of special nuclear material that necessitates an integrated safety analysis and other requirements in subpart H because of the facility's safety significance. In addition, in this final rule, the NRC has determined that an application for a new low-level-waste disposal facility under 10 CFR part 61,

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[5] The proposed rule specifically referenced a design certification and manufacturing license on the basis that these NRC approvals provide finality in the adjudicatory proceeding on design matters. To be consistent with the language used in proposed § 2.1207(c) (final § 2.1207(b)), the final rule adjusts the proposed rule § 2.309(b) language to focus on the function that the NRC approval provides (e.g., providing finality in the adjudicatory proceeding on design matters), with a design certification and manufacturing license being given as examples of approvals that provide such finality. A similar adjustment is made to the language of final rule § 2.1207(a).

“Licensing Requirements for Land Disposal of Radioactive Waste,” should be included in the Standard Proceeding category. The currently operating low-level waste disposal facilities are licensed by agreement states rather than the NRC, but it is possible that an application for a new facility might be filed with the NRC. If such an application were to be filed, the NRC has determined that the application should be included in the Standard Proceeding category given the types of technical issues that would be involved.

The new definition for “Focused Proceeding” covers those applications that are subject to more focused NRC reviews because they are generally less complex than applications within the Standard Proceeding category. As such, Focused Proceedings are amenable to faster NRC reviews and hearing schedules than those reserved for Standard Proceedings. Many applications in the Focused Proceeding category are currently subject to a 12-month standard NRC review schedule. Several others are subject to an 18-month standard NRC review schedule, but the NRC would aim to complete the review of these applications more quickly than 18 months if practical since they would generally be less complex and narrower in scope than other applications subject to an 18-month standard review schedule (e.g., 10 CFR part 52 combined license applications referencing a design certification). Appropriately accelerating hearing schedules, when warranted, for limited scope applications responds to direction in E.O. 14300, section 5(a), which states that the E.O. 14300 deadlines are “maximum time periods,” and that “the NRC shall adopt shorter deadlines tailored to particular reactor types or licensing pathways as appropriate.” As discussed later in this notice, the hearing schedules established for Focused Proceedings support the potential completion of two non-overlapping evidentiary hearings within 12 months.

Following the approach taken in the proposed rule, the Focused Proceeding category has been defined to include all proceedings for the grant, renewal, licensee-initiated amendment, or termination of licenses or permits subject to 10 CFR parts 30, 32

through 36, 39, 40, 50, 52, 53, 54, 55, 61, 70, and 72, except for a Standard Proceeding, an Expedited Proceeding, a proceeding for the construction or operation of a high-level waste geological repository, or a proceeding on a denial of an application. Applications in the Focused Proceeding category include, but are not limited to, operating reactor license renewal applications under 10 CFR part 53 or 54; applications for new 10 CFR part 50, 52, or 53 licenses referencing an NRC approval providing finality in the adjudicatory proceeding on design matters (e.g., a design certification or manufacturing license); 10 CFR part 52 or 53 early site permit applications; materials license renewal applications; applications to construct or operate new facilities under 10 CFR part 70 that are not subject to the requirements of subpart H of 10 CFR part 70; license amendment requests; NPUF license applications; and limited work authorization applications. Moreover, several commenters proposed accelerating Nth-of-a-kind proceedings. The Commission expects that the agency will seek to complete these proceedings significantly in advance of the E.O. 14300 timeframe because the staff will have previously resolved the majority of technical issues. Moreover, the NRC recently finalized a new reactor generic environmental impact statement, which will resolve a significant number of environmental issues in most Nth-of-a-kind proceedings. Therefore, the NRC has also added these proceedings to the Focused Proceedings hearing track. Additionally, commenters noted that faster proceedings would be appropriate for uranium enrichment facilities that employ technologies that have been licensed and operated. The NRC agrees. Given the limited set of technical and environmental contentions these proceedings are expected to raise, the NRC has also added these proceedings to the definition of Focused Proceedings.

Similarly, several commenters suggested providing faster procedures for limited work authorizations. Generally, these proceedings only resolve a limited set of technical and siting issues. Moreover, while in the past a limited work authorization may have

occasioned a more detailed environmental review, the NRC recently finalized a generic environmental impact statement for new reactors that would resolve the majority of these issues in most cases. Consequently, the NRC has also included proceedings on these applications within the definition of “Focused Proceedings.”

The new definition of “Expedited Proceeding” captures those applications that are particularly simple or narrow in scope and should be subject to significantly expedited hearing schedules because they will be reviewed on a more expedited basis than the other reviews the NRC would typically handle. As reflected in the standard review schedules on the NRC website at https://www.nrc.gov/about-nrc/generic-schedules.html, the NRC currently intends to apply an 18-month or 12-month review schedule to most types of applications it receives. However, some applications have a significantly shorter anticipated review schedule. For example, measurement uncertainty recapture uprate license amendments currently have a six-month review schedule, stretch power uprates have a nine-month review schedule, and amendments adopting a Technical Specifications Task Force traveler using the Consolidated Line-Item Improvement Process currently have a seven-month review schedule. To support expedited decision-making on these applications, the NRC is including these three types of applications within the definition of “Expedited Proceeding,” and applying significantly expedited hearing schedules to these proceedings to reflect the shorter review schedules and focused nature of these reviews. Additionally, several commenters noted that licensing applications that reference prior NRC approvals providing issue finality are not likely to spark complex litigation. The NRC agrees that these proceedings would present a sufficiently narrowed set of issues, particularly when the application references a categorical exclusion, that Expedited Proceedings would be warranted in all cases. Applications taking advantage of issue finality and categorical exclusions will have the vast majority of technical and environmental issues resolved for the facility, and the

remaining issues are unlikely to present complex contentions requiring extended litigation. Therefore, the NRC has revised the definition “Expedited Proceedings” to always include these types of applications. As discussed later in this notice, the hearing schedules established for Expedited Proceedings support the potential completion of an evidentiary hearing within 5 to 5.5 months.

The NRC recognizes that other applications may warrant more expedited treatment in the hearing process than would otherwise apply given the definitions discussed previously. For example, in accordance with E.O. 14300 section 5(e), the NRC has published a proposed rule (91 FR 23628, May 1, 2026) to establish a risk-informed and performance-based regulatory framework in a new 10 CFR part 57 for rapid licensing and high-volume deployment of new microreactors and other reactors with comparable risk profiles. As part of that rulemaking, the NRC has included a specific request for comment on whether to include certain 10 CFR part 57 applications within the “Expedited Proceeding” category.

Independent of these efforts, the NRC might later decide to include an application or a class of applications within the scope of “Expedited Proceeding” without changes to the *Code of Federal Regulations*. The NRC already has the authority to impose or modify hearing procedures and schedules without changes to the *Code of Federal Regulations* and has done so in the past (e.g., through case-specific orders for uranium enrichment proceedings). To enhance the NRC’s agility to expedite proceedings in appropriate circumstances, the Commission may use its authority to determine whether a specific application or class of applications should be included in a different hearing timeline. One commenter pointed out that it would not be appropriate for microreactor applications to impose hearing schedules patterned on 18-month NRC reviews of applications to construct and/or operate larger, complex reactors. As discussed in the Comment Response Document, the NRC agrees with the commenter

on this point, but the term “microreactor” is not precisely defined and the NRC has not defined, and has not proposed to define, in the regulations a category of smaller commercial reactors licensed under 10 CFR part 50, 52, or 53 that would be subject to more accelerated hearing schedules and processes than larger commercial reactors licensed under the same frameworks. The issue of defining the category of entities that would be considered “microreactors” in 10 CFR parts 50, 52, and 53 is outside the scope of this rulemaking.

The definitions of “Standard Proceeding,” “Focused Proceeding,” and “Expedited Proceeding” cover most, but not all, license-related proceedings before the NRC. These definitions do not include enforcement proceedings, proceedings on denials of applications, proceedings for construction or operation of a high-level waste geological repository, or proceedings under § 52.103 or 53.1452 because this rule is not intended to establish schedules for such proceedings. In addition, these definitions do not cover license transfer proceedings because the NRC is taking a more nuanced approach to transfer proceeding schedules, as explained later in this notice, while remaining generally consistent with the schedule timeframes established by this rule.

In sum, these changes would support hearing schedules that align with the overall timeliness goals of E.O. 14300, including the 18-month and 1-year deadlines for certain licensing actions, with more expedited hearing schedules for certain applications when warranted.

Finally, the NRC is adding a new definition of “Standard Hearing Completion Date” to § 2.4 to support changes elsewhere in this notice regarding standards and schedules for late-stage challenges after the deadline. As discussed later, the NRC considers it appropriate in certain cases to apply a faster evidentiary hearing schedule to such challenges if the associated contention is admitted for hearing. In addition, the NRC considers it appropriate to apply the reopening criteria to such challenges that raise

new issues not within the scope of existing admitted or proposed contentions. The NRC is applying these provisions after the point in the proceeding in which the NRC could have completed an evidentiary hearing in the situation where a contention filed by the hearing request deadline is both admitted for hearing and proceeds to the evidentiary hearing phase immediately after the admission of the contention, consistent with the NRC's policy of holding evidentiary hearings as early as practicable. Because the revised regulations define the time (1) in which contentions, answers, and replies are to be filed, (2) when decisions on contention admissibility are due, and (3) when initial decisions after an evidentiary hearing are to be issued, the NRC is able to compute the Standard Hearing Completion Date for different types of proceedings. The NRC is including the Standard Hearing Completion Dates for these proceedings in § 2.1207 and in *Federal Register* notices announcing an opportunity to request a hearing, as discussed later in this notice. The definition of "Standard Hearing Completion Date" in § 2.4 defines how the date is calculated, consistent with the description in this paragraph.

The proposed rule used the term "Standard Record Closure Date" rather than "Standard Hearing Completion Date," but the NRC changed the terminology in this final rule to reflect that the "Date" is used for two independent purposes: to identify a time after which certain evidentiary hearing schedules are accelerated and to define a time when proposed contentions raising new issues must meet the standards for reopening the record. The NRC also revised the proposed rule definition so that it focuses solely on how the Standard Hearing Completion Date is calculated, with provisions on reopening appearing solely in § 2.326.

Other Changes to Definitions in § 2.4

The NRC is also changing the definitions of "contested proceeding" and "potential party" in § 2.4, which are related to matters discussed in more detail later in

this notice. The NRC is modifying the definition of “contested proceeding” to conform to changes to § 2.309(c) regarding motions for leave to file hearing requests, intervention petitions, and contentions after the deadline established for such submissions (collectively “challenges after the deadline”), in particular to reflect that until the motion for leave to file is granted upon a showing of good cause, the challenge after the deadline would not be considered pending before the NRC. Nonetheless, while the challenge after the deadline is not pending before the NRC, the motion for leave to file would still be considered within the scope of the contested proceeding since the purpose of the motion is to seek permission to file a challenge after the deadline to contest the application. The NRC is also revising the definition of “potential party” by removing references to subpart M of 10 CFR part 2, “Procedures for Hearings on License Transfer Applications,” which currently governs proceedings on license transfer applications. Many recent license transfer applications raise technical issues on decommissioning the Commission did not intend subpart M to address. Therefore, the NRC is eliminating subpart M and conducting license transfer proceedings under the more general provisions in subpart L of 10 CFR part 2, “Simplified Hearing Procedures for NRC Adjudications.”

Representation by Those Who Are Not Attorneys

For the reasons given in the Comment Response Document, the NRC has not adopted the limitations on non-attorney representation that were included in the proposed rule. Also, as discussed in a 2020 decision in the Vogtle proceeding (CLI-20-6, 91 NRC 225), the Commission has given greater latitude to hearing requests submitted by non-attorney intervenors while acknowledging that non-attorney petitioners are still expected to comply with our procedural rules. The NRC is clarifying that it is retaining

this latitude for non-attorneys; however, this latitude is limited to construing the pleadings.

Requirements for Publication of *Federal Register* Notices Announcing an Opportunity to Request a Hearing, and Petition to Intervene

The NRC is making several changes to the regulations in §§ 2.101, 2.104, and 2.105 regarding the publication of *Federal Register* notices announcing an opportunity to request a hearing and petition to intervene. First, the NRC will generally notice these hearing opportunities as early as practicable. The hearing process may not reasonably be initiated before the NRC staff accepts the application for review (i.e., dockets the application), but noticing the hearing opportunity as early as practicable thereafter would accelerate issue identification and resolution and could help mitigate any unavoidable delays that may occur later (e.g., from illness of counsel or a witness). For certain proceedings, § 2.104(a) already requires the staff to issue the hearing notice "as soon as practicable after the NRC has docketed the application." With one exception, the NRC is changing §§ 2.104 and 2.105 to expand this requirement to publish notices as soon as practicable to other *Federal Register* notices announcing a hearing opportunity in order to accelerate the initiation of the adjudicatory process, with a conforming change to § 2.101(f)(5). The exception pertains to notices of proposed action subject to the requirements of § 50.91 or 53.1515. Notices under § 50.91 or 53.1515 are for proposed amendments to specified production and utilization facility licenses. Historically, such notices have generally been published on a periodic basis given their volume. Given the high volume, it would not be practical to require individual *Federal Register* notices for these licensing actions. Also, only a small number of these amendments are challenged in the hearing process, and the associated licensing actions may be taken during the

pendency of a hearing if the NRC makes a final no significant hazards consideration determination.

Second, the NRC is modifying §§ 2.104 and 2.105 to provide that *Federal Register* notices announcing a hearing opportunity must provide additional clarity by stating the Standard Hearing Completion Date specified in § 2.1207 and the additional filing deadline information required by § 2.309(b)(5). The basis for this change is described later in this notice in the context of changes to § 2.309 requirements for hearing requests, intervention petitions, and contentions.

Consistent with current practice, *Federal Register* notices will continue to state that prospective participants should notify the Secretary at least 10 days before filing a hearing request. While the agency recognizes this practice as helpful, in that it provides sufficient time to create an electronic hearing docket for a proceeding to facilitate compliance with electronic filing requirements and identify applicant and NRC staff contacts, imposing the practice as an additional requirement, as requested by one commenter on the rule, is not necessary. Outside the rulemaking process, the NRC will look to clarify notice templates to highlight the importance of meeting the requirements for electronic filing, including a timely request to establish a docket.

Good Cause for Extensions of Time

Meeting the licensing deadlines contemplated in the ADVANCE Act and E.O. 14300 will require strict adherence to the schedules described in the rule. Under existing § 2.307(a), time periods in 10 CFR part 2 may be extended either upon a showing of good cause or by stipulation of the parties. An extension of time by stipulation of the parties usually does not result in significant delay as the applicant and NRC staff have an interest in timely adjudication, and such extensions sometimes lead to more efficient resolution of issues (e.g., an extension to complete consultation on a motion). However,

contested extensions are more likely to lead to delay, and in recent years the NRC has sometimes found good cause for extensions based on requests detailing ordinary circumstances, such as general resource planning challenges.

The NRC has determined that no changes must be made to § 2.307(a), but in order to ensure that extension requests do not undermine timely adjudications, the NRC is reiterating the need for parties to clearly demonstrate good cause under § 2.307. Good cause is necessarily context specific, and the Commission has previously explained in its 2012 rule (77 FR 46562, August 3, 2012) that good cause in the context of § 2.307 should include "extraordinary circumstances." Extraordinary circumstances are those events that are not within the parties' control, such as sickness or weather. Major holidays could similarly be an extraordinary circumstance. Thus, in normal circumstances the presiding officer should only grant an extension when a circumstance outside of the ordinary occurs that is not brought on by the movant's actions or inactions. In addition, under the ADVANCE Act and E.O. 14300, efficient and timely decision-making on license applications is a key focus area for the agency. Therefore, in circumstances where an extension request has the potential to extend an adjudicatory proceeding past the NRC staff's scheduled date to complete its review, the presiding officer should take into account schedule needs when making its determination and minimize the amount of time necessary to accommodate the circumstances giving rise to good cause.

Requirements for Hearing Requests, Intervention Petitions, and Contentions

The NRC is revising its regulations for hearing requests, intervention petitions, and contentions to (1) refine but not raise the contention admissibility criteria, (2) accelerate filing and decision deadlines consistent with the ADVANCE Act and E.O. 14300, (3) clarify and improve the requirements for hearing requests, intervention

petitions, and new or amended contentions filed after the deadline in § 2.309(b) (i.e., "challenges after the deadline"), and (4) provide clarity to participants on timelines, including when the reopening standards would apply to contentions raising new issues after the Standard Hearing Completion Date. However, as discussed in the Comment Response Document, this final rule is not adopting a provision in the proposed rule that would have bifurcated filings and decisions on standing and contention admissibility (with standing being addressed on a more accelerated schedule), nor is the final rule adopting proposed § 2.309(k), which would have accelerated the filing of merits information on proposed contentions. As such, this final rule will not change current practice on these two matters: litigants will continue to address standing and contention admissibility in the same filings, the presiding officer will address both matters in the same decision, and litigants will not be required to file additional information on the merits of proposed contentions.

The NRC is also refining the contention admissibility criteria in two ways. First, the NRC is augmenting the requirement in § 2.309(f)(1)(iv) to demonstrate that a contention is material by requiring the petitioner to specify the legal requirement on which the contention is based. Specifying the pertinent legal requirement is important for demonstrating the materiality of the contention, and clarity in this regard can avoid needless confusion about the legal basis for a contention (e.g., safety versus environmental requirements) and the inefficiencies that accompany efforts to resolve such confusion. Second, the NRC is revising § 2.309(f)(1)(vi) to require the petitioner to clearly indicate whether a contention is one of omission or adequacy. Different requirements apply to contentions of omission versus contentions of adequacy, and a lack of clarity regarding the nature of the contention requires additional resources from the NRC staff, applicant, and presiding officers to address.

As discussed previously, the NRC is taking a tailored approach to timeframes for initial filings and decisions thereon to account for specific types of applications rather than the more one-size-fits-all approach in the existing regulations, where the same time is provided for contentions on shorter or simpler applications as on longer or more complex applications. These tailored timeframes provide sufficient time for petitioners to meaningfully raise disputed issues in their hearing requests, for the applicant and NRC staff to file answers to hearing requests, and for the presiding officer to determine whether the standing and contention requirements are met.

Applying the tailoring approach described in the previous paragraph, this final rule includes the following schedules for hearing requests:

- Under revised § 2.309(b), hearing requests and intervention petitions are due within set time periods after publication of the *Federal Register* notice announcing the hearing opportunity, depending on the type of application. As reflected in table 1, the NRC is retaining the existing standard 60-day filing period for Standard Proceedings, retaining the existing 20-day filing period for license transfer applications, providing a 30-day filing period for Expedited Proceedings, and providing a 45-day filing period for Focused Proceedings.

- The NRC is retaining the existing 60-day filing period for hearing requests in Standard Proceedings because the pertinent applications generally present more complex technical issues than other license applications. The NRC is retaining the 20-day filing deadline for license transfer applications because this is a sufficiently expeditious period, and petitioners have demonstrated the ability to comply with this deadline over the last few decades.

- The NRC is establishing a 45-day filing period for hearing requests in Focused Proceedings because the covered applications are generally less complex than applications within the Standard Proceeding category, as discussed previously.

- The NRC is providing a 30-day hearing request period for the types of applications designated as Expedited Proceedings in this final rule—this provides sufficient time to evaluate and file hearing requests on these simple or narrow applications and meets the need for expedited decision-making on those applications. A 30-day period also ensures conformance with the 30-day notice provisions in AEA section 189 for proceedings on license and license amendment applications for production and utilization facilities under AEA sections 103 and 104b. and testing facilities under AEA section 104c.

These initial filing periods reflect the NRC's consideration of the need for timeliness and efficiency pursuant to the ADVANCE Act and E.O 14300, as well as the anticipated length and complexity of the identified applications. This includes accounting for factors that would reduce the scope and complexity of the adjudicatory proceeding, such as whether an application for a production or utilization facility references a prior NRC approval providing issue finality in the adjudicatory proceeding that encompasses design issues.[6]

The NRC is also taking a tailored approach to the time provided for applicant and NRC staff answers to hearing requests and intervention petitions. Where the existing 60-day period for filing hearing requests is retained, the NRC is retaining the existing 25-day filing period for answers. Where the petitioner's filing period is reduced, the answer period would also be reduced, such that a 20-day answer period would correspond to a 45-day hearing request period, and a 15-day answer period would correspond to 30-day

[6] Existing NRC regulations establish that certain NRC approvals finally resolve specified issues in later proceedings referencing the NRC approval. To the extent an issue is finally resolved, it may not be revisited in a later proceeding absent a rule waiver—this effectively limits the scope of that later proceeding. Design certifications and manufacturing licenses are existing NRC approvals that provide issue finality in the adjudicatory proceeding that would encompass design issues. The NRC notes that a standard design approval does not provide finality in the adjudicatory proceeding and therefore would not affect the scope of the adjudication, while an early site permit provides finality in an adjudicatory proceeding but only on a narrower scope of issues that does not include the design of the facility.

and 20-day hearing request periods. These reduced answer periods are 5 days shorter than the corresponding answer periods in the proposed rule, but as explained in the proposed rule, those proposed answer periods accounted for proposed § 2.309(k), which would have required an applicant's answer (and permitted the NRC staff's answer) to contain additional information on the merits of proposed contentions, including expert declarations. Since this final rule is not adopting proposed § 2.309(k), a modest reduction in the proposed rule answer periods is appropriate, and the due dates reflect the timeliness and efficiency goals in the ADVANCE Act and E.O. 14300 and the expected complexity of the proceedings. Finally, to avoid prejudice to the applicant and NRC staff, the NRC has clarified § 2.309(i) in this final rule so that the deadlines in § 2.309(i) for answers to hearing requests filed by the deadline in § 2.309(b) also apply to hearing requests filed by an approved extension to this § 2.309(b) deadline.

Consistent with existing regulations, replies to answers to hearing requests and intervention petitions submitted by the deadline in § 2.309(b) are due within 7 days of the answers.

These changes necessitate conforming changes to other regulations. For example, the NRC is removing the reference in § 54.27 to a 60-day filing period for hearing requests in power reactor license renewal proceedings because this final rule imposes a shorter filing period in such proceedings and because time periods for filing hearing requests should be specified in 10 CFR part 2 and not in other parts of the NRC's regulations. The NRC is also making other minor changes to § 2.309, such as dividing § 2.309(a) into subparagraphs for clarity. In addition, the NRC is deleting the sentence in § 2.309(a) addressing proceedings under §§ 52.103 and 53.1452 to simplify the text and because that sentence is unnecessary given that other provisions of the NRC's regulations state that the Commission, acting as the presiding officer, will decide whether to grant hearing requests in proceedings under §§ 52.103 and 53.1452.

The NRC is retaining the existing filing periods for hearing requests, intervention petitions, answers, and replies in proceedings under subpart J of 10 CFR part 2, "Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository," proceedings under § 52.103 or 53.1452, and proceedings under § 2.108(b)(2) on a denial of an application. As stated previously, this final rule is not intended to have more than a minimal impact on these types of proceedings. For clarity, the NRC notes that a *demand* for hearing in response to a denial of an application is not subject to the requirements of § 2.309 for hearing requests, and that a hearing request under § 2.108(b)(2) is subject to the requirements of § 2.309 because it comes from a person other than the applicant whose application was denied.

For all proceedings other than those under subpart J of 10 CFR part 2 or under § 52.103 or 53.1452, the NRC is modifying § 2.309(j) to impose accelerated deadlines for decisions by presiding officers on hearing requests submitted by the deadline in § 2.309(b). The decision will be due 30 days from the filing of replies in a transfer proceeding or Expedited Proceeding and 35 days from the filing of replies for other proceedings. Also, the § 2.309 deadlines for presiding officer decisions on hearing requests, intervention petitions, and contentions (including for such filings made after the filing deadline in § 2.309(b)) may be extended only if extraordinary circumstances prevent the presiding officer from issuing a decision by the deadline. Further, at the earliest practicable opportunity, the presiding officer would be required to notify the Commission and the litigants of the delay and the extraordinary circumstances that necessitate a delay. The potential need for oral argument, prehearing conferences, or additional briefing do not by themselves constitute extraordinary circumstances. Finally, while not addressed in the regulation text itself, the revised framework provides the presiding officers flexibility to take steps to accelerate the commencement of the

evidentiary hearing phase, such as prioritizing issuance of decisions on admissible contentions.

The NRC is making several modifications to § 2.309(c) to clarify and improve the requirements for challenges after the deadline (i.e., hearing requests, intervention petitions, and new or amended contentions filed after the deadline in § 2.309(b)). First, the NRC is clarifying and revising its regulations to avoid delays in making licensing decisions in certain proceedings due to the submission of challenges after the deadline that arrive near the end of the NRC staff's application review. Currently, petitioners must submit "motions for leave to file" contentions after the deadline that must satisfy § 2.309(c). Hearing requests and intervention petitions after the deadline must also satisfy § 2.309(c), although NRC regulations do not require a "motion for leave to file" such filings. The NRC is extending the "motion for leave to file" concept to hearing requests and intervention petitions after the deadline, and clarifying that challenges after the deadline would not be considered pending before the NRC until the motion for leave to file has been granted upon a showing of good cause under § 2.309(c). These changes address statutory requirements for a pre-effectiveness hearing (or pre-effectiveness hearing opportunity) for certain licensing actions.[7] For example, AEA section 189a.(1)(A) allows the NRC to issue operating licenses for certain facilities "in the absence" of a request for hearing from a person whose interest may be affected; therefore, the pendency of a hearing request before the NRC could affect the timing of the NRC's licensing decision. However, the AEA does not require a hearing request

[7] The Commission's 1992 decision in the Shoreham proceeding (CLI-92-4, 35 NRC 69) explains the statutory basis for the pre-effectiveness hearing requirements for specified production and utilization facilities. A partial list of applications for which a pre-effectiveness hearing (or hearing opportunity) is currently required is included in current 10 CFR 2.1202(a). In addition, AEA section 193(b) requires the NRC to complete a "single adjudicatory hearing" before issuing a license to construct and operate a uranium enrichment facility. A pre-effectiveness hearing is not required for license transfers, most materials licenses, and reactor license amendments not involving a significant hazards consideration.

submitted after the specified deadline for hearing requests to be considered automatically pending before the NRC regardless of when it was filed. Rather, the related AEA section 189a.(1)(A) requirement specifying a 30-day notice period for operating licenses indicates that Congress contemplated that hearing requests be filed within specified periods.[8] The AEA provides no absolute right to file challenges after the specified notice period, nor does it indicate that petitioners may file challenges at any time they choose and thereby delay NRC action on the application. Under this change, challenges after the deadline would not be considered pending before the agency (and therefore would not delay NRC action on an application subject to a pre-effectiveness hearing requirement) unless and until the motion for leave to file the challenge after the deadline has been granted upon a showing under § 2.309(c) of good cause for filing after the deadline. Thus, as reflected in a new § 2.309(c)(7) and in revisions to § 2.340(i)(2), (j)(4), and (k)(2), the mere submission of such challenges after the deadline would not interfere with timely NRC licensing or regulatory decisions, even for those applications subject to a pre-effectiveness hearing (or pre-effectiveness hearing opportunity) requirement. The effectiveness of the licensing action in these circumstances would be stayed only if the petitioner meets the standard for granting a stay request.[9] To reflect the motion for leave to file terminology, the NRC is also making conforming changes in other paragraphs of § 2.309 and in §§ 2.4 (definition of "contested proceeding") and 2.323(a).

[8] The other pre-effectiveness hearing requirements in AEA section 189a. also involve provisions where the NRC is required to give specified notice. In addition, AEA section 193(b)(1)-(2) requires the NRC to conduct a *single* adjudicatory hearing before the issuance of a license for such construction and operation, which does not require that late-filed requests should automatically stay NRC action.

[9] Under Commission case law, the person requesting a stay of a licensing decision must either show irreparable harm that is imminent, certain, and great, or make an "overwhelming showing" of likelihood of success on the merits that amounts to a "virtual certainty." See, for example, discussion in the Commission's 2019 decision in the Pilgrim proceeding*, Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station), CLI-19-11, 90 NRC 258, 264–80 (2019).

Second, the NRC is modifying the timeline for motions for leave to file and associated challenges after the deadline. For the motion and challenge to be considered timely, they would need to be filed within 30 days of the new, materially different information giving rise to the challenge after the deadline. Currently, the regulations do not specify when the filing is considered to be timely, although 30 days is the time usually prescribed in presiding officer scheduling orders. This filing period would be accelerated to 20 days from the new, materially different information in transfer proceedings and Expedited Proceedings because these proceedings are on a shorter timeline, and 20 days provides an appropriate period given the nature and scope of those proceedings. Because challenges after the deadline should be narrowly focused on new, materially different information, 15 days will be provided for answers to challenges after the deadline, consistent with the tailored approach to schedules described earlier. In addition, 7 days is provided for replies associated with challenges after the deadline, consistent with existing requirements. Finally, presiding officer decisions on challenges after the deadline will be due within 25 days of the reply, a deadline reflecting the anticipated narrower scope of challenges after the deadline. These deadlines for answers, replies, and decisions are reflected in new § 2.309(c)(5) and (6).

Finally, the NRC is modifying § 2.309(g) to reflect changes to § 2.310 that are discussed later in this notice, in particular the elimination of provisions in § 2.310(d).

The different timelines under § 2.309 for initial filings and decisions thereon for hearing requests and intervention petitions filed by the deadline in § 2.309(b)(1) and (b)(3) are reflected in table 1 (for simplicity, the table uses “hearing request” to refer to both hearing requests and intervention petitions). Table 2 provides the new timelines for motions for leave to file hearing requests, intervention petitions, and new or amended contentions filed after the deadline in § 2.309(b)(1) and (b)(3).

Table 1: Schedule for Initial Filings/Decisions on Hearings Requests and Contentions Filed by § 2.309(b)(1), (b)(3) Deadlines

Action	Transfer Proceeding 2.309(b)(1)	Expedited Proceeding 2.309(b)(3)(ii)	Standard Proceeding 2.309(b)(3)(i)	Focused Proceeding 2.309(b)(3)(iii)
Hearing Request	20 days from Notice	30 days from Notice	60 days from Notice	45 days from Notice
Answer to Request	15 days from Request	15 days from Request	25 days from Request	20 days from Request
Reply to Answer	7 days from Answer	7 days from Answer	7 days from Answer	7 days from Answer
Decision on Request	30 days from Reply	30 days from Reply	35 days from Reply	35 days from Reply
Total	72 days from Notice	82 days from Notice	127 days from Notice	107 days from Notice

Table 2: Schedule for Filings/Decisions on Motions for Leave to File Hearings Requests and New or Amended Contentions after § 2.309(b)(1), (b)(3) Deadlines

Action	Transfer or Expedited Proceeding 2.309(b)(1), (b)(3)(ii)	Standard or Focused Proceeding 2.309(b)(3)(i), (iii)
Motion for Leave to File Hearing Request/Contention	20 days from New Information	30 days from New Information
Answer to Motion and Request/Contention	15 days from Motion/Request/Contention	15 days from Motion/Request/Contention
Reply to Answer	7 days from Answer	7 days from Answer
Decision on Motion and Request/Contention	25 days from Reply to Answer to Request	25 days from Reply to Answer to Request
SubTotal	47 days from Motion/Request/Contention	47 days from Motion/Request/Contention

For clarity, the NRC is adding a new § 2.309(b)(5) (with cross-references in §§ 2.104 and 2.105) requiring *Federal Register* notices announcing an opportunity for hearing to specify the applicable filing deadlines for hearing requests, intervention petitions, and contentions (including those filed after the § 2.309(b)(1)-(b)(3) deadlines), and the applicable deadlines for the associated answers and replies. These notices will also be required to specify the Standard Hearing Completion Date for the proceeding, which is important information for application of the revised reopening requirements in § 2.326 and certain scheduling provisions in subpart L of 10 CFR part 2, as explained later in this notice.

Selection of Hearing Procedures

As a result of this final rule, the NRC will use a revised hearing format in subpart L of 10 CFR part 2 to govern the adjudication of admitted contentions in almost all proceedings for the grant, renewal, licensee-initiated amendment, termination, or transfer of licenses or permits subject to 10 CFR parts 30, 32 through 36, 39, 40, 50, 52, 53, 54, 55, 61, 70 and 72. Subpart L is already used for most of these proceedings, but the NRC is increasing its use of subpart L with the following changes:

- The NRC will conduct proceedings on a license to construct and operate a uranium enrichment facility under subpart L of 10 CFR part 2 rather than subpart G of 10 CFR part 2 because the revised subpart L provides a faster, more streamlined process than subpart G and is better suited for licensing proceedings (in fact, most licensing proceedings are already conducted under subpart L). The NRC previously decided to conduct these uranium enrichment proceedings under subpart G because AEA section 193 requires such proceedings to be conducted “on the record” (i.e., in accordance with the formal procedures in the APA for “on the record” proceedings). The U.S. Court of Appeals for the First Circuit subsequently concluded in 2004 (391 F.3d

338) that subpart L complies with these formal APA requirements. The revisions to subpart L continue to ensure that these enrichment proceedings comply with the formal APA requirements, while being more streamlined and efficient than the subpart G procedures. The NRC is also removing and reserving § 2.310(c) and revising § 2.700 to reflect this change.

- The NRC is eliminating the provision in §§ 2.310(d) and 2.700 providing that certain proceedings for nuclear power reactors would be held under subpart G of 10 CFR part 2 if (as stated in § 2.310(d)) "the presiding officer by order finds that resolution of the contention or contested matter necessitates resolution of issues of material fact relating to the occurrence of a past activity, where the credibility of an eyewitness may reasonably be expected to be at issue, and/or issues of motive or intent of the party or eyewitness material to the resolution of the contested matter." This possibility has not been exercised since it was established in the 2004 Adjudications Rule (69 FR 2182, January 14, 2004), and subpart L of 10 CFR part 2 provides for cross-examination, if needed.

- The NRC is removing and reserving § 2.310(g) and subpart M of 10 CFR part 2, which currently governs license transfer proceedings, because the revisions to subpart L of 10 CFR part 2 suitably ensure that transfer proceedings are conducted promptly. As explained later in this notice, the streamlined and expedited subpart L procedures impose strict deadlines for completing license transfer evidentiary hearings in about 2.5 to 3.5 months. Also, subpart M is premised on the Commission serving as the presiding officer for transfer proceedings, but the NRC has decided to employ a Licensing Board as the presiding officer for transfer proceedings, as explained previously. The NRC is making conforming changes to reflect the removal of subpart M in § 2.4 (definition of "potential party") and in §§ 2.313(a), 2.901, and 2.1103. In addition, the NRC is revising § 2.1103 to clarify the applicability of subpart K of 10 CFR part 2,

adding a reference to 10 CFR part 52 to maintain consistency with the hearing format selection requirements in § 2.310, and providing, consistent with § 2.310(e), that subpart K would apply to the identified spent nuclear fuel storage capacity expansion proceeding upon the request of a party to use subpart K but that, otherwise, subpart L would be used.

- The NRC is revising § 2.310(e) and removing and reserving § 2.310(h) to eliminate the option of using subpart N of 10 CFR part 2 for licensing proceedings that would by default be conducted under subpart L of 10 CFR part 2 (absent those rare circumstances triggering the use of an alternative subpart). Subpart N was created to provide simplified procedures with oral hearings for the expeditious resolution of disputes. However, the NRC has never used subpart N since it was created in the 2004 Adjudications Rule (69 FR 2182, January 14, 2004), and the NRC believes that the oral hearing procedures for subpart N are generally not well suited for licensing proceedings, which often involve complex technical subject matter, where the precision of a primarily written hearing format is desirable.

- To reflect these changes, the NRC is also making conforming changes to § 2.310(a). In addition, the NRC is removing cross-references in 10 CFR parts 52 and 53 to specified subparts of 10 CFR part 2 as potential sources of hearing procedures for certain license applications. These cross-references are not consistent with this rule's changes to § 2.310, and hearing formats should be specified in 10 CFR part 2 and not in other parts of the NRC's regulations. The affected sections in 10 CFR part 52 are § 52.21 and 52.163 (appendix N to 10 CFR part 52, section 8 was considered an affected section in the proposed rule, but section 8 was subsequently removed from the regulations (91 FR 20063, April 15, 2026)). The affected sections in 10 CFR part 53 are §§ 53.1149 and 53.1285.

Timeline for Motions Submitted in Expedited Proceedings

Consistent with the overall streamlining approach of this final rule, the agency is amending § 2.323 to reduce the timelines for submittal of motions and corresponding answers in Expedited Proceedings. As previously discussed, Expedited Proceedings are simpler or narrower in scope and on a shorter timeline than typical proceedings covered under 10 CFR part 2. To achieve timelines commensurate with the substance and pace of Expedited Proceedings, § 2.323(a)(2) is changed to require that motions filed in these proceedings must be made no later than seven (7) days after the occurrence or circumstance from which the motion arises. Further, § 2.323(c) is amended to state that answers to motions in Expedited Proceedings must be submitted within seven (7) days after service of the motion. The agency is also instituting a simple restructuring of § 2.323(c) into three subparagraphs (1)-(3), introducing additional clarity and improving readability of the applicable requirements. Finally, in this final rule, the NRC is making an administrative correction to § 2.323(c) to change the title “Assistant Secretary” to the current title “Deputy Secretary.” The NRC is also making this correction in §§ 2.346 and 2.808.

Reopening Standards

The NRC intends to complete contested hearings on a schedule that supports licensing within the timelines contemplated by the ADVANCE Act and E.O. 14300. Consequently, to ensure that the adjudicatory process concludes within these timelines, the revised adjudicatory procedures have been constructed so as to generally accommodate an evidentiary hearing on admitted contentions filed by the § 2.309(b) deadline for filing contentions and a hearing on admitted contentions filed after that deadline, even if there is essentially no overlap between the filing and decision schedules for the two. To help accomplish this, the rule introduces a mechanism referred

to as the Standard Hearing Completion Date, which facilitates the timely disposition of issues during the contested hearing process. The Standard Hearing Completion Date serves an important dual purpose in maintaining efficiency by identifying a time after which certain evidentiary hearing schedules are accelerated and, as discussed in the following paragraphs, defining a time when proposed contentions raising new issues must meet the standards for reopening the record.

The NRC acknowledges that in rare cases critical issues may arise late in a proceeding that might require the adjudication to exceed the NRC staff review timelines established in accordance with the ADVANCE Act and E.O. 14300. However, only critical issues should lead to such delays. Existing § 2.326 addresses this in part by requiring contentions filed after the record closes for an adjudicatory proceeding to meet the heightened reopening standards in § 2.326, which require the contention to be timely in accordance with § 2.309(c), address a significant safety or environmental issue, and demonstrate that it would likely materially affect the outcome of the proceeding. Under existing case law, the reopening standards would apply after the last live contention in the proceeding is resolved.

However, it is possible under existing precedent for a chain of periodically filed new or amended contentions, none of them admissible, to hold open the record of the proceeding even to the end of the NRC's review of an application. To avoid this anomalous result and to provide a standard time for when the record would close to new issues for a proceeding, the revisions to § 2.326 add a new paragraph (e)(1) stating that the record for the proceeding will automatically close at the Standard Hearing Completion Date, a date providing sufficient time to hold an evidentiary hearing on admitted contentions submitted by the original deadline. The Standard Hearing Completion Date is based on the timeline structure of a particular proceeding, and applying the reopening standards to new issues raised after this date balances the rights

of potential intervenors with the need for efficiency and predictability in a proceeding. The imposition of the reopening standards at this juncture in the timeline is intended to ensure that *new* issues submitted late in the proceeding are only admitted if shown to be critical, and would not affect litigation of issues already raised in a previously filed contention, as explained in subsequent paragraphs.

There may be instances in which an evidentiary hearing is completed before the Standard Hearing Completion Date. Consistent with existing practice, the presiding officer is expected to issue an order closing the record after the evidentiary hearing and before issuing the initial decision. In keeping with existing practice and consistent with themes underlying existing agency case law, § 2.326(e)(1) also provides that the record closes for the adjudicatory proceeding if the presiding officer enters an order closing the record following an evidentiary hearing but before the Standard Hearing Completion Date.

These revisions to § 2.326 comport with existing NRC precedent and are not intended to supersede the concepts already enshrined in case law. The Commission has routinely emphasized that the adjudicatory record for a proceeding closes at the conclusion of an evidentiary hearing, for example, in a 2012 decision in the Pilgrim proceeding (CLI-12-3, 75 NRC 132). Also, the Commission has applied the reopening provisions even earlier in a proceeding (e.g., when a proceeding terminates once all contentions have been decided), such as in the Commission's 2012 decision in the North Anna proceeding (CLI-12-14, 75 NRC 692). Therefore, under existing precedent, the proceeding would terminate and the reopening provisions would apply in a situation when a presiding officer denies all hearing requests filed by the deadline in § 2.309(b) and there are no pending contentions in the proceeding.

The Commission has also recognized that if some issues are pending once the record closes, the record may remain open on those limited issues; an example is the

Commission's decision in the Pilgrim proceeding (CLI-12-3, 75 NRC 132). This practice of keeping the record open for particular issues while closing the overall record for the proceeding has been supported in federal court in a 2013 decision in *Massachusetts v. NRC* (708 F.3d 63, footnote 18). Therefore, the new § 2.326(e)(1) also clarifies that if other contentions either remain pending or are subject to a motion for leave to file at the time the record closes, the record will remain open only with respect to the particular issues raised by those contentions. As a result, petitioners could continue to litigate live contentions filed prior to closure of the record under final § 2.326(e)(1) without having to meet the reopening standards. This would include (in certain narrow cases) filing proposed amendments of contentions on issues within the scope of the existing contention. For example, a petitioner may adjust an environmental contention filed on the application to address an NRC environmental document's discussion of the same particular issue, given that the NRC has the ultimate responsibility to comply with environmental laws and (when the NRC environmental document has been issued) the hearing on the issue would concern the adequacy of the NRC environmental document. Similarly, the reopening standards under final § 2.326(e)(1) would not apply to a contention of adequacy arising from new information mooting a contention of omission, where the contention of adequacy remains within the bounds of the bases set forth in support of the original contention. This aligns with well-established scope principles outlined in existing caselaw, such as the McGuire/Catawba proceeding (CLI-02-28, 56 NRC 373). However, reopening would apply to a new or amended contention filed after the record closure date under § 2.326(e)(1) that is not squarely within the confines of a live contention filed before that date (e.g., if the pre-record-closure contention raised a particular environmental qualification concern for a component, a post-record-closure contention would have to meet the reopening standards if it raised a different type of environmental qualification concern for the component).

By providing the public with an opportunity to request a hearing prior to closing the record, this change comports with applicable Federal case law considering challenges to the NRC's reopening standards. In the 1984 decision *Deukmejian v. NRC* (751 F.2d 1287), the U.S. Court of Appeals for the D.C. Circuit addressed a challenge to the NRC requiring an intervenor to meet the reopening standards to participate in a proceeding on a *full power* operating license in order to challenge an applicant's application to amend a *low power* license by extending the license term. The court determined the two actions were separate proceedings. By requiring the petitioner to meet the heightened pleading requirements in the reopening standard, the NRC improperly abridged the petitioner's hearing rights under section 189a. of the Atomic Energy Act. Thus, under *Deukmejian*, the NRC must provide petitioners with at least one opportunity to participate in an adjudication prior to closing the record. The revisions to § 2.326 meet this standard because they would not close the record until well after the opportunity to request a hearing expires.

Also, because the revisions to § 2.326 close the record in the specified circumstances, the NRC is revising §§ 2.104, 2.105, and 2.309(b)(5) to require *Federal Register* notices announcing opportunities to request hearings to state the Standard Hearing Completion Date for the proceeding. This will put the public on notice and provide additional clarity on record closure.

Further, to avoid any implication that final § 2.326(e)(1) overrides or otherwise annuls existing case law, the NRC is adding in response to comments a new § 2.326(e)(2) clarifying that, if the presiding officer enters an order closing the record following resolution of all live contentions in the proceeding, the record for the adjudicatory proceeding will close on the date specified in the order.

Finally, in addition to the adjustments described previously to address the scheduling directives of the ADVANCE Act and E.O. 14300, the agency is modifying the

criteria included in § 2.326(a)(2) to state that a significant environmental issue under the National Environmental Policy Act can only be identified in a proceeding where a categorical exclusion listed in 10 CFR part 51 does not apply. The final rule language clarifies that categorical exclusions specifically pertain to the agency's obligations under the National Environmental Policy Act. In circumstances where a categorical exclusion is used to comply with the National Environmental Policy Act, by definition, there are no significant environmental issues associated with the proposed Federal action under that statute. The agency considers this to be a clarity change responsive to the potential for increased use of categorical exclusions in future reviews. In another clarity change, the final rule specifically refers to categorical exclusions listed in 10 CFR part 51 because categorical exclusions in the regulations have issue preclusive effect in NRC proceedings.

Discovery

The NRC is making several changes to reduce burdens to the parties from their obligations to make certain disclosures after contentions are admitted in most licensing proceedings and is also expediting the production of initial disclosures to support the accelerated evidentiary hearing timeframes in subpart L of 10 CFR part 2.[10]

The NRC staff's hearing file obligations are being entirely eliminated by this rule. Experience shows the hearing file currently required by § 2.1203 is burdensome and provides little value to the litigation because it covers the entire application under review instead of focusing on the admitted contentions. Moreover, the hearing file was established before the NRC required electronic filing of applications, regularly posted the entirety of applications and related documents on its website, and developed robust

[10] These changes do not affect the discovery provisions in proceedings under subpart G or subpart J of 10 CFR part 2.

search functions in public-facing ADAMS. To the extent members of the public face difficulties in searching ADAMS, NRC Public Document Room staff are available to assist during business hours. Thus, the rationale supporting the hearing file obligation has become outdated. While the NRC is eliminating the hearing file requirements in § 2.1203, it is retaining paragraph (d) of this section, which specifies that no additional forms of discovery are authorized beyond what is permitted by subpart C of 10 CFR part 2.

In a change from the proposed rule, the NRC is retaining the NRC staff's § 2.336(b) disclosure obligations. While the staff's disclosures largely replicate the applicant's required disclosures or otherwise concern internal documents that are typically not produced to the other parties, there could be cases where the staff would disclose relevant information that would not otherwise be produced.

To effectuate the elimination of the hearing file requirement, the NRC is changing the scope of case-specific orders issued under § 2.307(c) for access to sensitive unclassified information. Under existing Commission precedent, these orders no longer apply to a petitioner if its hearing request is granted, as discussed in a 2010 decision in the South Texas Project combined license proceeding (CLI-10-24; 72 NRC 451, 461-63). That precedent, however, was issued when regulations required the NRC staff to disclose documents unrelated to the admitted contentions. Since the NRC staff would no longer produce a hearing file under § 2.1203, a change is needed so that a petitioner who is admitted as a party could continue to make requests for access under the § 2.307(c) access order on matters outside the scope of disclosures under § 2.336. The NRC intends to revise its templates for § 2.307(c) access orders to reflect this change; no change to the regulations is needed for this purpose.

The NRC is modifying the § 2.336(b) disclosures obligation in proceedings on denials of applications. In these types of proceedings, the staff is required to be a party

and is in opposition to the applicant. The NRC is modifying § 2.336(b) to tailor the required document disclosures to the circumstances associated with a proceeding on a denial of an application (e.g., the document categories associated with the application and NRC correspondence with the applicant would not apply because the applicant already would be in possession of this material). Finally, the NRC is making conforming changes to § 2.336(a) to reflect applicant disclosures in a proceeding on a denial of an application.

Second, the NRC is further modifying § 2.336 to reduce the burdens of other participants. Parties commonly agree to exclude from disclosures non-public draft documents that have not been circulated among the parties; the NRC is codifying this practice in the NRC's regulations in new subparagraphs (a)(4) and (b)(2). Moreover, in response to comments, the NRC is adding new subparagraphs (a)(5) and (b)(3) to exclude internal instant messages, text messages, and voice messages from mandatory disclosure absent a showing of exceptional circumstances. This exclusion only applies to communications that are internal to a party, its litigation team, and its contractors; if a single external person or entity is included in a communication, the communication would not be subject to this exclusion. These internal communications are generally high-volume, but low-value, and similar to non-public drafts that reveal a party's internal thinking. Generally, NRC licensing proceedings involve admitted contentions from qualified intervenors and focus on the technical conclusions on safety and environmental issues and how they are supported,[11] rather than on intent or motive that could be revealed through a party's internal thinking. Therefore, the NRC finds it appropriate to focus disclosures on technical documents that will reach the ultimate issues in dispute.

[11] For example, in a 2006 decision in a proceeding on the USEC American Centrifuge Plant (CLI-06-10, 63 NRC 451, 455), the Commission explained that the NRC's adjudicatory hearings serve to "adjudicate genuine, substantive safety and environmental issues placed in contention by qualified intervenors."

However, to avoid inadvertently excluding relevant technical documents merely because they are attached to an excluded internal communication, the NRC is not excluding any documents attached to those excluded internal communications. These attachments would need to be included within the scope of mandatory disclosures if they are relevant to the admitted contentions. Also, in exceptional circumstances, such as when an admitted contention or license denial proceeding relates to a party's intent or motive and these types of internal communications would be relevant to the specific issue in the proceeding, the presiding officer may require that these communications be included.

Under existing rules, the duty to update disclosures relevant to an admitted contention ends when the presiding officer issues a decision resolving the contention. In this final rule, the NRC is also providing that the duty to update ends upon the initiation of the evidentiary hearing phase for the contention as delineated in an order from the presiding officer. This change serves to avoid requiring updates during the evidentiary hearing phase, as the relevant documents should have been disclosed by this point, and the evidentiary hearing is the most resource-intensive phase of the process.[12] Notably, this does not relieve litigants from their ongoing general obligation to keep the presiding officer and litigants informed of relevant new developments in a proceeding, as the Commission emphasized in its 2006 decision in the USEC proceeding (CLI-06-10, 63 NRC 451).

Finally, the NRC is revising § 2.336(a) and (b) for added clarity and to require parties to produce their initial disclosures within 20 days of a presiding officer order

[12] The NRC has revised this section in the final rule. The proposed rule regulatory text stated at § 2.336(d) that "The duty to update disclosures relevant to an admitted contention ends when the presiding officer issues a decision resolving the contention or thirty days prior to the start of an evidentiary hearing, whichever occurs first; however, termination of the duty to update disclosure does not relieve parties of their continuing obligation to keep the presiding officer and litigants informed of relevant new developments in a proceeding." The proposed rule regulatory text was ambiguous, as it did not specify when the evidentiary hearing started, and if misinterpreted might not have achieved the stated purpose in the proposed rule preamble, to achieve an efficient and timely adjudication process by not requiring disclosures during the evidentiary hearing phase. The NRC is revising the regulatory text to reconcile the regulatory text with its stated purpose.

admitting contested issues into the proceeding when the proceeding is immediately moving to the evidentiary hearing phase under § 2.332(d), while continuing to allow a 30-day period if the proceeding is not immediately moving to the evidentiary hearing phase or for an order granting a demand for hearing upon a denial of an application. Twenty days should be sufficient for diligent litigants to prepare their § 2.336 disclosures given the reduced scope of disclosures and modern discovery and file management tools, including artificial intelligence. Also, an accelerated initial disclosures schedule is necessary to support the expedited evidentiary hearing timeframes that are in the revised subpart L of 10 CFR part 2 when the proceeding is continuing to the evidentiary hearing phase immediately. In proceedings that are not moving immediately to the evidentiary hearing phase, i.e., when the expedited discovery schedule is not needed, the extra 10 days will allow parties additional time to meet their disclosure obligations.

The 20 or 30 days would generally run from the date of an order admitting contentions to account for new or amended contentions that might be admitted after the § 2.309(b) initial filing deadline for contentions. However, in a proceeding on a denial of an application, the 30-day period would run from the order granting a demand for hearing.

Conforming Changes to Scheduling Regulations

To accommodate the shorter timeframes for completing adjudications contemplated by this final rule, the NRC is making a number of conforming amendments to other sections in 10 CFR part 2, which pertain to scheduling. Specifically, the NRC is revising paragraph (b) in § 2.312, “Notice of hearing,” to reflect the Commission’s expectation that considerations informing the selection of a time and place for a hearing should not override the overall timeframes established for timely adjudications by this rule or by any proceeding-specific Commission order. To provide additional flexibilities

that may facilitate meeting those timeframes, the NRC is also revising § 2.329, "Prehearing conference," to give the presiding officer or Commission discretion on whether to hold a prehearing conference.

Next, the NRC is making a number of edits to § 2.332, "General case scheduling and management," to conform to the streamlined procedures and shortened timeframes elsewhere in this rule. Because the timeframes in this rule are mandatory, the NRC is revising paragraph (a) to reflect the presiding officer's obligation to develop a schedule that would meet the licensing timeframes in this rule. Likewise, the NRC is amending paragraph (d) to conform to the Commission's expectations that hearings under subpart L of 10 CFR part 2 would ordinarily begin once the presiding officer admits contentions, not when the staff issues its review documents. Specifically, the presiding officer would immediately proceed to an evidentiary hearing after the admission of a contention unless either (i) the NRC staff or applicant intend to seek dismissal or summary disposition of the admitted contention or (ii) the NRC staff decides to participate as a party but is not yet able to take final positions on the matters in controversy. Section 2.332(d) includes notification requirements to effectuate this provision—the proposed rule required these notifications within seven days of admission of the contention, but to avoid unnecessary delay, this final rule requires the notifications to be filed as soon as possible and no later than seven days after admission of the contention. The commencement of the evidentiary hearing phase would be delayed in cases where the NRC staff or applicant seek to resolve a contention through a motion to dismiss or a motion for summary disposition because the process for seeking dismissal or summary disposition is quicker and less resource-intensive than an evidentiary hearing; thus, the dismissal or summary disposition process may be a more efficient way

of resolving a contention if the presiding officer decides that the standards for dismissing the contention are satisfied.[13]

The other reason for delaying the commencement of the evidentiary hearing—when the NRC staff seeks to participate as a party but is not able to take a final position on the matters in controversy—reflects the special role the NRC staff has in the licensing process and the Commission's desire to ensure that the presiding officer is aware of the NRC staff's considered position on the contested issues in those cases where the staff chooses to participate as a party. The NRC staff may not always be in the position (particularly early in its review of an application-specific or first-of-a-kind issue) to take a final position on the matters in controversy (e.g., the NRC staff is seeking further information from the applicant or further considering information already provided). In this regard, the NRC staff is in a different position from the petitioner (who formulated and supported the proposed contention and should be in a position to commence the evidentiary hearing upon admission of the contention) and the applicant (who developed the application and should have the wherewithal to promptly address challenges to it). In the interest of prompt adjudication, revised § 2.332(d) further requires the NRC staff, in cases where it decides to participate as a party but is not yet able to take a final position on the admitted contention, to prioritize its resources to put itself in a position to provide testimony on the contention at the earliest practicable time and notify the presiding officer and the other parties when the staff is ready to do so.

Because the evidentiary hearing phase would, with certain exceptions, immediately commence after admission of a contention, litigants should ensure they are

[13] The exception for summary disposition has been added to this final rule in response to comments; the proposed rule referred only to motions to dismiss. This change is a modest expansion of the proposed rule provision that is consistent with its stated purpose (91 FR 10462) of providing for contention resolution processes that are "quicker and less resource-intensive than an evidentiary hearing[.]" As the proposed rule recognized (91 FR 10464), "Summary disposition may be a useful tool to avoid the resource expenditures associated with an evidentiary hearing."

prepared to move immediately to an evidentiary hearing posture if a proposed contention is admitted. Thus, the NRC expects that litigants will consider their potential strategies and resource needs to litigate contentions at an evidentiary hearing before a presiding officer issues its decision on contention admissibility.

Section 2.332(d) is further revised to require the presiding officer, to the greatest extent practicable, to establish a schedule that will not extend past the NRC staff's scheduled date for completing its review of the particular application. This provision has the purpose of ensuring timely NRC decision-making when it is practicable to do so and is intended to address both individual NRC reviews that are on a more expedited review schedule as well as the resolution of admitted contentions submitted later during an NRC review. In establishing a schedule under this provision, the presiding officer must ensure, as stated later in this rule, that the process still supports accurate decision-making and the development of a sound record, while giving parties a fair and equal opportunity to make their cases.

As a conforming change, the NRC is revising § 51.104(a) to remove the prohibition, in proceedings where a final environmental impact statement (EIS) has been prepared in connection with a proposed action, on the NRC staff either presenting a position on matters within the scope of the National Environmental Policy Act or offering the final EIS into evidence until the final EIS is made available. There is no statutory basis for this prohibition. Also, delaying the commencement of evidentiary hearings on environmental contentions until a final EIS has been completed, which might occur near the end of the NRC's review period, does not support the timeliness and efficiency goals of the ADVANCE Act and E.O. 14300. With the removal of this prohibition, the operative provisions of § 51.104(a) and (b) would be essentially identical, so the NRC is further consolidating § 51.104(a) and (b) into § 51.104(a) and removing and reserving § 51.104(b).

In another conforming change, the NRC is revising § 2.332(b) to reflect that only enforcement proceedings, not licensing proceedings, would be subject to the model milestones in appendix B to 10 CFR part 2. As discussed later, strict deadlines would be imposed in licensing proceedings rather than model milestones.

Finally, the NRC is amending § 2.334, "Implementing hearing schedule for proceeding," by clarifying paragraph (a) to directly state the presiding officer's obligation to take necessary measures to ensure timely adjudication, by revising paragraph (b) to incorporate the standard in § 2.307(a) for extending a schedule and to incorporate an "extraordinary circumstances" standard for extending the deadline for completing an evidentiary hearing under subpart L of part 2, and by revising paragraph (c) to require the presiding officer to notify the Commission of any delays beyond the timeframes established by this rule.

Revisions to Hearing Format in Subpart L of 10 CFR Part 2 and Conforming Changes Elsewhere in Part 2

As explained previously, the NRC is making a number of significant changes to subpart L of 10 CFR part 2 to streamline and accelerate the hearing process for proceedings for the grant, renewal, licensee-initiated amendment, termination, or transfer of licenses or permits subject to 10 CFR parts 30, 32 through 36, 39, 40, 50, 52, 53, 54, 55, 61, 70 and 72. The two most significant changes are (1) to establish strict deadlines for the issuance of initial decisions in most licensing proceedings and (2) to provide greater flexibility to the presiding officer to decide which components of the subpart L hearing process are needed to support the presiding officer's decision-making. The NRC is also making other changes to streamline proceedings and ensure prompt and accurate decision-making, as discussed in the following paragraphs.

The NRC is establishing strict deadlines for the issuance of an initial decision to ensure that adjudicatory proceedings are promptly conducted to support the efficiency goals of the ADVANCE Act and E.O. 14300. These deadlines are tailored to different types of proceedings to account for the varying complexity of different license applications as well as the greater need for expedited decision-making in certain proceedings (e.g., in Expedited Proceedings). These deadlines may only be extended if extraordinary circumstances necessitate a delay.

The NRC is also providing presiding officers greater flexibility in structuring the subpart L of 10 CFR part 2 evidentiary hearing phase because admitted contentions could take a wide variety of forms, and the presiding officer in an individual proceeding is better placed to decide what information is needed for the admitted contentions before it to support accurate decision-making and the development of a sound record, while ensuring that the parties are given a fair and equal opportunity to make their cases (e.g., if one party may file written testimony and a position statement, all other parties would have the same opportunity). The presiding officer would also tailor the hearing schedule to the particular circumstances of a proceeding while complying with requirements for decision-making deadlines.

The specific changes to subpart L of 10 CFR part 2 and conforming changes elsewhere in this part are detailed in the following subsections for clarity and completeness.

A. Changes to Scope Provisions in § 2.1200

The NRC is revising § 2.1200 to reflect the modified scope of subpart L of 10 CFR part 2, as discussed previously in the context of changes to §§ 2.310 and 2.700. As stated before, license transfer proceedings will now be conducted under subpart L, as well as contested proceedings on the grant of licenses to construct and operate uranium enrichment facilities. The NRC is also clarifying § 2.1200 to reflect the existing provision

in § 2.310(b) providing that enforcement proceedings may be held under subpart L if all parties agree.

B. Changes to § 2.1202 Regarding the NRC Staff's Authority and Role

The NRC is making several modifications to the provisions in § 2.1202 regarding the NRC staff's authority to take licensing actions and its role in the adjudicatory proceeding. First, the NRC is modifying provisions on the issuance and effectiveness of licensing decisions during the pendency of a hearing. Currently, § 2.1202(a) provides that the NRC staff is expected to promptly issue its approval or denial of the application, or take other appropriate action on the underlying regulatory matter for which a hearing was provided, and that the NRC staff's action is effective upon issuance except for several listed licensing actions. The NRC is revising the list of exceptions in § 2.1202(a) as follows:

- Currently, the listed exceptions include all applications to construct and/or operate a production or utilization facility (including limited work authorizations and combined licenses). However, the pre-effectiveness hearing requirements in AEA section 189a. apply to production and utilization facilities licensed under AEA sections 103 and 104b. (corresponding to facilities under §§ 50.21(b) and 50.22 and 10 CFR part 53) or testing facilities licensed under AEA section 104c. (corresponding to a facility under § 50.21(c) that meets the definition of "testing facility" in § 50.2). The AEA's pre-effectiveness hearing requirements do not apply to production and utilization facilities licensed under AEA section 104a. (i.e., medical therapy facilities under § 50.21(a)) or to production and utilization facilities licensed under AEA section 104c. that are not testing facilities (i.e., non-testing facilities under § 50.21(c)). The NRC is revising § 2.1202(a)(1) to reflect the scope of the AEA's pre-effectiveness hearing requirements and in recognition of the lower safety significance of medical therapy facilities under § 50.21(a) and non-testing facilities under § 50.21(c).

- The NRC is revising § 2.1202(a)(3) to remove the existing exception for 10 CFR part 52 or 53 manufacturing licenses and put in its place an exception for licenses to construct and operate uranium enrichment facilities. In the 2007 rule adding the exception for manufacturing licenses (72 FR 49352, page 49420, August 28, 2007), the Commission acknowledged that there is no statutory requirement for including an exception for manufacturing licenses, but stated, "Nonetheless, as a matter of discretion, the NRC has decided to treat manufacturing licenses similar to construction permits in this regard, although the NRC reserves the right to change its practice in the future." The NRC is removing the exception for manufacturing licenses because such licenses are not subject to the AEA's pre-effectiveness hearing requirements, a manufacturing license authorizes only the manufacture (not operation) of a facility, and vendors may fabricate major portions of a facility without a manufacturing license so long as those portions do not constitute a production or utilization facility. In these circumstances, there is no substantial reason to delay the issuance and effectiveness of a manufacturing license because of a pending hearing on the license application. The NRC is including an exception for applications for licenses to construct and operate uranium enrichment facilities. Such applications are currently subject to hearings under subpart G of 10 CFR part 2, but the NRC will now conduct contested hearings on these applications under subpart L of 10 CFR part 2. As stated previously, licenses to construct and operate uranium enrichment facilities are subject to a statutory pre-effectiveness hearing requirement, so it is appropriate to include them in the list of exceptions in § 2.1202(a).

The NRC is also modifying § 2.1202(b), regarding the role of the NRC staff in the hearing process, to accelerate the time in which the NRC staff is required to notify the presiding officer and the other parties of whether it will participate as a party in the proceeding, consistent with changes being made to § 2.332(d).

C. Changes to § 2.1203 Regarding Elimination of Hearing File

As discussed previously, the NRC is eliminating the hearing file requirements in paragraphs (a) to (c) of § 2.1203, while retaining the prohibition on additional discovery currently in paragraph (d) of § 2.1203.

D. Changes to § 2.1205 Regarding Summary Disposition

The NRC is making several changes regarding the schedule for summary disposition motions. First, to avoid unduly burdening parties as they undertake evidentiary hearing activities, the NRC is modifying § 2.1205(a) so that summary disposition motions are not permitted later than 30 days before the scheduled date for filing initial written testimony, absent permission from the Commission or presiding officer. Summary disposition may be a useful tool to avoid the resource expenditures associated with an evidentiary hearing, but after evidentiary hearing activities are underway, the filing of summary disposition motions risks distracting parties from their hearing preparations and burdening them unnecessarily.

Second, consistent with other changes in this final rule, the NRC is reducing the time for filing answers to summary disposition motions from 20 days to 15 days after service of the motion. The NRC also is providing a 20-day period from the filing of answers for a decision on the motion. Fifteen days should be sufficient for parties to address the pertinent standards for summary disposition motions, and a 20-day period for decisions is consistent with the overall hearing schedule and other timeframes for decisions in this final rule.

E. Changes to § 2.1206 to § 2.1210 Regarding the Hearing Process and Schedule

Currently, § 2.1206 to § 2.1210 provide the principal requirements for the subpart L evidentiary hearing process and schedule, including prescriptive requirements for which written filings are permitted and when, and whether an oral hearing must be held. For the reasons discussed earlier, the NRC is replacing these detailed requirements with simpler, more flexible, and more informal provisions for most proceedings. However, as

reflected in an amended § 2.1206(a)(2), a hearing in a proceeding expressly required by the AEA to be determined on the record after opportunity for an agency hearing (i.e., a proceeding for the grant of a license to construct and operate a uranium enrichment facility) will be required to comply with the APA's formal procedures for "on the record" hearings.[14] As explained in the following paragraphs, §§ 2.1206 and 2.1207 are completely revised, while §§ 2.1208 and 2.1209 are removed and reserved, and minor conforming changes are made to § 2.1210.

Under revised § 2.1206(a), the presiding officer would issue a scheduling order that would include the presiding officer's determinations on which written filings are permitted, the schedule for these filings, whether to hold an oral hearing, and the schedule for issuing an initial decision. Motions for cross-examination under § 2.1204 would be permitted (consistent with the existing regulations). Otherwise, the presiding officer would largely have flexibility to decide which written filings the parties would be permitted to make to provide the information necessary to support the presiding officer's decision. These potential written filings, which are listed in § 2.1206(b)(1), are (1) initial testimony, position statements, and supporting exhibits; (2) rebuttal testimony, position statements, and supporting exhibits; (3) motions in limine and motions to strike; (4) written briefing and/or written responses to questions from the presiding officer; (5) proposed questions for the presiding officer to ask the witnesses; and (6) proposed findings of fact and conclusions of law. These listed filings are currently available in a hearing process under subpart L of 10 CFR part 2, but the presiding officer would have flexibility to determine which filings to permit in a particular case. Similarly, the presiding

[14] In the final rule, the NRC has modified this provision in § 2.1206(a)(2) and the related provision in § 2.1206(d) to refer to "a proceeding expressly required by the [AEA] to be determined on the record after opportunity for an agency hearing" rather than to a proceeding on a license to construct and operate a uranium enrichment facility. Although a proceeding on a license to construct and operate a uranium enrichment facility is the only NRC licensing proceeding subject to the "on the record" procedures, the NRC made the change to focus on the underlying statutory requirement, which will also account for any potential future statutory changes without the need for a revision to the regulations.

officer would generally have flexibility to determine whether an oral hearing is needed to support the presiding officer's decision—currently, an oral hearing is required unless all parties agree to a hearing based solely on written presentations, but the NRC sees no need to require that an oral hearing be held as a default matter in all proceedings.

The initial decision is the culmination of the evidentiary hearing process, and the NRC is requiring that the scheduling order include the schedule for an initial decision, which must comply with the requirements of §§ 2.332 and (if applicable) 2.1207. As discussed later in this document, the amended § 2.1207 provides schedule requirements for the issuance of initial decisions in most licensing proceedings.

Revised § 2.1206(b)(2) identifies certain additional flexibilities for the parties and the presiding officer that would apply depending on which written filings are permitted. Historically, written testimony in subpart L proceedings has been submitted in question-and-answer form, but a party would be allowed to submit testimony in affidavit form if the party prefers. Section 2.1206(b)(2) also provides that if statements of position and proposed findings of fact and conclusions of law are both permitted, parties would be allowed to file statements of position in the form of proposed findings and conclusions to facilitate the prompt preparation of proposed findings and conclusions after the hearing. Finally, § 2.1206(b)(2) clarifies the presiding officer's authority to allow oral motions in limine or motions to strike in lieu of (or in addition to) written filings. The amended § 2.1206(b)(2) does not provide an exhaustive list of flexibilities, and the presiding officer retains all authority provided in the pertinent provisions of 10 CFR part 2 to regulate the conduct of the proceeding.

The amended § 2.1206(c) retains requirements in existing subpart L of 10 CFR part 2 regarding the participants' ability to designate and present their own witnesses; the presiding officer's discretion to formulate and ask questions as the presiding officer considers appropriate; the presiding officer's authority to address situations where a

witness is unable to appear in an oral hearing; and existing provisions on the propounding of questions by the presiding officer and the submission of proposed questions for the presiding officer to ask the witnesses.

While the presiding officer would ordinarily have great flexibility to structure the evidentiary hearing, for two types of proceedings—a proceeding expressly required by the AEA to be determined on the record after opportunity for an agency hearing (i.e., a proceeding on an application to construct and operate a uranium enrichment facility) and a proceeding on a denial of an application—revised § 2.1206(d) requires (consistent with existing subpart L of 10 CFR part 2) that (1) a transcribed oral hearing be held unless all parties jointly agree to dispense with an oral hearing, and (2) each party be permitted to file written testimony, a position statement, and supporting exhibits; to submit rebuttal evidence and argument; and to file proposed findings of fact and conclusions of law. These elements of an evidentiary hearing are required for a proceeding concerning the grant of a license to construct and operate a uranium enrichment facility to maintain consistency with the requirements for formal "on the record" hearings in the APA.[15] The NRC is also retaining these elements of a subpart L hearing for denials of applications because hearings on denials ordinarily arise from a "demand for hearing" under § 2.103 or 2.108 that would not typically involve the robust issue development provided in the initial filings under the § 2.309 process.[16]

[15] The NRC recognizes that an oral hearing may not be required by the APA in all cases. As reflected in 5 U.S.C. 556(d), an agency may, in "applications for initial licenses …, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form" even in a formal APA hearing.

[16] The NRC acknowledges that for denials noticed under § 2.108(b), any person whose interest may be affected may file an intervention petition under § 2.309, but the NRC does not anticipate that a hearing on a denial of an application would ordinarily arise through this mechanism. Instead, a hearing on a denial of an application would most likely result from a demand for hearing from the applicant under § 2.103 or 2.108—a demand for hearing is not subject to the requirements of § 2.309.

The NRC is providing scheduling requirements in § 2.1207 for issuance of initial decisions in proceedings under subpart L, with the exception of enforcement proceedings and proceedings on denials of applications.[17] For each type of proceeding, § 2.1207 includes (1) a deadline for initial decisions for contentions, including (as applicable) a shorter deadline for initial decisions on contentions submitted after the Standard Hearing Completion Date, (2) a specification of the Standard Hearing Completion Date for that type of proceeding, and (3) a requirement that extraordinary circumstances are necessary for delays beyond the deadline for initial decision. Deadlines are stated in terms of calendar days from the admission of the contention, assuming that the presiding officer immediately proceeds to an evidentiary hearing in accordance with § 2.332(d), although if this does not occur (e.g., the NRC staff is not yet able to take a final position on the contested issues, the applicant seeks to resolve the admitted contention through a summary disposition motion) the deadline would run from an alternative triggering event established in the scheduling order (e.g., the NRC staff's notification that it is able to take a final position on the contested issues, a presiding officer order denying or partially denying an applicant summary disposition motion).Also, in accordance with changes to § 2.334(c) discussed previously, the presiding officer must provide written notification to the Commission any time during the course of the proceeding when it appears that the issuance of the initial decision will be delayed beyond the time specified in the hearing schedule.

[17] The NRC is not imposing specific schedules for issuance of initial decisions in subpart L enforcement proceedings and proceedings on denials of application because circumstances are likely to vary in these proceedings. In addition, neither the ADVANCE Act nor E.O. 14300 address schedules for enforcement proceedings. Also, denials of applications would be subject to the general requirement in § 2.332(c) to establish a schedule to expedite the proceeding, and the Commission expects that presiding officers would consider relevant comparable hearing schedules in § 2.1207 in establishing a hearing process and schedule that ensure a prompt and fair proceeding that supports accurate decision-making and development of an adequate record.

In establishing deadlines, the NRC considered the anticipated complexity of the pertinent application, along with associated NRC review deadlines and goals. More time is given for the Standard Proceeding applications subject to an 18-month standard NRC review schedule, while less time is given for less complex applications. While the complexity of the issues admitted for hearing in a particular proceeding will depend on case-specific factors, more complex applications have the potential for more complex contested issues, which is a factor to be considered in establishing these general evidentiary hearing deadlines in the regulations. However, if a less complex dispute is amenable to a shorter process, the Licensing Board should account for that in its schedule for an individual proceeding.

In some cases, the NRC has not established a standard review schedule shorter than 18 months for a particular application, but the NRC would seek to come to a final decision in substantially less than 18 months, if practical, because the application review is less complicated or of narrower scope (e.g., a 10 CFR part 52 commercial reactor application referencing an issued design certification, which finally resolves most design issues for both the staff review and the adjudicatory proceeding). The deadlines in final § 2.1207 account for these circumstances.

The NRC has also considered different timelines depending on when the contention was submitted. For two reasons, the NRC is generally establishing a shorter deadline for initial decisions on contentions submitted after the Standard Hearing Completion Date. First, an expedited schedule is needed for admitted contentions submitted later in a proceeding to support prompt NRC decision-making consistent with the direction in the ADVANCE Act and E.O. 14300. As stated previously and discussed in more detail later in the context of table 4, the NRC's general overall goal with these changes has been to establish a process where two non-overlapping hearings could be held within the 18-month and 1-year E.O. 14300 deadlines (one hearing on contentions

submitted by the § 2.309(b) deadline—as reflected in the calculation of the Standard Hearing Completion Date—and the second hearing on a new or amended contention submitted after the Standard Hearing Completion Date). Second, consistent with other changes to 10 CFR part 2 in this final rule (in particular, those in § 2.332(d)), the NRC would ordinarily proceed to an evidentiary hearing on contentions submitted earlier in the proceeding as soon as practicable. Thus, hearings on admitted contentions submitted later in the proceeding would be expected to narrowly focus on new information arising later in the review, in contrast to contentions submitted early in the review that might embrace the entire application. To promote clarity, § 2.1207 specifies the Standard Hearing Completion Date for different types of proceedings, based on the new definition of this term in § 2.4, and the Standard Hearing Completion Date for a particular proceeding would be specified in the *Federal Register* notice announcing the hearing opportunity, in accordance with this rule's revisions to §§ 2.104, 2.105, and 2.309. The Standard Hearing Completion Dates in this final rule reflect changes to proposed rule scheduling provisions discussed elsewhere in this notice; also, the NRC has corrected an omission in the proposed rule by including a separate Standard Hearing Completion Date in final § 2.1207(d) for transfer proceedings other than those for a license authorizing operation of a reactor.

Regarding the specific deadlines in § 2.1207, the NRC is establishing in § 2.1207(a) the longest deadline (135 days) for the Standard Proceeding applications (i.e., those that, as described previously, are subject to a 60-day filing period for hearing requests). The NRC determined this 135-day deadline by establishing a reasonable, hypothetical schedule for conducting a formal APA hearing in a Standard Proceeding for a license to construct and operate a uranium enrichment facility. While the presiding officer has flexibility to establish a hearing schedule based on the specific circumstances of a proceeding, the hypothetical schedule that follows in table 3 shows that 135 days is

sufficient time to conduct an evidentiary hearing that includes initial and rebuttal testimony and statements of position, an oral hearing, and post-hearing proposed findings of fact and conclusions of law. A shorter deadline (100 days) is provided for hearings on contentions submitted after the Standard Hearing Completion Date, for the reasons given previously and as supported by the hypothetical timeline in table 3. These initial decision deadlines, combined with the associated timetables for initial filings identified in tables 1 and 2, support the ability to resolve contested adjudicatory issues within the NRC's standard 18-month review schedules for these enrichment applications with substantial margin, as shown in table 4.

Table 3: Hypothetical Timeline for an Evidentiary Hearing in a Standard Proceeding for the Grant of a License to Construct and Operate a Uranium Enrichment Facility

Filing or Action	*Hearing Timeline for Contentions Submitted by the Standard Hearing Completion Date*	*Hearing Timeline for Contentions Submitted After the Standard Hearing Completion Date*
Mandatory Disclosures	20 days from admission of contention	20 days from admission of contention
Initial Testimony & Position Statements	45 days from admission of contention	35 days from admission of contention
Motions for Cross-Examination	7 days from initial testimony	7 days from initial testimony
Rebuttal Testimony & Position Statements (& Answers to Cross-Examination Motions)	14 days from initial testimony	14 days from initial testimony
Parties File Proposed Questions and Board Issues Decision on Cross-Examination	7 days from rebuttal	7 days from rebuttal
Oral Hearing	15 days from rebuttal	10 days from rebuttal
Proposed Transcript Corrections	7 days from the close of the oral hearing	7 days from the close of the oral hearing
Proposed Findings and Conclusions	25 days from close of oral hearing	20 days from close of oral hearing

Filing or Action	*Hearing Timeline for Contentions Submitted by the Standard Hearing Completion Date*	*Hearing Timeline for Contentions Submitted After the Standard Hearing Completion Date*
Board's Initial Decision	60 days from close of oral hearing	40 days from close of oral hearing
Total	135 days if oral hearing lasts 1 day	100 days if oral hearing lasts 1 day

In the proposed rule, the NRC had proposed shorter evidentiary hearing deadlines for other applications in the Standard Proceeding category, but these deadlines were largely premised on the submission of additional merits information in the initial filings under proposed § 2.309(k). Proposed § 2.309(k) was intended to expedite the evidentiary hearing through the development of additional merits information up front that could be used for the evidentiary hearing and would also enlighten the litigants as to the merits positions of the other parties. Under proposed § 2.309(k), the litigants would generally have been further along in developing their initial testimony and position statements and could have saved additional time and resources by focusing these filings on the merits positions of the other parties. Since this final rule does not adopt the provisions in proposed § 2.309(k), the NRC is adjusting the evidentiary hearing schedules to provide a modest amount of additional time for the parties to prepare their initial testimony and position statements given the absence of information that would have been developed and disclosed under proposed § 2.309(k). Therefore, the NRC is modestly increasing the evidentiary hearing schedules for the other Standard Proceeding applications to account for this change, as discussed in the Comment Response Document. Specifically, the NRC is applying the deadlines discussed previously for formal enrichment proceedings to the completion of evidentiary hearings for other applications in the Standard Proceeding category. Both types of applications are subject to similar NRC review schedules and can involve litigation of

more complex nuclear safety issues. While these other Standard Proceeding applications are not subject to the formal APA hearing requirements as a matter of law, any adjustments the NRC might make because of this difference would not be sufficiently large to justify the complexity of a different hearing timeline. The NRC has not developed a hypothetical timeline for the non-enrichment evidentiary hearings because the presiding officer has greater flexibility on how to structure these proceedings, as they are not subject to the formal APA hearing requirements.

Section 2.1207(b) prescribes initial decision deadlines for Expedited Proceedings where the application references both (i) a categorical exclusion listed in 10 CFR part 51, and (ii) an NRC approval providing finality in the adjudicatory proceeding on design information within the application (including a design certification or a manufacturing license). In such cases, the potential adjudicatory issues should be narrow in scope. For this reason, and to support the expedited review schedules involved, the NRC is establishing a 65-day initial decision deadline.[18] This deadline is 20 days longer than the proposed rule deadline for these proceedings because the proposed rule deadlines were quite short and therefore heavily relied on the acceleration of merits filings in proposed § 2.309(k) to expedite the filing of the parties' initial testimony and position statements. Since this final rule is not adopting proposed § 2.309(k), more time will be needed for the evidentiary hearing, as explained in the Comment Response Document. For contentions submitted by the deadline in § 2.309(b), the NRC could complete the evidentiary hearing in about 5 months from the *Federal Register* notice announcing the hearing opportunity, which would support the NRC's review schedules for applications in Expedited Proceedings.

[18] The NRC is not establishing a separate initial decision schedule for contentions submitted after the Standard Hearing Completion Date because the 65-day period is already short.

Section 2.1207(c) establishes initial decision deadlines for operating reactor transfer proceedings and for Expedited Proceedings other than those covered by § 2.1207(b). Operating reactor transfer proceedings are treated more like Expedited Proceedings because (i) transfer proceedings are narrow in scope; (ii) there is a shorter time period for filing contentions in transfer proceedings (20 days from the *Federal Register* notice); (iii) the existing model milestones in appendix B to 10 CFR part 2, already establish an expedited hearing schedule for transfer proceedings; and (iv) operating reactor transfer proceedings are currently subject to an 8-month standard NRC review schedule. Therefore, the NRC is accounting for these characteristics by providing an 80-day initial decision deadline for operating reactor transfer proceedings. The NRC is providing the same 80-day timeframes for Expedited Proceedings under § 2.1207(c) in light of the more focused nature of these applications, while recognizing that there is greater scope for potential contentions in these proceedings compared to Expedited Proceedings under § 2.1207(b). These 80-day deadlines are 20 days longer than the proposed rule deadlines to account for the NRC's decision not to adopt the proposed § 2.309(k) requirements in this final rule.

Finally, while operating reactor transfers are subject to an expedited schedule under § 2.1207(c), consistent with the nature of the review and the NRC's 8-month standard review schedule, other transfer proceedings (including for reactors under construction or in decommissioning) are subject to the scheduling provisions in § 2.1207(d) because the NRC currently has a 12-month standard review schedule for these transfer applications. Also, experience has shown that adjudications for transfers of reactors in decommissioning are somewhat more complex than operating reactor transfers, a circumstance that was not contemplated when the model milestones for license transfer hearings were established.

Section 2.1207(d) establishes initial decision deadlines for other licensing proceedings, i.e., Focused Proceedings and transfer proceedings other than those covered by § 2.1207(c). The initial decision deadlines reflect the NRC's consideration of the need for timeliness and efficiency pursuant to the ADVANCE Act and E.O. 14300, as well as the anticipated potential complexity of adjudication for the identified applications. Deadlines are modestly shorter under § 2.1207(d) than under § 2.1207(a), which addresses the Standard Proceeding applications. Specifically, § 2.1207(d) imposes a 110-day initial decision deadline for contentions submitted by the Standard Hearing Completion Date and a 100-day deadline for contentions submitted thereafter. These deadlines are modestly longer than the proposed rule deadlines (by 10 days) to reflect the NRC's decision not to adopt proposed § 2.309(k), as discussed in the Comment Response Document. As shown later in table 4, these deadlines, combined with the timeframes for initial filings, should generally support NRC decision-making on applications within 12 months of docketing of the application (even when a later hearing is held on new or amended contentions). Many applications under § 2.1207(d), including power reactor license renewal applications, are currently subject to a 12-month standard NRC review schedule. Some of the applications under § 2.1207(d) are currently subject to an 18-month standard NRC review schedule, but the NRC would aim to complete the review of these applications more quickly than 18 months if practical since they would generally be less complex and narrower in scope than other applications subject to an 18-month standard review schedule (e.g., 10 CFR part 52 combined license applications referencing a design certification). In addition, to the extent that new or amended contentions are not at issue because there are no substantial changes to the application during the review, these timelines would potentially support NRC decision-making a little over 7 months after docketing of the application if the NRC staff is able to finish its review in that period. Finally, as stated previously, § 2.332(d) requires presiding officers

in their scheduling orders to establish a schedule that, to the greatest extent practicable, will not extend past the NRC staff's scheduled date for completing its review of the particular application.

Tables 4 and 5 present information on how the overall hearing timelines support the NRC's decision-making schedules for different types of applications. Table 4 addresses applications covered by the somewhat longer hearing schedules in § 2.1207(a) and (d), and table 5 addresses the more expedited hearing schedules in § 2.1207(b) and (c). These tables assume that (1) the presiding officer immediately proceeds to an evidentiary hearing when a contention is admitted, which the NRC intends to happen where practicable, and (2) the new or amended contention is submitted one day after the Standard Hearing Completion Date (i.e., one day after the calculated initial decision date for the first hearing). These tables show:

- For the Standard Proceeding applications under § 2.1207(a), there is substantial margin to the 18-month standard NRC review schedule for these applications. This margin accounts for potential delays when the evidentiary hearing phase does not immediately commence after contention admissibility. Also, while the appeals process is not within the scope of the E.O. 14300 deadlines in this final rule, the timelines in table 4 allow time for Commission consideration of appeals within the 18-month standard schedules for applications under § 2.1207(a), even for an appeal taken of an initial decision in an evidentiary hearing held on a new or amended contention submitted one day after the Standard Hearing Completion Date.

- For Expedited Proceedings and operating reactor transfer proceedings addressed by § 2.1202(b) and (c), the timeframes support the potential completion of hearings around 5 to 5.5 months after publication of the *Federal Register* notice, which supports the NRC's expedited decision-making goals for these proceedings.

- For Focused Proceedings and transfer proceedings addressed by

§ 2.1202(d), the timeframes support NRC decision-making in about 12 months from publication of the *Federal Register* notice (or about 11 months, for a transfer application subject to § 2.1202(d)), which supports NRC decision-making for applications subject to a 12-month standard NRC review schedule, as well as some applications subject to an 18-month standard NRC review schedule that the NRC would attempt to complete sooner.

Table 4: Overall Hearing Timeline for Proceedings under § 2.1207(a) and (d)

Hearing Track	*Contention Admissibility Decision – Days from FRN*	*Initial Decision Deadline – Days from Admission of Contention*	*Standard Hearing Completion Date (SHCD)*	*Contention Admissibility Decision (Contention After SHCD) – Days from Contention*	*Initial Decision Deadline – Days from Admission of New/Amended Contention*	*Sum*	*NRC's Current Standard Review Schedule*[19]
Standard Proceeding 2.1207(a)	127 days	135 days	262 days	47 days	100 days	409 days	18 months
Focused Proceeding 2.1207(d)	107 days	110 days	217 days	47 days	100 days	364 days	12 months for many types of applications, 18 months for some applications (but goal to reach decision sooner)
Transfer Application Under 2.1207(d)	72 days	110 days	182 days	47 days	100 days	329 days	12 months

[19] The NRC's current standard review schedules for the listed applications are subject to change.

Table 5: Overall Hearing Timeline for Expedited Proceedings Under § 2.1207(b) and (c)

Hearing Track	*Contention Admissibility Decision – Days from FRN*	*Initial Decision Deadline – Days from Admission of Contention*	*Standard Hearing Completion Date (SHCD)*	*NRC's Current Standard Review Schedule*
Expedited Proceeding with Design Finality and Categorical Exclusion 2.1207(b)	82 days	65 days	147 days	6 months for MUR Amendments, 7 months for TSTF CLIIP Amendments, 9 months for SPU Amendments
Other Expedited Proceedings 2.1207(c)	82 days	80 days	162 days	6 months for MUR Amendments, 7 months for TSTF CLIIP Amendments, 9 months for SPU Amendments
Operating Reactor License Transfer Proceeding 2.1207(c)	72 days	80 days	152 days	8 months

- MUR = Measurement Uncertainty Recapture Uprates
- TSTF CLIIP = NRC-approved Technical Specifications Task Force traveler using the Consolidated Line-Item Improvement Process
- SPU = Stretch Power Uprate
- Table 5 does not show a separate timeline for hearings on new or amended contentions after the SHCD because these are not anticipated to be likely for the proceedings covered by this table.

With the revisions to §§ 2.1206 and 2.1207, the provisions in existing §§ 2.1208 and 2.1209 are unnecessary and, therefore, §§ 2.1208 and 2.1209 are removed and reserved. Also, minor conforming changes are made to the initial decision provisions of § 2.1210. Namely, the NRC is modifying an internal cross-reference and changing "an informal hearing" to "a hearing" in § 2.1210(a) to account for subpart L of 10 CFR part 2 covering uranium enrichment proceedings subject to the APA's formal hearing requirements.

F. Change to § 2.1213 Regarding Time to File a Stay Request

As explained earlier in this notice, the NRC is modifying § 2.1213(c) to reduce the time period for filing an answer to a request to stay an NRC staff action from 10 days to 7 days. As explained later in this notice, the NRC is modifying § 2.1213(a) so that the Commission itself will decide on requests to stay NRC staff action on a license transfer application.

G. Addition of New § 2.1214 Regarding Transfer Proceedings to Reflect the Elimination of Subpart M of 10 CFR Part 2

The NRC is removing and reserving subpart M of 10 CFR part 2 because, as explained previously, the NRC is conducting adjudications on transfer applications under subpart L of 10 CFR part 2 rather than subpart M. However, there are certain provisions for transfer proceedings in subpart M that are distinct to those proceedings and should be retained. Therefore, the NRC is adding a new § 2.1214 in subpart L to incorporate the provisions of existing §§ 2.1301, 2.1302, 2.1305, 2.1315, and 2.1316(b), with minor modifications to reflect the context of subpart L in which these provisions now reside. Also, consistent with changes made elsewhere in this rule, the provision in § 2.1214(d) has been modified in this final rule so that the requirement for the NRC staff to offer the safety evaluation report into evidence applies only if the safety evaluation report is available at the time a hearing is conducted.

H. Elimination of Sections II and III of Appendix B to 10 CFR Part 2

As stated previously, the NRC is including strict deadlines for issuance of initial decisions for most adjudicatory proceedings under subpart L of 10 CFR part 2, while providing presiding officers with the flexibility to tailor hearing schedules within these deadlines. The NRC is also eliminating subpart M of 10 CFR part 2. As a conforming change, the NRC is also eliminating the model milestones for hearings under subpart L and subpart M that are in appendix B to 10 CFR part 2. Thus, sections II and III of appendix B are removed and reserved.

Appeals

As discussed previously, in this final rule, the appeals process occurs outside of the scope of the fixed deadlines outlined in section 5(a) of E.O. 14300 because the appeals process does not itself delay the issuance or effectiveness of a license. Nonetheless, the NRC is promulgating broad changes to its contested hearing process, including revisions associated with appeals, in response to the ADVANCE Act and the general direction to streamline the public hearings process in section 5(j) of E.O.14300. To streamline the overall process, the changes to the appeals process primarily implement shortened timelines. Further, simple structural changes were made in § 2.311 to streamline the requirements and add clarity. These changes involve consolidation of the requirements in the section into paragraph (a), *Types of appeals covered under this section*; paragraph (b), *Timing of appeals and associated filings under this section*; and paragraph (c), *Scope of appeals under this section*. These structural changes primarily involve consolidating existing § 2.311(d) into § 2.311(c) and consolidating existing § 2.311(e) into § 2.311(a), (b), and (c). The following paragraphs discuss the NRC's streamlining of the appeals process.

Specifically, the agency is amending § 2.341(b)(1) to reduce the time for filing a petition for review of an agency decision with the Commission from 25 days to within 20 days after service of a full or partial initial decision by a presiding officer, and within 20 days after service of any other decision or action by a presiding officer with respect to which a petition for review is authorized. Sections 2.311 and 2.341(b)(3) are amended to allow any other party to the proceeding to file an answer supporting or opposing Commission review within 20 days after service of a petition for review and reduce the period of time the petitioning party has to file a 5-page reply brief from 10 days to 7 days. In response to public comments, the page limit count for answers to appeals in § 2.341(b)(3) is adjusted from 25 pages to 30 pages. This adjustment matches the page limit count allowed for petitions for review, promoting equity and consistency in the regulations. The modest reductions in filing times described previously are in keeping with the ADVANCE Act and the direction of E.O. 14300 to streamline processes. For interlocutory appeals under § 2.311(a)(1)-(3), the agency is limiting the time for filing the appeal or petition from 25 days to 20 days, consistent with the other appeals.

For interlocutory appeals under § 2.311(a)(1)-(3) and petitions for interlocutory review under § 2.341(f)(2), the agency makes no procedural distinction between them and other appeals because, in many cases, the complexity of an interlocutory appeal is similar to other appeals. Also, this final rule modifies § 2.311 to add a reply brief opportunity for interlocutory appeals under § 2.311(a)(1)-(3).

The agency is modifying § 2.311(b)(2), which addresses interlocutory appeals of an order under § 2.310 selecting hearing procedures, to require the moving party to file an appeal with the Commission no later than seven days after the order—this should be sufficient time to address the comparatively simple matter of selection of hearing procedures. The NRC similarly allots seven days after service of the appeal for any party

to file a brief in opposition. The regulatory language further clarifies that a reply brief in response to a brief in opposition is not permitted.

The proposed rule had proposed changes to § 2.311 to address interlocutory appeals of decisions on contentions submitted by the deadline in § 2.309(b) but separately from the hearing request to account for the proposed rule's bifurcation of standing and contention admissibility. Since the final rule does not adopt the proposed rule's bifurcation scheme, these changes have not been included in the final rule.

Referred Rulings and Certified Questions

In cases where the presiding officer identifies significant and novel legal or policy issues, or where prompt decision by the Commission is necessary to materially advance the orderly disposition of the proceeding, the presiding officer has the discretion to refer its ruling to the Commission or certify a question to the Commission for disposition. To ensure efficiency in this process, the agency is including language in § 2.323(f)(1) clarifying that where practicable, the presiding officer should first rule on the matter in question and then seek Commission input in the form of a referred ruling, rather than certify a question to the Commission without issuing a ruling. This change aims to minimize delays in the proceeding during the pendency of the Commission's review. Section 2.323(g) is adapted to clarify that unless otherwise ordered, the referral of a ruling to the Commission does not stay the proceeding or extend the time for performance of any act.

Reconsideration

To shorten the process for motions for reconsideration in keeping with the streamlining and burden reduction efforts of the ADVANCE Act and E.O. 14300, the agency is changing the period to file a motion in § 2.323(e) from 10 days to 7 days; the

period for responses is also reduced from 10 days to 7 days. This change is accompanied by a conforming change to § 2.323(a)(2) clarifying that motions for reconsideration are not subject to the general 10-day timeline for motions. Further changes are also carried forward in § 2.345(a)(1) to reflect a seven-day deadline for filing a petition for reconsideration and a seven-day answer period. Similarly, changes to § 2.341(d) reduce the filing timeline for petitions for reconsideration before the Commission to seven days, with a seven-day answer period.

The agency anticipates these changes will provide clarity for the parties and serve overall efficiency efforts. Also, seven-day filing periods should be sufficient because reconsideration is only warranted when the existing regulatory standard of compelling circumstances applies, such as in cases of a clear, material error that could not be reasonably anticipated.

Stays of Decisions and Application for a Stay

Consistent with the streamlining efforts throughout 10 CFR part 2, the NRC is changing the § 2.342(a) timeline for an application for a stay of the effectiveness of the decision or action pending filing of and a decision on a petition for review; the NRC is reducing the filing deadline from 10 days after service of a decision or action of a presiding officer to 7 days. This change is paired with a revision to § 2.342(d) to clarify that the period for any party to file an answer supporting or opposing the granting of a stay is seven days after service of an application for a stay.

Under existing § 2.1213, any application for a stay of the effectiveness of the NRC staff's action on a matter involved in a hearing must be filed with the presiding officer within seven days of the issuance of the notice of the NRC staff's action under § 2.1202(a). While the agency is not altering this timeline, the agency is reducing the corresponding timeline in § 2.1213(c) for any party or the NRC staff to file an answer

supporting or opposing the granting of a stay from 10 days to 7 days after service of an application for a stay of the NRC staff's action.

These modest timeline reductions should not significantly impact the burden on the parties to address the limited requirements and capped length of stay applications and associated answers. Further, these timeline changes are consistent with changes in this rule for similar filings while advancing the directives of the ADVANCE Act and E.O. 14300.

Further, in response to a public comment on the proposed rule, the NRC is amending § 2.1213(a) to clarify that the Commission will make decisions on applications to stay the effectiveness of an NRC staff order in a license transfer proceeding. Rulings on such applications require speed and stability, which may be more readily afforded if the Commission maintains its authority for deciding stay applications during license transfer proceedings.

Delivery of Hard Copy Documents

Under existing § 2.302, litigants must generally utilize the NRC's electronic filing system unless they (1) obtain an exemption from that requirement by demonstrating good cause to use a nonelectronic means of transmission for electronic documents on optical storage media or to file paper documents, or else (2) file without an exemption a document containing electronic portions that may not be transmitted via the E-Filing system for reasons of security or electronic format. In recent years these circumstances have been rare, and the NRC anticipates they will arise even less frequently going forward. When an alternative to electronic transmission is used, however, § 2.306 automatically extends the timeframes in 10 CFR part 2 to account for the additional time it will take for nonelectronic transmission of the document. Collectively, these extensions could considerably delay a proceeding. Therefore, the NRC is amending § 2.306(b) to

direct the presiding officer to establish whether, and how long, the timeframes in 10 CFR part 2 should be extended in cases when nonelectronic transmission is allowed. Prior to this presiding officer order, the NRC is retaining the existing extensions of time in § 2.306. In considering the need to extend the timeframes to account for nonelectronic service of documents, the presiding officer should ensure that the extensions will not cumulatively challenge timely completion of the adjudication.

IV. Opportunities for Public Participation

The NRC published the proposed rule on March 3, 2026 (91 FR 10450), and the due date for comments was April 2, 2026. In the proposed rule notice, the NRC sought advice and recommendations from the public on the following specified topics:

Overall Framework

Accelerating the Consideration of the Merits of Proposed Contentions

Specific Hearing Provisions

Discovery

Applicability of Rule Changes

The NRC hosted a public meeting on March 19, 2026, to engage with external stakeholders on the proposed rule during the public comment period. The NRC provided an overview of the proposed rule and answered questions from attendees but did not take comments on the proposed rule at the meeting. A summary of this public meeting is available in ADAMS, as provided in the “Availability of Documents” section.

V. Public Comment Analysis

In response to the proposed rule, the NRC received 33 unique comment submissions. The public comment submissions are available from the Federal e-Rulemaking website at https://www.regulations.gov under Docket ID NRC-2025-1501 and in ADAMS, as referenced in the “Availability of Documents” section. The NRC prepared a document summarizing and responding to the public comments, titled “NRC Response to Public Comments: Streamlining Contested Adjudications in Licensing Proceedings” (Comment Response Document), also referenced in the “Availability of Documents” section. The Comment Response Document also includes a discussion of how this final rule changed as a result of the public comments.

VI. Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act, as amended, 5 U.S.C. 605(b), the NRC certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule applies in the context of NRC adjudicatory proceedings concerning nuclear reactors or nuclear materials. Reactor licensees are large organizations that do not fall within the definition of a small business found in section 3 of the Small Business Act, 15 U.S.C. 632, within the small business standards set forth in 13 CFR part 121, “Small Business Size Regulations,” or within the size standards established by the NRC (§ 2.810). Some materials licensees are small businesses. Based upon the historically low number of requests for hearings involving materials licensees, it is not expected that this rule will have any significant economic impact on a substantial number of small businesses.

VII. Regulatory Analysis

The NRC has prepared a final regulatory analysis for this rule in accordance with Office of Management and Budget (OMB) Circular A-4. The analysis examines the costs and benefits of the alternatives considered by the NRC. The NRC has determined that the actions in this rule are expected to reduce regulatory burden and generate cost savings for both the government and hearing participants by streamlining contested hearing proceedings.

As part of the proposed rule, the NRC requested public comment on the draft regulatory analysis, and a few comments were received that were relevant to the regulatory analysis. In response to these comments, the NRC added clarifying text to describe the qualitative assessment of certain impacts. Also, the NRC revised the regulatory analysis to reflect changes made from the proposed rule to the final rule in response to other comments (e.g., changes eliminating proposed § 2.309(k) and the proposed bifurcation of standing and contention admissibility, changes to exclude certain internal communications from mandatory disclosures). In addition to these comment-related updates, the NRC made an update to the wage rates from 2024 to 2025, the most recent year for which data were available. Taken together, these updates result in revised impact estimates. The final regulatory analysis is detailed in the following paragraphs.

This analysis uses current contested hearing procedures for licensing proceedings under 10 CFR part 2 as the baseline and evaluates the changes in this rule as the regulatory alternative and estimates the final rule’s costs and cost savings for the

first five years of implementation of the rule.[21] The final rule addresses many different types of applications, from applications to construct or operate reactors, to applications to construct or operate significant materials facilities, to applications for license renewals, amendments, and transfers, as well as applications associated with the proposed restart of reactors in decommissioning. Past experience suggests that, depending on the type of application, there is a greater or lesser probability that a hearing request will be filed or that a hearing request, if granted, will proceed to an evidentiary hearing. For example, previous 10 CFR part 52 early site permit and combined license applications for large reactors were nearly always the subject of a hearing request, while reactor license amendment applications are rarely challenged. Power reactor license renewal applications are often contested. Regarding the likelihood that an evidentiary hearing will be held, of the eight combined license applications for large reactors that were granted, an evidentiary hearing was held on four of these applications. There is a lower rate of holding evidentiary hearings for early site permit and reactor license renewal applications, but contested uranium recovery applications have led to a number of evidentiary hearings in the past 10 years. Past experience is to some degree informative, but any effort to extrapolate from this experience will be subject to substantial uncertainty. In addition, there is uncertainty in predicting how many applications of various types will be submitted or how many will be challenged.

Recognizing this uncertainty, the NRC has attempted to develop numerical estimates for this regulatory analysis. The NRC expects an increase in the number of

[21] The NRC staff relied on past or current costs to estimate the future costs of implementation of this final rule. For steps for which the staff has no data, the staff estimated the level of effort based on similar steps in the process or provided a qualitative assessment. In addition, the five-year time horizon was chosen because it allows for a reasonably reliable prediction of the number of proceedings, which is one of the bases of this analysis. Furthermore, the estimates are based on average labor burdens and wage rates; actual outcomes may vary across applicants, NRC staff, and petitioners.

applications that are the subject of a hearing request because of an expected increase in the number of new reactor applications, up to nine applications per year for the next five years based on pre-application engagements. In addition, 20 power reactor license renewal applications are expected between 2026-2030.[22] Based on this information, the NRC has developed a rough estimate that 15 license proceedings per year will be the subject of a hearing request over the next five years. Based on data from the last 20 years, hearing requests have been granted in 60 percent of the proceedings in which they have been filed, so the NRC estimates that hearing requests will be granted in 9 of these 15 proceedings. Based, in part, on the number of new reactor applications expected and the relative frequency of evidentiary hearings for such applications, the NRC estimates that about 33 percent of the proceedings will lead to an evidentiary hearing (5 evidentiary hearings on average per 15 proceedings with hearing requests).

Resource Projections for Next Five Years Based on Existing Requirements

Combining the previous estimated probabilities for the granting of hearing requests and holding of evidentiary hearings, with the available, albeit limited, internal data on resources expended on NRC hearings, the NRC anticipates that, on average, the NRC staff participating as a party in a contested proceeding would expend 4,150 hours per proceeding on average under the existing requirements—this average accounts for proceedings where hearing requests are denied, those that proceed to an evidentiary hearing, and those where hearing requests are granted but do not proceed to an evidentiary hearing because the admitted contentions are resolved prior to hearing.

[22] Notices of intent to submit license renewal applications are listed on the NRC's website at https://www.nrc.gov/reactors/operating/licensing/renewal/subsequent-license-renewal.html and https://www.nrc.gov/reactors/operating/licensing/renewal/applications.html.

The NRC does not possess data on applicant resource expenditures in contested hearings, but the NRC expects an applicant's resources (in terms of hours) to generally be similar to the NRC staff's under the existing rules because the applicant and NRC staff use similar personnel to accomplish similar tasks (answering hearing requests, developing § 2.336 document disclosures, writing testimony, etc.). However, an applicant is not subject to a hearing file requirement like the staff is. Therefore, the NRC projects that applicant resources under existing requirements are 3,925 hours per proceeding in which a hearing request is filed, a bit less than the NRC staff.

The NRC also does not possess data on petitioner resource expenditures in contested hearings. Petitioners vary widely in terms of their level of resources and how many contested issues they raise, but the NRC roughly estimates that, on average, a petitioner would expend about half the applicant's resources (1,975 hours) in a proceeding in which a hearing request is filed.

The NRC would also expend resources for presiding officers to conduct adjudicatory proceedings, where the presiding officer would be a three-member Licensing Board with support staff. In addition, the Office of Commission Appellate Adjudication would draft opinions for Commission consideration that address appeals of presiding officer decisions. In the absence of informative internal data, the NRC estimates (with substantial uncertainty) that there would be 4,700 hours of total NRC adjudicatory decision-making staff resources expended per proceeding in which a hearing request is submitted. This estimate is based on timeframes for adjudicatory decision-making under the existing rules and the following additional assumptions:

- As stated above, the NRC assumes that evidentiary hearings are held in 33 percent of the proceedings in which a hearing request is filed.
- There would likely be one or more rounds of new or amended contentions submitted after a hearing request is filed.

- Presiding officer decisions on an initial hearing request and presiding officer decisions after an evidentiary hearing would likely be appealed, and there may be other petitions for review submitted during a proceeding.

- Given the higher volume of applications expected in the next five years, there would likely be overlap in Licensing Board member service for different proceedings given the longer timeframes in the existing process (i.e., over these longer timeframes, a member of one Licensing Board in active litigation would likely serve on multiple other Licensing Boards in active litigation).

Resource Projections for Next Five Years Based on the Final Rule

The final rule makes a number of changes that affect the resources of litigants:

- For the initial filings (hearing requests/contentions, answers, and replies), the final rule accelerates the schedule for filings and decisions thereon, which could save a modest amount of resources. However, participants might compensate for this to some degree by concentrating their resources during the shorter filing and decision periods.

- The final rule saves substantial resources during the intermediate phase, between admission of contentions and the evidentiary hearing. Currently, evidentiary hearings are not held until the staff completes its review. This has led to lengthy intermediate periods where parties periodically update their document disclosures (and for the staff, the hearing file) and engage in other litigation activities. The NRC staff will no longer have to produce a hearing file, and the much shorter intermediate period would limit the disclosure burdens of the other parties, as well as limit burdens from other litigation activities during the intermediate period. Further, this final rule excludes some high-volume, low value internal electronic communications from disclosure, which should alleviate burdens on parties making document disclosures.

- The final rule will also save substantial resources during the evidentiary hearing phase. The existing model milestones in subpart L of 10 CFR part 2 envision an evidentiary hearing phase of about nine months from a triggering event to an initial decision, and in practice the evidentiary hearing phase has on average taken substantially longer than this. Under the final rule, the evidentiary hearing phase will generally be limited to between 2 to 4.5 months, with 3.5 to 4.5 months being the set period for most proceedings. Also, the schedule could only be extended if extraordinary circumstances necessitate a delay. A much shorter evidentiary hearing phase will inherently limit the number of filings and other litigation activities and otherwise limit the resources that can be expended. Nonetheless, these resource savings would only accrue if an evidentiary hearing is held.

Considering these factors together, the NRC estimates that the NRC staff's resource burdens will drop from 4,150 hours to 3,025 hours per proceeding in which a hearing request is filed. Applicants are expected to see a drop in resource burden from 3,925 hours per contested proceeding to 3,025 hours. The NRC staff will see a larger resource savings than the applicant because of the elimination of the staff's hearing file obligations. Finally, the NRC estimates a modest drop in petitioner resource expenditures from 1,975 hours per contested proceeding to about 1,525 hours (about half of the applicant's resource expenditures).

In this final rule, the NRC estimates a greater per-proceeding resources savings for litigants than it estimated in the proposed rule. This difference generally results from two changes from the proposed to final rule. First, in most licensing proceedings, the proposed rule would have required litigants to provide more information on the merits of proposed contentions in their initial filings, which would have increased resource burdens somewhat at the initial filing stage. Accelerating the resolution of contested issues by including more information on the merits in initial filings was intended to bring

about a compensating burden reduction for those contentions that are admitted, but this reduction would have been limited to contentions that were admitted and proceeded to an evidentiary hearing (whereas most proposed contentions are not admitted and some admitted contentions are resolved before an evidentiary hearing is held). In total, the proposed rule provision was expected to increase resource burdens on participants to save some time in the overall schedule—this proposal has not been adopted in this final rule. Second, the proposed rule would have accelerated filings and decisions on standing to save some litigant resources associated with the filing of contentions in circumstances where standing is not demonstrated. Estimated resource savings here would have been limited because presiding officers usually find that petitioners demonstrate standing, and a substantial amount of litigant resources would have been expended on litigation of contentions by the time a decision on standing would have been issued. However, the proposal to accelerate the consideration of standing has been eliminated in this final rule for reasons discussed in this notice and in response to comments. Ultimately, eliminating both of these proposed rule provisions results in a modest resource savings for litigants in comparison to the proposed rule.

For NRC adjudicatory decision-making staff, the NRC estimates that the resource burdens in proceedings where a hearing request is filed will drop from 4,700 hours per proceeding to 3,900 hours per proceeding. This estimated resource savings accounts for the following factors:

- Significantly reduced periods for presiding officer decision-making limit the resources that would be employed. For example, currently, there is about a 3.5-month period, on average, between submission of a contention and a ruling thereon. However, under the new final rule, this period is reduced to about 1.5 to 2.5 months. In addition, as stated above, evidentiary hearings take 9 months or longer under existing regulations,

while most evidentiary hearings under the new final rule will take about 3.5 to 4.5 months total.

- However, savings from the reduced time periods will be limited by the following factors: (1) presiding officers might compensate for shorter periods to some degree by concentrating their resources during the shorter decision periods, (2) there will less likely be overlap in time spent by Licensing Board members on multiple proceedings in active litigation at the same time because the litigation period for each proceeding will be shorter, leading to less overlap in active litigation, and (3) evidentiary hearings are expected in only 33 percent of proceedings in which a hearing request is submitted, thereby diluting the average savings from a shorter evidentiary hearing period in the per-proceeding average.

In this final rule, the NRC estimates a smaller per-proceeding resources savings for NRC adjudicatory decision-making staff than it estimated in the proposed rule. That is because the final rule does not include the proposed rule's provision on accelerating the consideration of standing, which was assumed to save some resources for adjudicatory decision-making staff on contentions in those cases where the presiding officer concluded that standing was not demonstrated, and because the final rule does not include milestones for Commission decisions on appeal, which was assumed to save resources through reduced periods for adjudicatory decision making.

It is difficult to make accurate predictions regarding these factors, so the estimate of resource savings under the new requirements is subject to uncertainty.

Monetized Projections for Next Five Years Based on Existing and New Requirements

Building on the time-resources analysis discussed above, the NRC monetizes the time spent by the government staff, applicants, and petitioners on proceedings by applying fully loaded hourly wage rates.

- For the government staff, the NRC uses its own internal labor rate of $164 per hour.[23]

- For the applicants, who typically include utilities or corporate entities seeking licenses or related proceedings, the NRC bases the hourly rates on two data sources. For outside legal services, the NRC used the Fitzpatrick Matrix, which serves as a proxy for market rates for attorneys and paralegals doing complex federal litigation in the Washington, DC, area.[24] Since hearing proceedings will involve the use of outside legal counsel, the Fitzpatrick Matrix is used to estimate the hourly cost of attorney and paralegal time. For 2025, the hourly rates for attorneys of varying experience levels ranged from $540 to $933, with a simple average of $793. The matrix also lists a single hourly rate for paralegals of $255. For non-legal labor categories, the NRC used wage data from the Bureau of Labor Statistics (BLS).[25] The estimated BLS mean hourly wage for relevant positions in 2025 are $66.66 for health and safety engineers, $63.13 for compliance officers, $67.26 for nuclear engineers, $67.01 for engineers, all others, and

[23] The NRC incremental labor rate of $164, which is available at https://www.nrc.gov/about-nrc/regulatory/rulemaking/regulatory-analysis, differs from those developed under the NRC's license fee recovery program (10 CFR part 170, "Fees for facilities, materials, import and export licenses, and other regulatory services under the Atomic Energy Act of 1954, as amended"). NRC labor rates for fee recovery purposes are appropriately designed for full-cost recovery of the services rendered and as such include non-incremental costs (e.g., overhead, administrative, and logistical support costs).

[24] U.S. Attorney's Office for the District of Columbia (USAO-DC), Civil Division, The Fitzpatrick Matrix, available at https://www.justice.gov/usao-dc/media/1395096/dl?inline. Beginning in 2022, USAO-DC replaced its previous USAO/Laffey Matrix with the Fitzpatrick Matrix. Federal agencies, including the Department of Justice, Federal Trade Commission, and Securities and Exchange Commission, have used the Laffey Matrix, and subsequently the Fitzpatrick Matrix, to estimate attorney fee rates or legal service costs in regulatory analyses or information collection activities.

[25] U.S. Bureau of Labor Statistics, Occupational Employment and Wage Statistics, National Industry-Specific Occupational Employment and Wage Statistics, May 2025.

$43.10 for legal support workers. The NRC applied a multiplier of 2.4 to this BLS wage data to arrive at a fully loaded rate (e.g., $159.98 per hour for health and safety engineers)[26]; no such adjustment was made to the Fitzpatrick Matrix rates as these already reflect market-based rates. For the purposes of this analysis, the NRC assumes a staffing distribution for applicants of 50 percent for lawyers, 20 percent for nuclear engineers, 15 percent for paralegals, 5 percent for health and safety engineers, 5 percent for engineers, all others, and 5 percent for compliance staff. Applying these percentages to the Fitzpatrick Matrix data and the adjusted BLS data yields a blended applicant rate of about $491 per hour.

- For petitioners, which also include public-interest organizations and community groups, their wage rates are also derived from the two data sources mentioned previously, with a staffing distribution under the existing regulations of 25 percent for lawyers, 20 percent for nuclear engineers, 20 percent for engineers, all others, 20 percent for legal support staff, 10 percent for health and safety engineers, and 5 percent for paralegals. This estimated staffing distribution accounts for the fact that some petitioners under existing regulations employ non-attorneys as representatives (typically, officers of the petitioning non-governmental organization (NGO)) while other petitioners do employ attorneys, although these may be assisted by officers of petitioning NGOs. NGO officers supporting litigation activities are represented by the legal support staff portion of the staffing distribution. Applying fully loaded hourly rates to the BLS wage data only, this yields a blended and weighted petitioner rate of about $312 per hour.

Using these wage rates, the time spent on proceedings is monetized by multiplying the hours per proceeding by the applicable wage rate and then by 15

[26] The fully loaded wage rates include fringe and indirect management costs.

proceedings annually. If the existing regulations were to remain in place, the applicants will spend about $28.9 million (3,925 x $491 x 15 proceedings) on proceedings per year, the NRC adjudicatory staff will spend about $11.6 million annually (4,700 hours x $164 x 15), the NRC technical staff and attorneys will spend about $10.2 million annually (4,150 hours x $164 x 15), and petitioners will spend about $9.2 million annually (1,975 x $312 x 15). The combined spending on anticipated proceedings is about $59.9 million annually, undiscounted, if this rule is not implemented.[27]

With this final rule, the applicants will spend about $22.3 million annually on proceedings (3,025 x $491 x 15 proceedings), the NRC adjudicatory staff about $9.6 million annually (3,900 hours x $164 x 15), the NRC technical staff and attorneys about $7.4 million annually (3,025 hours x $164 x 15), and petitioners about $7.1 million annually (1,525 x $312 x 15). The applicants, government, and petitioners will spend about $46.5 million annually, undiscounted, if this rule is implemented.

Cost Savings and Regulatory Accounting Presented in 2025 Base Year Dollars

Over the five-year analysis period (2026-2030), the final rule revisions are projected to yield net savings for the public, the industry, and government. The combined net savings will generate cumulative undiscounted savings of $67.4 million (savings minus costs). Using 2025 as the base year, the net present value (NPV) of these net savings is $61.7 million, discounted at 3 percent, or $55.2 million, discounted at 7 percent. The projected annualized cost savings will be $13.5 million discounted at 3 percent, or $13.5 million discounted at 7 percent.

Because the final rule streamlines existing hearing procedures, the cost of implementing this rule for the hearing participants is expected to be minimal. The NRC

[27] Totals in aggregated data throughout this regulatory analysis may differ slightly from the sum of individual values because of rounding.

does not currently have empirical data to quantify incremental implementation or transition-related effects associated with the accelerated filing schedules and the revised hearing provisions. Consistent with OMB Circular A-4, when impacts cannot be reliably monetized, agencies provide a qualitative assessment. Accordingly, the agency has examined potential implementation and transition effects and determined them to be minimal since the rule streamlines internal agency proceedings without significantly changing the basic adjudicatory framework.

This final rule retains the existing approach to hearing requests by noticing opportunities for hearing after docketing and requiring a demonstration of standing and contention admissibility for a hearing request to be granted. The criteria for standing are unchanged, and the contention admissibility standards have been refined, without being raised. If a hearing request is granted, the agency still generally employs the same types of procedural mechanisms for evidentiary hearings as under the existing rules (e.g., written testimony and position statements, oral hearings, proposed findings of fact and conclusions of law), although the presiding officer will have greater flexibility to determine which procedural mechanisms to use in a particular hearing. Adjudicatory schedules have been significantly changed, which will require greater discipline on the part of participants to meet those schedules, but participants will still face the same basic task of managing time and resources. The NRC also retains other procedural mechanisms, such as motions, summary disposition, standards for reopening the record, discovery, appeals, stay requests, and requests for reconsideration. Participants will have to familiarize themselves with changes to some of these procedural mechanisms (e.g., application of reopening standards after the Standard Hearing Completion Date,

exclusions of certain documents from discovery), but the costs of doing so are expected to be minimal.

The regulatory analysis embedded in the *Federal Register* notice for the proposed rule included rulemaking costs for developing the final rule, but these costs have been removed from table 6 in this final rule. The costs associated with developing this final rule have already occurred; they are treated as sunk and are not included in this analysis. These costs sunset at the time the final rule is issued.

Table 6: Total Five-Year Cost and Savings: Government, Applicants, and Petitioners (2025 Dollars)

Attribute	*In Millions ($)*		
	Undiscounted	*3% NPV*	*7% NPV*
Applicants' Savings from Rule	33.1	30.4	27.2
NRC Adjudicatory Staff's Savings from Rule	9.8	9.0	8.1
NRC Technical Staff and Attorneys' Savings from Rule	13.8	12.7	11.3
Petitioners' Savings from Rule	10.5	9.6	8.6
Implementation and Transition Costs	qualitative		
Net Savings:	67.4	61.7	55.2
Annualized Savings:		13.5	13.5

The applicants, accounting for the largest share of cost savings, will save about $33.1 million over 5 years, undiscounted, with an NPV of $30.4 million discounted at 3 percent, or $27.2 million discounted at 7 percent.

Table 7: Total Five-Year Cost Savings: Applicants (2025 Dollars)

Year	*Number of Proceedings*	*Cost of proceedings with existing regulations*	*Cost of proceedings with final rule*	*Cost savings due to the final rule*	*Cost savings 3% NPV ($ millions)*	*Cost savings 7% NPV ($ millions)*
		Undiscounted, in millions ($)				
2026	15	28.9	22.3	6.6	6.4	6.2
2027	15	28.9	22.3	6.6	6.2	5.8
2028	15	28.9	22.3	6.6	6.1	5.4
2029	15	28.9	22.3	6.6	5.9	5.1
2030	15	28.9	22.3	6.6	5.7	4.7
Total	75	144.5	111.4	33.1	30.4	27.2

Additionally, the NRC adjudicatory staff will realize savings of about $9.8 million over 5 years, undiscounted, with an NPV of $9.0 million discounted at 3 percent, or $8.1 million discounted at 7 percent.

Table 8: Total Five-Year Cost Savings: NRC Adjudicatory Staff (2025 Dollars)

Year	*Number of Proceedings*	*Cost of proceedings with existing regulations*	*Cost of proceedings with final rule*	*Cost savings due to the final rule*	*Cost savings 3% NPV ($ millions)*	*Cost savings 7% NPV ($ millions)*
		Undiscounted, in millions ($)				
2026	15	11.6	9.6	2.0	1.9	1.8
2027	15	11.6	9.6	2.0	1.9	1.7
2028	15	11.6	9.6	2.0	1.8	1.6
2029	15	11.6	9.6	2.0	1.7	1.5
2030	15	11.6	9.6	2.0	1.7	1.4
Total	75	57.8	48.0	9.8	9.0	8.1

During the same period, the NRC technical staff and attorneys will save about $13.8 million over 5 years, undiscounted, with an NPV of $12.7 million discounted at 3 percent, or $11.3 million discounted at 7 percent.

Table 9: Total Five-Year Cost Savings: NRC Technical Staff and Attorneys (2025 Dollars)

Year	*Number of Proceedings*	*Cost of proceedings with existing regulations*	*Cost of proceedings with final rule*	*Cost savings due to the final rule*	*Cost savings 3% NPV ($ millions)*	*Cost savings 7% NPV ($ millions)*
		Undiscounted, in millions ($)				
2026	15	10.2	7.4	2.8	2.7	2.6
2027	15	10.2	7.4	2.8	2.6	2.4
2028	15	10.2	7.4	2.8	2.5	2.3
2029	15	10.2	7.4	2.8	2.5	2.1
2030	15	10.2	7.4	2.8	2.4	2.0
Total	75	51.0	37.2	13.8	12.7	11.3

The petitioners' savings total about $10.5 million, undiscounted, with an NPV of $9.6 million discounted at 3 percent, or $8.6 million discounted at 7 percent.

Table 10: Total Five-Year Cost Savings: Petitioners (2025 Dollars)

Year	*Number of Proceedings*	*Cost of proceedings with existing regulations*	*Cost of proceedings with final rule*	*Cost savings due to the final rule*	*Cost savings 3% NPV ($ millions)*	*Cost savings 7% NPV ($ millions)*
		Undiscounted, in millions ($)				
2026	15.0	9.2	7.1	2.1	2.0	2.0
2027	15.0	9.2	7.1	2.1	2.0	1.8
2028	15.0	9.2	7.1	2.1	1.9	1.7
2029	15.0	9.2	7.1	2.1	1.9	1.6
2030	15.0	9.2	7.1	2.1	1.8	1.5
Total	75.0	46.2	35.7	10.5	9.6	8.6

Overall, this final rule is considered to be a deregulatory action and will reduce burden for both the agency and hearing participants by streamlining the hearing process. These deregulatory actions translate into net savings with an NPV of $55.2 million over the five-year analysis horizon, or $13.5 million annually in 2025 dollars at a 7 percent discount rate.

In addition to this analysis, the Office of Information and Regulatory Affairs directs agencies to report results as a perpetual stream (perpetuity) once a rule is implemented. The perpetual stream has annualized savings of about $13.5 million.

VIII. Backfitting and Issue Finality

The NRC has determined that the backfit rule and issue finality provisions do not apply to this rule because the amendments do not involve any provisions that would impose backfits as defined in 10 CFR chapter I and are not inconsistent with any applicable issue finality provision in 10 CFR part 52 or 53. Therefore, a backfit analysis or issue finality assessment is not required for this rule.

IX. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998 (63 FR 31885).

X. National Environmental Policy Act

This rule involves an amendment to administrative and procedural requirements in 10 CFR part 2, with conforming changes to 10 CFR parts 51, 52, 53, and 54, and thus qualifies as an action for which no environmental review is required under the categorical exclusions set forth in § 51.22(a)(1) and (a)(3). Therefore, neither an EIS nor an environmental assessment has been prepared for this rulemaking.

XI. Paperwork Reduction Act

This final rule does not contain a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995. Existing collections of information for 10 CFR parts 51, 52, 53, and 54 were approved by the Office of Management and Budget, approval numbers 3150-0021, 3150-0151, 3150-0155, and 3150-0274.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XII. Executive Orders

The following are Executive orders that are related to this final rule:

A. Executive Order 12866: Regulatory Planning and Review (as amended by Executive Order 14215, Ensuring Accountability for All Agencies)

The Office of Information and Regulatory Affairs has determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

B. Executive Order 14154: Unleashing American Energy

The NRC has examined this final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154.

C. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is a deregulatory action as defined by E.O. 14192. Details on the estimated cost savings of this final rule can be found in Section VII of this document, “Regulatory Analysis.”

D. Executive Order 14270: Zero-Based Regulatory Budgeting to Unleash American Energy

E.O. 14270, “Zero-Based Regulatory Budgeting to Unleash American Energy,” directs the NRC to insert a conditional sunset date into all new or amended NRC regulations provided the regulations are (1) promulgated under the AEA, the Energy Reorganization Act of 1974, as amended (ERA), or the Nuclear Waste Policy Act of 1982, as amended (NWPA); (2) not statutorily required; and (3) not part of the NRC’s permitting regime. The NRC determined that the regulatory changes in this final rule are

for hearing processes that are required by statute and are part of the NRC's regulatory permitting scheme authorized by the AEA, ERA, or NWPA. Therefore, the NRC views this rulemaking to be outside the scope of E.O. 14270 and did not insert conditional sunset dates for the regulatory changes in this final rule.

XIII. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has found that it does not meet the criteria at 5 U.S.C. 804(2).

XIV. Availability of Guidance

The NRC will not be issuing guidance for this rulemaking because the rulemaking specifies requirements for adjudications, and how these requirements apply would be highly dependent on the specific claims made by litigants and the specific circumstances associated with these claims.

XV. Severability

This final rule makes changes to the requirements for contested hearings in NRC licensing proceedings. For the reasons described previously and in response to comments, the NRC has determined that its authority to promulgate these changes is well-supported in law and practice and should be upheld in any legal challenge. However, in the event that any portion of this rule is declared invalid, the NRC intends that the remaining portions be severable and continue in effect. Specifically, the NRC

has independently considered each of those provisions in this rule, and intends that, if any of the provisions of this rule (or the application thereof to any person or circumstance) is held to be invalid by a court, such invalidity would not affect other provisions or application of such provisions to other persons or circumstances that can be given effect without the invalid provision or application. For example:

- This rule includes provisions for different types of applications. If the provisions for one type of application are held to be invalid, the provisions for other types of applications should continue in effect since these other provisions are not intertwined with the provisions held to be invalid and were independently considered, with their own supporting basis and analysis.

- This rule provides scheduling provisions for several procedural categories, including hearing requests, intervention petitions, contentions, motions, discovery, petitions for review, interlocutory appeals, requests for interlocutory review, stay requests, requests for reconsideration, and evidentiary hearings. If the schedule requirements for one procedural category are held to be invalid, the schedule requirements for other procedural categories should remain in effect because the schedules for each procedural category are not intertwined and were independently considered, with their own supporting basis and analysis.

- In addition to schedule provisions, the rule includes changes to various procedural categories, including changes to definitions, *Federal Register* notices, contention standards, the reopening standards, discovery requirements, selection of hearing procedures, actions the staff can take during the pendency of a hearing, evidentiary hearings, additional procedures in § 2.1214 for license transfer proceedings, procedures for referred rulings and certified questions, and provisions for computation of time associated with delivery of hard copy documents. If the provisions for one type of procedural category are held to be invalid, the provisions for other types of procedural

categories should continue in effect since these other provisions are not intertwined with the provisions held to be invalid and were independently considered, with their own supporting basis and analysis.

In addition, to the extent there are multiple changes in a category, if one of the changes in the category is held to be invalid, the other changes in the category should continue in effect because these changes were independently considered, with their own supporting basis and analysis. Examples include the various definitional changes; the two refinements to the contention admissibility criteria; the different reopening changes (e.g., the § 2.326(a) change, the provisions in each sentence of § 2.326(e)(1), and the change in § 2.326(e)(2)); the various discovery changes (e.g., elimination of subpart L hearing file, limitation on NRC staff's § 2.336 disclosures, exclusion of draft documents from § 2.336 disclosures, exclusion of certain internal communications from § 2.336 disclosures, changes to discovery schedules); the evidentiary hearing procedure changes; and the changes in each paragraph of § 2.1214.

Finally, for all of the matters described in the previous paragraphs, the agency's purpose in making its proceedings timely and efficient would best be effectuated by applying the provisions in this final rule to the maximum practicable extent.

XVI. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

DOCUMENT	ADAMS ACCESSION NO. / WEB LINK / *FEDERAL REGISTER* CITATION / LEGAL PUBLICATION
NRC Response to Public Comments: Streamlining Contested Adjudications in Licensing Proceedings, October 2026	ML26257A563

Public Comments on Proposed Rule (Consolidated)	ML26113A276
Public Meeting Summary – NRC Public Meeting on Streamlining Contested Adjudications in Licensing Proceedings, held March 19, 2026	ML26070A175
Proposed Rule – Streamlining Contested Adjudications in Licensing Proceedings, March 3, 2026	91 FR 10450
Final Rule – Rules of Practice for Domestic Licensing Proceedings—Procedural Changes in the Hearing Process, August 11, 1989	54 FR 33168
Executive Order 12866, “Regulatory Planning and Review,” October 4, 1993	58 FR 51735
Final Rule – Changes to Adjudicatory Process, January 14, 2004	69 FR 2182
Final Rule – Licenses, Certifications, and Approvals for Nuclear Power Plants, August 28, 2007	72 FR 49352
Final Rule – Amendments to Adjudicatory Process Rules and Related Requirements, August 3, 2012	77 FR 46562
Executive Order 14215, “Ensuring Accountability for All Agencies,” February 24, 2025	90 FR 10447
Executive Order 14154, “Unleashing American Energy,” January 29, 2025	90 FR 8353
Executive Order 14192, “Unleashing Prosperity Through Deregulation,” February 6, 2025	90 FR 9065
Executive Order 14270, “Zero-Based Regulatory Budgeting to Unleash American Energy,” April 15, 2025	90 FR 15643
Executive Order 14300, “Ordering the Reform of the Nuclear Regulatory Commission,” May 29, 2025	90 FR 22587
Final Rule - Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors, March 30, 2026	91 FR 15696
Final Rule - Increased Flexibility in the Mandatory Hearing Process, April 15, 2026	91 FR 20063
Proposed Rule; guidance; and request for comment - Licensing Requirements for Microreactors and Other Reactors With Comparable Risk Profiles, May 1 2026	91 FR 23628

Policy Statement on Mandatory Hearings for Reactor Licensing, June 8, 2026	91 FR 34661
Memorandum and Order (CLI-92-4), Long Island Lighting Company (Shoreham Nuclear Power Station, Unit 1), February 26, 1992	35 NRC 69 (ML16357A727)
Memorandum and Order (LBP-01-31), Duke Energy Corporation (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2), October 31, 2001	54 NRC 242 (ML030420224)
Memorandum and Order (CLI-02-28), Duke Energy Corp. (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2), December 18, 2002	56 NRC 373 (ML023520517)
Memorandum and Order (CLI-04-25) Louisiana Energy Services, L.P. (National Enrichment Facility), August 18, 2004	60 NRC 223 (ML060740237)
Memorandum and Order (CLI-06-10), USEC Inc. (American Centrifuge Plant), April 3, 2006	63 NRC 451 (ML081510741)
Memorandum and Order (CLI-06-16), Andrew Siemaszko, June 2, 2006	63 NRC 708 (ML081510741)
Memorandum and Order (CLI-06-17), Nuclear Management Company (Palisades Nuclear Plant), June 23, 2006	63 NRC 727 (ML081510741)
Memorandum and Order (LBP-09-6), U.S. Department of Energy (High-Level Waste Repository), May 11, 2009	69 NRC 367 (ML12202B178)
Memorandum and Order (CLI-10-2), Progress Energy Florida, Inc. (Levy County Nuclear Power Plant, Units 1 and 2), January 7, 2010	71 NRC 27 (ML13056A621)
Memorandum and Order (CLI-10-24), South Texas Project Nuclear Operating Company (South Texas Project, Units 3 and 4), September 29, 2010	72 NRC 451 (ML12252A385)
Memorandum and Order (CLI-12-3), Entergy Nuclear Generation Company and Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station), February 22, 2012	75 NRC 132 (ML14192B367)
Memorandum and Order (CLI-12-14), Virginia Electric and Power Company (North Anna Power Station, Unit 3), June 7, 2012	75 NRC 692 (ML14192B367)
Memorandum and Order (CLI-19-11), Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station), December 17, 2019	90 NRC 258 (ML20241A307)
Memorandum and Order (CLI-20-6), Southern Nuclear Operating Company, Inc. (Vogtle Electric Generating Plant, Unit 3), June 15, 2020	91 NRC 225 (ML21168A338)

Memorandum and Order (CLI-20-16), Nuclear Development, LLC (Bellefonte Nuclear Plant, Units 1 and 2), December 17, 2020	92 NRC 511 (ML21280A391)
Order of the Secretary, Florida Power & Light Co. (Turkey Point Nuclear Generating Units 3 and 4), Nos. 50-250-SLR/50-251-SLR, June 29, 2018	ML18180A185
Order of the Secretary, Florida Power & Light Co. (Turkey Point Nuclear Generating Units 3 and 4), Nos. 50-250-SLR-2/50-251-SLR-2, November 6, 2023	ML23310A269
Deukmejian v. NRC, D.C. Circuit, December 31, 1984	751 F.2d 1287
National Whistleblower Center v. NRC, D.C. Circuit, April 11, 2000	208 F.3d 256
Citizens Awareness Network, Inc. v. U.S., 1st Circuit, December 10, 2004	391 F.3d 338
Massachusetts v. NRC, 1st Circuit, February 25, 2013	708 F.3d 63
Federal Administrative Adjudication Outside the Administrative Procedure Act, Michael Asimow, 2019	https://www.acus.gov/sites/default/files/documents/Federal%20Administrative%20Adj%20Outside%20the%20APA%20-%20Final.pdf
OMB Circular A-4, “Regulatory Analysis,” September 17, 2003.	https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf
Presidential Memorandum, “Plain Language in Government Writing,” June 10, 1998	63 FR 31885

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at https://www.regulations.gov under Docket ID NRC-2025-1501. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: 1) navigate to the docket folder (NRC-2025-1501); 2) click the “Subscribe” link; and 3) enter an email address and click on the “Subscribe” link.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information, Environmental protection, Freedom of information, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statements, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 52

Administrative practice and procedure, Antitrust, Combined license, Early site permit, Emergency planning, Fees, Incorporation by reference, Inspection, Issue finality, Limited work authorization, Manufacturing license, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification.

10 CFR Part 53

Administrative practice and procedure, Antitrust, Backfitting, Construction permit, Combined license, Classified information, Criminal penalties, Early site permit, Emergency planning, Fees, Fire prevention, Fire protection, Inspection, Intergovernmental relations, Limited work authorization, Manufacturing license, Nuclear power plants and reactors, Operating license, Penalties, Prototype, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Standard design, Standard design certification, Training programs.

10 CFR Part 54

Administrative practice and procedure, Age-related degradation, Backfitting, Classified information, Criminal penalties, Environmental protection, Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 2, 51, 52, 53, and 54.

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 2 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note. Section 2.205(j) also issued under Sec. 31001(s), Pub. L. 104-134, 110 Stat. 1321-373 (28 U.S.C. 2461 note).

2. In § 2.4:

a. Revise paragraph (3) of the definition of “Contested proceeding”;

b. Add definitions for “Expedited Proceeding” and “Focused Proceeding” in alphabetical order;

c. Revise the definition of “Potential party”; and

d. Add definitions for “Standard Hearing Completion Date” and “Standard Proceeding” in alphabetical order.

The revisions and additions read as follows:

§ 2.4 Definitions.

* * * * *

Contested proceeding * * *

(3) A proceeding in which a hearing request or petition for leave to intervene in opposition to an application for a license or permit:

(i) Has been granted or is pending before the Commission; or

(ii) Is not pending before the Commission but is the subject of a motion for leave to file the hearing request, petition for leave to intervene, or contention after the prescribed filing deadline established in § 2.309(b).

* * * * *

Expedited Proceeding means a proceeding designated in paragraphs (1) through (3) of this definition. A proceeding so designated will be identified as such in the notice providing an opportunity for hearing described in § 2.104 or § 2.105, as applicable.

(1) A licensee-initiated amendment for a measurement uncertainty recapture uprate or stretch power uprate;

(2) A licensee-initiated amendment relying on an NRC-approved Technical Specifications Task Force traveler using the Consolidated Line-Item Improvement Process; or

(3) A proceeding where the application references both a categorical exclusion listed in part 51 of this chapter and an NRC approval providing finality in the adjudicatory proceeding on design information within the application (including a design certification or a manufacturing license).

* * * * *

Focused Proceeding means a proceeding designated in paragraphs (1) and (2) of this definition. A proceeding so designated will be identified as such in the notice providing an opportunity for hearing described in § 2.104 or § 2.105, as applicable.

(1) A proceeding for the grant, renewal, licensee-initiated amendment, or termination of licenses or permits subject to parts 30, 32 through 36, 39, 40, 50, 52, 53, 54, 55, 61, 70, and 72 of this chapter, except for a Standard Proceeding, an Expedited Proceeding, a proceeding subject to subpart J of this part, or a proceeding on a denial of an application.

(2) A Focused Proceeding also includes proceedings on:

(i) An application for a subsequent implementation of a reactor design or technology that references an initial implementation of a reactor design or technology after the initial implementation has been designed, constructed, and operated;

(ii) An application to construct and operate a uranium enrichment facility that relies on technology that has been licensed and operated; and

(iii) An application for a limited work authorization.

* * * * *

Potential party means any person who has requested, or who may intend to request, a hearing or petition to intervene in a hearing under this part, other than hearings conducted under subpart J of this part.

* * * * *

Standard Hearing Completion Date means the date on which an initial decision would be scheduled to issue in accordance with this part where a contention is:

(1) Filed by the deadline in § 2.309(b);

(2) Admitted by the presiding officer in accordance with a due date for decision specified in this part (with the contention, answer, and reply being filed by the deadlines specified in this part); and

(3) Adjudicated at an evidentiary hearing phase that immediately proceeds upon the admission of the contention. The calculated Standard Hearing Completion Dates for different types of proceedings are in § 2.1207.

Standard Proceeding means a proceeding designated in paragraphs (1) through (3) of this definition but does not include a non-power production or utilization facility proceeding, a proceeding on a denial of an application, or a proceeding designated as a Focused Proceeding or an Expedited Proceeding:

(1) The grant of a license to construct and operate a uranium enrichment facility;

(2) The grant of a license to construct, a license to operate, or a license to construct and operate a uranium recovery facility, a facility subject to subpart H of part 70 of this chapter, or a facility under part 61 of this chapter; or

(3) The grant of a construction permit, an operating license, or a combined license for a production or utilization facility of the type described in § 50.21(b) or § 50.22 or subpart H of part 53 of this chapter, as applicable (where the application does not reference an NRC approval providing finality in the adjudicatory proceeding on design information within the application, including a design certification or manufacturing license).

* * * * *

3. In § 2.101, revise paragraph (f)(5) to read as follows:

§ 2.101 Filing of application.

* * * * *

(f)* * *

(5) The Director, Office of Nuclear Material Safety and Safeguards, will cause to be published in the *Federal Register* a notice of docketing which identifies the State and location of the proposed waste disposal facility and will give notice of docketing to the governor of that State and other officials listed in paragraph (f)(3) of this section and will, as soon as practicable after docketing the application, publish in the *Federal Register* a

notice under § 2.105 offering an opportunity to request a hearing to the applicant and other potentially affected persons.

4. In § 2.104, revise paragraphs (a) and (b)(4) to read as follows:

§ 2.104 Notice of hearing.

(a) In the case of an application on which a hearing is required by the Act or this chapter, or in which the Commission finds that a hearing is required in the public interest, the Secretary will issue a notice of hearing to be published in the *Federal Register*. The notice must be published at least 15 days, and in the case of an application concerning a limited work authorization, construction permit, early site permit, or combined license for a facility of the type described in § 50.21(b) or § 50.22 or subpart H of part 53 of this chapter, as applicable, or a testing facility, at least 30 days, before the date set for hearing in the notice.[1] In addition, in the case of a notice of hearing announcing an opportunity to request a hearing or petition to intervene, the notice must be published in the *Federal Register* as soon as practicable after the NRC has docketed the application. If the Commission decides, under § 2.101(a)(2), to determine the acceptability of the application based on its technical adequacy as well as completeness, the notice must be issued as soon as practicable after the application has been tendered.

(b)* * *

(4) The date by which requests for hearing and petitions to intervene must be filed; the Standard Hearing Completion Date for the proceeding specified in § 2.1207; and the additional filing deadline information required by § 2.309(b)(5);

* * * * *

[1] If the notice of hearing concerning an application for a limited work authorization, construction permit, early site permit, or combined license for a facility of the type described in § 50.21(b) or § 50.22 or subpart H of

part 53 of this chapter, as applicable, or a testing facility, does not specify the time and place of initial hearing, a subsequent notice will be published in the *Federal Register* which will provide at least 30-day notice of the time and place of that hearing. After this notice is given, the presiding officer may reschedule the commencement of the initial hearing for a later date or reconvene a recessed hearing without again providing at least 30-day notice.

5. In § 2.105, revise paragraph (b) introductory text and revise paragraph (d) to read as follows:

§ 2.105 Notice of proposed action.

* * * * *

(b) Except for notices subject to the requirements of § 50.91 or § 53.1515 of this chapter, if a notice of proposed action is published in the *Federal Register*, that notice must be published in the *Federal Register* as soon as practicable after the NRC has docketed the application. A notice of proposed action published in the *Federal Register* (including one subject to the requirements of § 50.91 or § 53.1515 of this chapter) will set forth:

* * * * *

(d) The notice of proposed action will provide that, within the time period provided under § 2.309(b), the applicant may file a request for a hearing; and any person whose interest may be affected by the proceeding may file a request for a hearing or a petition for leave to intervene if a hearing has already been requested. In addition, the notice must state the Standard Hearing Completion Date for the proceeding specified in § 2.1207 and state the additional filing deadline information required by § 2.309(b)(5).

* * * * *

6. In § 2.306 revise paragraph (b) introductory text to read as follows:

§ 2.306 Computation of time.

* * * * *

(b) If the presiding officer grants a request for an exemption from the electronic transmission requirements under § 2.302(h) or anticipates that information subject to § 2.302(g)(2) will not be transmitted electronically, the presiding officer must issue an order specifying whether additional time should be added to prescribed periods for taking action to account for physical delivery of a notice or other document and if so, how much time should be added. In considering the need for additional time to account for physical delivery, the presiding officer should ensure that the added time will not cumulatively challenge timely completion of the adjudication. Prior to the presiding officer issuing such an order, whenever a participant has the right or is required to do some act within a prescribed period after service of a notice or other document upon him or her, no additional time is added to the prescribed period except in the following circumstances:

* * * * *

7. In § 2.309:

a. Revise paragraphs (a) and (b)(3);

b. Add paragraph (b)(5);

c. Revise paragraph (c) heading and paragraphs (c)(1) and (2);

d. Add paragraphs (c)(5), (6), and (7);

e. Revise paragraphs (f)(1) introductory text, (f)(1)(iv) and (vi), (f)(2), (g), (i), (j) heading, and (j)(1); and

f. Add paragraph (j)(3).

The additions and revisions read as follows:

§ 2.309 Hearing requests, petitions to intervene, requirements for standing, and contentions.

(a) *General requirements.* Any person whose interest may be affected by a proceeding and who desires to participate as a party must file a written request for hearing and a specification of the contentions which the person seeks to have litigated in the hearing.

(1) The Commission, presiding officer, or the Atomic Safety and Licensing Board designated to rule on the request for hearing or petition for leave to intervene, will grant the request/petition if it determines that the requestor/petitioner has standing under the provisions of paragraph (d) of this section and has proposed at least one admissible contention that meets the requirements of paragraph (f) of this section.

(2) In ruling on the request for hearing/petition to intervene submitted by petitioners seeking to intervene in the proceeding on the HLW repository, the Commission, the presiding officer, or the Atomic Safety and Licensing Board shall also consider any failure of the petitioner to participate as a potential party in the pre-license application phase under subpart J of this part in addition to the factors in paragraph (d) of this section.

(3) If a request for hearing or petition to intervene is filed in response to any notice of hearing or opportunity for hearing, the applicant/licensee shall be deemed to be a party.

(b)* * *

(3) In proceedings for which a *Federal Register* notice of agency action is published (other than a proceeding covered by paragraph (b)(1) or (2) of this section), the request or petition and the contentions must be filed within:

(i) Sixty (60) days from the date of publication of the notice in the *Federal Register* in a Standard Proceeding or a proceeding under § 52.103 or § 53.1452 of this chapter.

(ii) Thirty (30) days from the date of publication of notice in the *Federal Register* in an Expedited Proceeding or for a request under § 2.108(b)(2) in a proceeding on a denial of an application under § 2.108; or

(iii) Forty-five (45) days from the date of publication of the notice in the *Federal Register* in a Focused Proceeding.

* * * * *

(5) The *Federal Register* notices referenced in paragraphs (b)(1) through (3) of this section must state the Standard Hearing Completion Date for the proceeding, if specified in § 2.1207, along with the applicable filing deadlines for hearing requests, intervention petitions, and contentions (including those filed after the § 2.309(b)(1) through (3) deadlines), and the applicable deadlines for the associated answers and replies.

(c) *Filings after the deadline; submission of motion for leave to file hearing request, intervention petition, or new or amended contentions*—

(1) *Submission of motion for leave to file and determination by presiding officer.* To submit a hearing request, intervention petition, or new or amended contention after the deadline in paragraph (b) of this section, a participant must submit a motion for leave to file the request, petition, or contention after the deadline, and the request, petition, or contention must accompany the motion for leave to file. Hearing requests, intervention petitions, and new or amended contentions filed after the deadline in paragraph (b) of this section will not be entertained and will not be considered pending before the Commission unless the associated motion for leave to file is granted upon a determination by the presiding officer that a participant has demonstrated good cause by showing that:

(i) The information upon which the hearing request, intervention petition, or contention is based was not previously available;

(ii) The information upon which the hearing request, intervention petition, or contention is based is materially different from information previously available; and

(iii) The motion for leave to file and associated hearing request, intervention petition, or contention have been submitted within thirty (30) days of the availability of the subsequent information, except that the filing period is twenty (20) days from the availability of the subsequent information for license transfer or Expedited Proceedings.

(2) *Applicability of §§ 2.307 and 2.323.*

(i) Section 2.307 applies to requests to change a filing deadline (requested before or after that deadline has passed) based on reasons not related to the substance of the filing.

(ii) Section 2.323 does not apply to motions for leave to file hearing requests, intervention petitions, or new or amended contentions filed after the deadline in paragraph (b) of this section.

* * * * *

(5*) Answers and replies.* (i) The applicant/licensee, the NRC staff, and other parties to a proceeding may file an answer to a motion for leave to file and associated hearing request, intervention petition, or contention within 15 days of service of the motion and associated request, petition, or contention. Answers should address, at a minimum, the factors set forth in paragraphs (a) through (h) of this section insofar as these sections apply to the filing that is the subject of the answer.

(ii) Except in a proceeding under § 52.103 or § 53.1452 of this chapter, the participant who filed the motion for leave to file and associated request, petition, or contention may file a reply to any answer. The reply must be filed within 7 days after service of that answer.

(6) *Presiding officer decision.* The presiding officer's decision on a motion for leave to file and associated request, petition, or contention must be issued within 25

days after service of the reply (or within 25 days after the deadline for a reply, if no reply is filed). This deadline may be extended only in accordance with the requirements of paragraph (j)(3) of this section.

(7) *Effect of pendency of motion for leave to file.* The pendency of a motion for leave to file submitted under this paragraph does not affect the NRC's authority to take licensing or regulatory actions.

* * * * *

(f) * * *

(1) Contentions must be set forth with particularity. Each contention must:

* * * * *

(iv) Demonstrate that the issue raised in the contention is material to the findings the NRC must make to support the action that is involved in the proceeding, including specifying the legal requirement on which the contention is based;

* * * * *

(vi) In a proceeding other than one under § 52.103 or § 53.1452 of this chapter, provide sufficient information to show that a genuine dispute exists with the applicant/licensee on a material issue of law or fact. This information must include references to specific portions of the application (including the applicant's environmental report and safety report) that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief. This information also must clearly indicate whether the petitioner is disputing the adequacy of the information in the application, is asserting that the application fails to contain information on a relevant matter as required by law, or both; and

* * * * *

(2) Contentions must be based on documents or other information available at the time the petition is to be filed, such as the application, supporting safety analysis report, environmental report or other supporting document filed by an applicant or licensee, or otherwise available to a petitioner. On issues arising under the National Environmental Policy Act, participants shall file contentions based on the applicant's environmental report. Participants may file new or amended environmental contentions after the deadline in paragraph (b) of this section (e.g., based on a draft or final NRC environmental impact statement, environmental assessment, or any supplements to these documents) if the associated motion for leave to file complies with the requirements in paragraph (c) of this section.

* * * * *

(g) *Selection of hearing procedures.* A request for hearing, petition for leave to intervene, or proposed contentions may, except in a proceeding under § 52.103 or § 53.1452 of this chapter, also address the selection of hearing procedures, taking into account the provisions of § 2.310.

* * * * *

(i) *Answers to hearing requests and intervention petitions filed by the deadline in paragraph (b) of this section; replies to answers*. For a hearing request or intervention petition filed by the deadline in paragraph (b) of this section (or filed by an extension of this deadline that is approved by the Commission, the Secretary, or the presiding officer)—

(1) The applicant/licensee, the NRC staff, and other parties to a proceeding may file an answer to the request or petition. Answers should address, at a minimum, the factors set forth in paragraphs (a) through (h) of this section insofar as these sections apply to the filing that is the subject of the answer. Answers must be filed within the following timeframes:

(i) In a Standard Proceeding or a proceeding under paragraph (b)(2) of this section, or in answer to a request under § 2.108(b)(2) in a proceeding on a denial of an application, the answer must be filed within 25 days after service of the request or petition.

(ii) In a Focused Proceeding, the answer must be filed within 20 days after service of the request or petition.

(iii) In a proceeding under paragraph (b)(1) of this section or an Expedited Proceeding, the answer must be filed within 15 days after service of the request or petition.

(2) The participant who filed the hearing request or intervention petition may file a reply to an answer, except that there is no opportunity to file a reply in a proceeding under § 52.103 or § 53.1452 of this chapter. The reply must be filed within 7 days after service of that answer.

(3) No other written answers or replies will be entertained.

(j) *Decision on request/petition filed by the deadline in paragraph (b) of this section.*

(1) Except in a proceeding under § 52.103 or § 53.1452 of this chapter or a proceeding under subpart J of this part, the presiding officer shall issue a decision on a hearing request or intervention petition filed by the deadline in paragraph (b) of this section, within the following timeframes:

(i) In a Standard Proceeding or a Focused Proceeding or for a request under § 2.108(b)(2) in a proceeding on a denial of an application, the decision must be issued within 35 days after service of the reply to the answers to the request or petition (or within 35 days after the deadline for a reply, if no reply is filed).

(ii) In an Expedited Proceeding or a proceeding under paragraph (b)(1) of this section, the decision must be issued within 30 days after service of the reply to the

answers to the request or petition (or within 30 days after the deadline for a reply, if no reply is filed).

* * * * *

(3) The decision deadlines in paragraph (j)(1) of this section may be extended only if extraordinary circumstances prevent the presiding officer from issuing a decision by the deadline. At the earliest practicable opportunity, the presiding officer must notify the Commission and the litigants of the delay and the extraordinary circumstances that necessitate the delay.

8. In § 2.310:

a. Revise paragraph (a);

b. Remove and reserve paragraphs (c) and (d);

c. Revise paragraph (e); and

d. Remove and reserve paragraphs (g) and (h).

The revisions read as follows:

§ 2.310 Selection of hearing procedures.

* * * * *

(a) Except as determined through the application of paragraphs (b) through (f) of this section, proceedings for the grant, renewal, licensee-initiated amendment, termination, or transfer of licenses or permits subject to parts 30, 32 through 36, 39, 40, 50, 52, 53, 54, 55, 61, 70, and 72 of this chapter must be conducted under the procedures of subpart L of this part.

* * * * *

(e) Proceedings on applications for a license or license amendment to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power plant must

be conducted under the procedures of subpart L of this part, unless a party requests that the proceeding be conducted under the procedures of subpart K of this part.

* * * * *

9. Revise § 2.311 to read as follows:

§ 2.311 Interlocutory review of rulings on requests for hearings/petitions to intervene, selection of hearing procedures, and requests by potential parties for access to sensitive unclassified non-safeguards information and safeguards information.

(a) *Types of appeals covered under this section.* An order of the presiding officer, or if a presiding officer has not been designated, of the Chief Administrative Judge, or if he or she is unavailable, of another administrative judge, or of an administrative law judge with jurisdiction under § 2.318(a), may be appealed to the Commission with respect to:

(1) A request for hearing;

(2) A petition to intervene;

(3) A request for access to sensitive unclassified non-safeguards information (SUNSI), including, but not limited to, proprietary, confidential commercial, and security-related information, and Safeguards Information (SGI). An appeal to the Commission may also be taken from an order of an officer designated to rule on information access issues; or

(4) An order selecting a hearing procedure.

(b) *Timing of appeals and associated filings under this section.*

(1) Appeals under paragraphs (a)(1) through (3) of this section must be made as specified by the provisions of this section, within 20 days after the service of the order. The appeal must be initiated by the filing of a notice of appeal and accompanying

supporting brief. Any party who opposes the appeal may file a brief in opposition to the appeal within 20 days after service of the appeal. The supporting brief and any answer must conform to the requirements of § 2.341(c)(3). The appellant may file a reply brief within seven (7) days of service of any answer. This reply brief may not be longer than 5 pages.

(2) Appeals under paragraph (a)(4) of this section must be filed with the Commission no later than seven (7) days after issuance of the order selecting a hearing procedure. Any party who opposes the appeal may file a brief in opposition to the appeal within seven (7) days after service of the appeal. No reply briefs will be permitted.

(c) *Scope of appeals under this section.*

(1) An order described in paragraphs (a)(1) through (3) of this section is appealable:

(i) By the requestor/petitioner on the question as to whether the request or petition should have been granted.

(ii) By a party other than the requestor/petitioner on the question as to whether the request for hearing or petition to intervene should have been wholly denied; or

(iii) By a party other than the requestor/petitioner on the question as to whether the request for access to the information described in paragraph (a)(3) of this section should have been denied in whole or in part. However, such a question with respect to SGI may only be appealed by the NRC staff, and such a question with respect to SUNSI may be appealed only by the NRC staff or by a party whose interest independent of the proceeding would be harmed by the release of the information.

(iv) No other appeals from rulings on requests for hearing are allowed under this section.

(2) An order described in paragraph (a)(4) of this section may be appealed by any party on the question as to whether the selection of the particular hearing procedures was in clear contravention of the criteria set forth in § 2.310.

10. In § 2.312, revise paragraph (b) to read as follows:

§ 2.312 Notice of hearing.

* * * * *

(b) The time and place of hearing will be fixed in accordance with the scheduling requirements of this part and any proceeding-specific Commission orders. Within these limits, the presiding officer will give due regard for the convenience of the parties or their representatives, the nature of the proceeding, and the public interest.

11. In § 2.313, revise paragraph (a) to read as follows:

§ 2.313 Designation of presiding officer, disqualification, unavailability, and substitution.

(a) *Designation of presiding officer.* The Commission may provide in the notice of hearing that one or more members of the Commission, an administrative law judge, an administrative judge, an Atomic Safety and Licensing Board, or a named officer who has been delegated final authority in the matter, shall be the presiding officer. The Commission alone shall designate the presiding officer in a hearing conducted under subpart O of this part. If the Commission does not designate the presiding officer for a hearing under subpart G, J, K, L, or N of this part, then the Chief Administrative Judge shall issue an order designating an Atomic Safety and Licensing Board appointed under section 191 of the Atomic Energy Act of 1954, as amended, or an administrative law judge appointed by the Commission pursuant to 5 U.S.C. 3105, for a hearing conducted under subpart G, J, K, L, or N of this part.

* * * * *

12. In § 2.323, revise paragraphs (a), (b), (c), (e), (f)(1), and (g) to read as follows:

§ 2.323 Motions.

(a) *Scope and general requirements*—(1) *Applicability to § 2.309(c).* Section 2.309 motions for leave to file hearing requests, intervention petitions, or new or amended contentions after the deadline in § 2.309(b) (including motions to reopen the record that relate to such filings after the deadline) are not subject to the requirements of this section. For the purposes of this section, the term “all motions” includes any motion except § 2.309 motions for leave to file hearing requests, intervention petitions, or new or amended contentions after the deadline in § 2.309(b) (and motions to reopen the record that relate to such filings after the deadline).

(2) *Presentation and disposition*. All motions must be addressed to the Commission or other designated presiding officer. All motions, other than motions submitted in Expedited Proceedings as discussed in this paragraph, motions for summary disposition as discussed in § 2.1205, or motions for reconsideration as discussed in paragraph (e) of this section, must be made no later than ten (10) days after the occurrence or circumstance from which the motion arises. Motions submitted in Expedited Proceedings must be made no later than seven (7) days after the occurrence or circumstance from which the motion arises. All written motions must be filed with the Secretary and served on all parties to the proceeding.

(b) *Form and content.* Unless made orally on-the-record during a hearing, or the presiding officer directs otherwise, or under the provisions of subpart N of this part, a motion must be in writing, state with particularity the grounds and the relief sought, be accompanied by any affidavits or other evidence relied on, and, as appropriate, a

proposed form of order. A motion must be rejected if it does not include a certification by the attorney or representative of the moving party that the movant has made a sincere effort to contact other parties in the proceeding and resolve the issue(s) raised in the motion, and that the movant's efforts to resolve the issue(s) have been unsuccessful.

(c) *Answers to motions.*

(1) For all written motions, other than motions submitted in Expedited Proceedings, motions for summary disposition, or motions for reconsideration, a party may file an answer in support of or in opposition to the motion within ten (10) days after service of the motion, or other period as determined by the Secretary, the Deputy Secretary, or the presiding officer. Answers to motions in Expedited Proceedings must be submitted within seven (7) days after service of the motion.

(2) An answer to a motion submitted under this paragraph (c) may be accompanied by affidavits or other evidence.

(3) The moving party has no right to reply, except as permitted by the Secretary, the Deputy Secretary, or the presiding officer. Permission may be granted only in compelling circumstances, such as where the moving party demonstrates that it could not reasonably have anticipated the arguments to which it seeks leave to reply.

* * * * *

(e) *Motions for reconsideration*. Motions for reconsideration may not be filed except upon leave of the presiding officer or the Commission, upon a showing of compelling circumstances, such as the existence of a clear and material error in a decision, which could not have reasonably been anticipated, that renders the decision invalid. A motion must be filed within seven (7) days of the action for which reconsideration is requested, and responses to the motion must be submitted within seven (7) days after service of the motion. The motion and any responses to the motion are limited to ten (10) pages.

(f)* * *

(1) If, in the judgment of the presiding officer, the presiding officer's decision raises significant and novel legal or policy issues, or prompt decision by the Commission is necessary to materially advance the orderly disposition of the proceeding, then the presiding officer may promptly refer the ruling to the Commission. This standard also applies to questions certified to the Commission. To minimize delays in the proceeding, to the extent practicable a presiding officer should refer a ruling to the Commission rather than certify a question. The presiding officer shall notify the parties of the referral or certification either by announcement on-the-record or by written notice if the hearing is not in session.

* * * * *

(g) *Effect of the filing of a motion, the filing of a petition, or the referring of a ruling or certifying of a question to the Commission.* Unless otherwise ordered, neither the filing of a motion, the filing of a petition for certification, nor the referral of a ruling or certification of a question to the Commission stays the proceeding or extends the time for the performance of any act.

* * * * *

13. In § 2.326, revise paragraph (a)(2) and add paragraph (e) to read as follows:

§ 2.326 Motions to reopen.

(a)* * *

(2) The motion must address:

(i) A significant safety issue or

(ii) A significant environmental issue, which does not include an issue under the National Environmental Policy Act in proceedings where a categorical exclusion listed in part 51 of this chapter applies; and

* * * * *

(e)(1) For a proceeding subject to § 2.1207, the record for an adjudicatory proceeding will close on the Standard Hearing Completion Date for the proceeding. If before the Standard Hearing Completion Date the presiding officer enters an order closing the record following an evidentiary hearing, the record for the adjudicatory proceeding will close on the date specified in the order. On the date the record closes for an adjudicatory proceeding pursuant to the provisions in this paragraph (e)(1), if there are any other contentions that either remain pending or are subject to a motion for leave to file under § 2.309(c), the record will remain open only with respect to the issues raised by those contentions.

(2) If the presiding officer enters an order closing the record following resolution of all live contentions in the proceeding, the record for the adjudicatory proceeding will close on the date specified in the order.

14. In § 2.329, revise paragraph (a) to read as follows:

§ 2.329 Prehearing conference.

(a) *Option to conduct a prehearing conference.* The Commission or the presiding officer may direct the parties or their counsel to appear at a specified time and place for a conference or conferences before an evidentiary hearing.

* * * * *

15. In § 2.332, revise paragraphs (a), (b), and (d) to read as follows:

§ 2.332 General case scheduling and management.

(a) *Scheduling order.* As soon as practicable (and no later than 10 days) after admitting a contention, the presiding officer shall, after consulting with the parties, enter a scheduling order that establishes time limits for concluding discovery, the schedule for

any written or oral components of the evidentiary hearing, and the date when the presiding officer expects to issue an initial decision. For proceedings under subpart L of this part, the scheduling order must comply with the scheduling requirements in subpart L and in paragraph (d) of this section.

(b) *Model milestones.* For enforcement proceedings, in developing the scheduling order under paragraph (a) of this section, the presiding officer shall utilize the applicable model milestones in appendix B to this part as a starting point. The presiding officer shall make appropriate modifications based upon all relevant information, including but not limited to, the number of contentions admitted, the complexity of the issues presented, relevant considerations which a party may bring to the attention of the presiding officer, and the NRC's interest in providing a fair and expeditious resolution of the issues sought to be adjudicated by the parties in the proceeding.

* * * * *

(d) *When to proceed to evidentiary hearing; effect of NRC staff's schedule on scheduling order.* For proceedings subject to the timeframes prescribed by § 2.1207:

(1) As soon as possible and no later than seven days after the admission of a contention:

(i) The NRC staff will notify the presiding officer and the other parties whether the staff will participate as a party on the contention and, if so, whether the staff is able to take final positions on the matters in controversy; and

(ii) The NRC staff and the applicant will notify the presiding officer and the other parties whether the staff or applicant intend to seek dismissal or summary disposition of a contention. The 7-day notification regarding dismissal or summary disposition of a contention must address, as applicable, the NRC staff or applicant’s intent to seek dismissal or summary disposition, but the motion to dismiss or motion for summary disposition may be submitted later.

(2) The presiding officer must immediately proceed with the evidentiary hearing phase of the proceeding on an admitted contention unless either:

(i) The NRC staff decides to participate as a party but is not yet able to take final positions on the matters in controversy; or

(ii) The NRC staff or applicant intend to seek dismissal or summary disposition of the admitted contention.

(3) To the greatest extent practicable, the presiding officer should establish a schedule that will not extend past the NRC staff's scheduled date for completing its review of the particular application as documented in a written communication to the applicant.

(4) If the NRC staff decides to participate as a party on an admitted contention but is not yet able to take final positions on the matters in controversy, the NRC staff must prioritize its resources to put itself in a position to provide testimony on the contention at the earliest practicable time and notify the presiding officer and the other parties when the staff is ready to do so.

16. Revise § 2.334 to read as follows:

§ 2.334 Implementing hearing schedule for proceeding.

(a) The presiding officer must take all appropriate actions to maintain the hearing schedule established in accordance with § 2.332 and other applicable regulations in this part.

(b) A hearing schedule deadline may only be extended upon a finding that the criteria for extending a time limit in § 2.307(a) are met. An applicable deadline in subpart L to this part for completing the evidentiary hearing (i.e., the deadline for issuance of an initial decision) may only be extended upon a finding that extraordinary circumstances necessitate the delay.

(c) The presiding officer must provide written notification to the Commission any time during the course of the proceeding when it appears that the issuance of the initial decision will be delayed beyond the time specified in the hearing schedule established under § 2.332(a). The notification must include an explanation of the reasons for the projected delay and a description of the actions, if any, that the presiding officer proposes to take to avoid or mitigate the delay.

17. In § 2.336:

a. Revise paragraph (a) introductory text;

b. Add paragraphs (a)(4), (5), and (6); and

c. Revise paragraph (b) and the last sentence in paragraph (d).

The additions and revisions read as follows:

§ 2.336 General discovery.

(a) Except for proceedings conducted under subparts G and J of this part (or as otherwise ordered by the Commission, the presiding officer, or the Atomic Safety and Licensing Board assigned to the proceeding) all parties, other than the NRC staff, to any proceeding subject to this part must make the disclosures listed in paragraphs (a)(1) through (3) of this section. For proceedings immediately moving to the evidentiary hearing phase under § 2.332(d), these parties will have twenty days (20) after the issuance of the order admitting a contention to make the required disclosures. Otherwise, these parties will have thirty (30) days after the order admitting a contention or granting a demand for hearing to make the required disclosures. These parties must disclose and provide:

* * * * *

(4) The disclosure obligations in this paragraph (a) do not include drafts of documents unless the draft has been circulated among the parties or publicly disclosed.

(5) The disclosure obligations in this paragraph (a) do not include internal text messages, instant messages, and voice messages absent a showing of exceptional circumstances. Internal here means internal to a party, its litigation team, and contractors. Attachments on text messaging or instant messaging platforms are not subject to this exclusion and would need to be assessed for disclosure under paragraphs (a)(1) and (2) of this section.

(6) In complying with the requirements of this paragraph (a) in a proceeding on a denial of an application in response to a demand for hearing, references to “contentions” and “admitted contentions” must be taken to mean the contested issues outlined in the order granting the demand for hearing.

(b)(1) Except for proceedings conducted under subparts G and J of this part (or as otherwise ordered by the Commission, the presiding officer, or the Atomic Safety and Licensing Board assigned to the proceeding), the NRC staff must, without further order or request from any party, disclose or provide to the extent available (but excluding those documents for which there is a claim of privilege or protected status) the items listed in paragraphs (b)(1)(i) through (v) of this section. For proceedings immediately moving to the evidentiary hearing phase under § 2.332(d), the NRC staff will have twenty days (20) after the issuance of the order admitting a contention to make the required disclosures. Otherwise, the NRC staff will have thirty (30) days after the order admitting a contention or granting a demand for hearing to make the required disclosures.

(i) The application (if applicable) and applicant or licensee requests that are relevant to the admitted contentions and are associated with the application or proposed action that is the subject of the proceeding;

(ii) NRC correspondence with the applicant or licensee that is relevant to the admitted contentions and associated with the application or proposed action that is the subject of the proceeding;

(iii) All documents (including documents that provide support for, or opposition to, the application or proposed action) that both support the NRC staff's review of the application that is the subject of the proceeding and are relevant to the admitted contentions;

(iv) Any NRC staff documents that both represent the NRC staff's determination on the application or proposal that is the subject of the proceeding and are relevant to the admitted contentions; and

(v) A list of all otherwise-discoverable documents for which a claim of privilege or protected status is being made, together with sufficient information for assessing the claim of privilege or protected status of the documents.

(2) The disclosure obligations in this paragraph do not include drafts of documents unless the draft has been circulated among the parties or publicly disclosed.

(3) The disclosure obligations in this paragraph do not include internal text messages, instant messages, and voice messages absent a showing of exceptional circumstances. Internal here means internal to the NRC staff, its litigation team, and contractors. Attachments on text messaging or instant messaging platforms are not subject to this exclusion and would need to be assessed for disclosure under paragraph (b)(1) of this section.

(4) Paragraphs (b)(1)(i) and (ii) of this section do not apply to a proceeding on a denial of an application in response to a demand for hearing. In complying with the requirements of this paragraph (b) in a proceeding on a denial of an application in response to a demand for hearing, references to “admitted contentions” must be taken to mean the contested issues outlined in the order granting the demand for hearing.

* * * * *

(d) * * * The duty to update disclosures relevant to an admitted contention ends when the presiding officer issues a decision resolving the contention or

upon the initiation of the evidentiary hearing phase for the contention as delineated in an order from the presiding officer, whichever occurs first; however, termination of the duty to update disclosure does not relieve parties of their continuing obligation to keep the presiding officer and litigants informed of relevant new developments in a proceeding.

* * * * *

18. In § 2.340, revise paragraphs (i)(2), (j)(4), and (k)(2) to read as follows:

§ 2.340 Initial decision in certain contested proceedings; immediate effectiveness of initial decisions; issuance of authorizations, permits, and licenses.

* * * * *

(i)* * *

(2) Notwithstanding the pendency of a motion for leave to file under § 2.309(c), a petition for reconsideration under § 2.345, a petition for review under § 2.341, or a motion for stay under § 2.342, or the filing of a petition under § 2.206.

(j)* * *

(4) Notwithstanding the pendency of a motion for leave to file under § 2.309(c), a petition for reconsideration under § 2.345, a petition for review under § 2.341, or a motion for stay under § 2.342, or the filing of a petition under § 2.206.

(k)* * *

(2) Notwithstanding the pendency of a motion for leave to file under § 2.309(c), a petition for reconsideration under § 2.345, a petition for review under § 2.341, or a motion for stay under § 2.342, or the filing of a petition under § 2.206.

19. In § 2.341, revise paragraphs (b)(1) and (3) and (d) to read as follows:

§ 2.341 Review of decisions and actions of a presiding officer.

* * * * *

(b)(1) Within 20 days after service of a full or partial initial decision by a presiding officer, and within 20 days after service of any other decision or action by a presiding officer with respect to which a petition for review is authorized by this part, a party may file a petition for review with the Commission on the grounds specified in paragraph (b)(4) of this section. Unless otherwise authorized by law, a party to an NRC proceeding must file a petition for Commission review before seeking judicial review of an agency action.

* * * * *

(3) Any other party to the proceeding may, within 20 days after service of a petition for review, file an answer supporting or opposing Commission review. This answer may not be longer than 30 pages and should concisely address the matters in paragraph (b)(2) of this section to the extent appropriate. The petitioning party may file a reply brief within seven (7) days of service of any answer. This reply brief may not be longer than 5 pages.

* * * * *

(d) Petitions for reconsideration of Commission decisions granting or denying review in whole or in part will not be entertained. A petition for reconsideration of a Commission decision after review may be filed within seven (7) days, but is not necessary for exhaustion of administrative remedies. However, if a petition for reconsideration is filed, the Commission decision is not final until the petition is decided. Any petition for reconsideration will be evaluated against the standard in § 2.323(e). Answers to a petition for reconsideration may be filed by an interested party within seven (7) days of service of the petition, and no reply to an answer is permitted.

* * * * *

20. In § 2.342, revise paragraphs (a) and (d) to read as follows:

§ 2.342 Stays of decisions.

(a) Within seven (7) days after service of a decision or action of a presiding officer, any party to the proceeding may file an application for a stay of the effectiveness of the decision or action pending filing of and a decision on a petition for review. This application may be filed with the Commission or the presiding officer, but not both at the same time.

* * * * *

(d) Within seven (7) days after service of an application for a stay under this section, any party may file an answer supporting or opposing the granting of a stay. This answer may not be longer than ten (10) pages, exclusive of affidavits, and should concisely address the matters in paragraph (b) of this section to the extent appropriate. Further replies to answers will not be entertained. Filing of and service of an answer on the other parties must be by the same method, e.g., electronic or facsimile transmission, mail, as the method for filing the application for the stay.

* * * * *

21. In § 2.345, revise paragraphs (a)(1) and (b) to read as follows:

§ 2.345 Petition for reconsideration.

(a)(1) Any petition for reconsideration of a final decision must be filed by a party within seven (7) days after the date of the decision.

* * * * *

(b) A petition for reconsideration must demonstrate a compelling circumstance, such as the existence of a clear and material error in a decision, which could not have been reasonably anticipated, which renders the decision invalid. The petition must state the relief sought. Within seven (7) days after a petition for reconsideration has been served, any other party may file an answer in opposition to or in support of the petition.

* * * * *

§ 2.346 [Amended]

22. In § 2.346, in the introductory text and paragraph (c), remove the term “Assistant Secretary” and add in its place the term “Deputy Secretary”.

23. Revise § 2.700 to read as follows:

§ 2.700 Scope of this subpart.

The provisions of this subpart apply to and supplement the provisions set forth in subpart C of this part with respect to enforcement proceedings initiated under subpart B of this part unless otherwise agreed to by the parties, proceedings for initial applications for construction authorization for high-level radioactive waste repository noticed under § 2.101(f)(8) or 2.105(a)(5), proceedings for initial applications for a license to receive and possess high-level radioactive waste at a geologic repository operations area, and any other proceeding as ordered by the Commission. If there is any conflict between the provisions of this subpart and those set forth in subpart C of this part, the provisions of this subpart control.

§ 2.808 [Amended]

24. In § 2.808, in the introductory text and in paragraph (c), remove the term “Assistant Secretary” and add in its place the term “Deputy Secretary”.

25. Revise § 2.901 to read as follows:

§ 2.901 Scope of this subpart.

This subpart applies, as applicable, to all proceedings under subparts G, J, K, L, and N of this part.

26. Revise § 2.1103 to read as follows:

§ 2.1103 Scope of this subpart.

(a) Except as otherwise provided by paragraph (b) of this section, the provisions of this subpart, together with subpart C of this part and applicable provisions of subparts G and L of this part, govern adjudicatory proceedings on the following applications filed after January 7, 1983, if a party requests that the proceeding be conducted under this subpart:

(1) An application for a license or license amendment under part 50, 52, or 53 of this chapter, to expand the spent fuel storage capacity at the site of a civilian nuclear power plant, through the use of high density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means; or

(2) An application for a license under part 72 of this chapter to store spent nuclear fuel in an independent spent fuel storage installation located at the site of a civilian nuclear power reactor.

(b) This subpart shall not apply to the first application for a license or license amendment to expand the spent fuel storage capacity at a particular site through the use of a new technology not previously approved by the Commission for use at any other nuclear power plant. This subpart shall not apply to proceedings on applications for transfer of a license issued under part 72 of this chapter.

27. Revise § 2.1200 as follows:

§ 2.1200 Scope of this subpart.

The provisions of this subpart, together with subpart C of this part, govern all adjudicatory proceedings conducted for the grant, renewal, licensee-initiated amendment, termination, or transfer of licenses or permits subject to parts 30, 32 through 36, 39, 40, 50, 52, 53, 54, 55, 61, 70, and 72 of this chapter (except as otherwise provided in accordance with § 2.310), and adjudicatory proceedings on enforcement actions conducted under this subpart in accordance with § 2.310.

28. In § 2.1202, revise paragraphs (a)(1) and (3) and (b)(2) to read as follows:

§ 2.1202 Authority and role of NRC staff.

(a)* * *

(1) An application to construct or operate a production or utilization facility of the type described in § 50.21(b) or § 50.22 or subpart H of part 53 of this chapter or a testing facility as defined in § 50.2 of this chapter (including an application for a limited work authorization under § 50.10 or § 53.1130 of this chapter, or an application for a combined license under subpart C of part 52 or subpart H of part 53 of this chapter);

* * * * *

(3) An application for a license to construct and operate a uranium enrichment facility;

* * * * *

(b)* * *

(2) As soon as possible and no later than seven (7) days after the issuance of the order granting requests for hearing/petitions to intervene or admitting contentions, the NRC staff shall notify the presiding officer and the parties whether it desires to participate as a party, and identify the contentions on which it wishes to participate as a party. If the NRC staff desires to be a party thereafter, the NRC staff shall notify the presiding officer and the parties, identify the contentions on which it wishes to participate

as a party, and make the disclosures required by § 2.336(b)(1)(iii) through (v) unless accompanied by an affidavit explaining why the disclosures cannot be provided to the parties with the notice.

* * * * *

29. Revise § 2.1203 to read as follows:

§ 2.1203 Prohibition on discovery.

Except as otherwise permitted by subpart C of this part, a party may not seek discovery from any other party or the NRC or its personnel, whether by document production, deposition, interrogatories, or otherwise.

30. Revise § 2.1205 to read as follows:

§ 2.1205 Summary disposition.

(a) Unless the presiding officer or the Commission directs otherwise, motions for summary disposition may be submitted to the presiding officer by any party no later than 30 days before the scheduled date for the filing of initial written testimony. The motions must be in writing and must include a written explanation of the basis of the motion. The moving party must attach a short and concise statement of material facts for which the moving party contends that there is no genuine issue to be heard. Motions for summary disposition must be served on the parties and the Secretary at the same time that they are submitted to the presiding officer.

(b) Any other party may serve an answer supporting or opposing the motion within fifteen (15) days after service of the motion.

(c) The presiding officer shall issue a determination on each motion for summary disposition no later than twenty (20) days after the filing of answers. In ruling on motions

for summary disposition, the presiding officer shall apply the standards for summary disposition set forth in subpart G of this part.

31. Revise § 2.1206 to read as follows:

§ 2.1206 Process and schedule for hearing.

(a)(1) Upon consideration of the contested matters raised in the admitted contention(s) and after consulting with the parties, the presiding officer must issue a scheduling order in accordance with § 2.332 that determines which written filings in paragraph (b)(1) of this section the parties will be permitted to make and the schedule for these filings, the schedule for motions for cross-examination, whether and when to hold an oral hearing, and the schedule for issuing an initial decision. The schedule for issuing an initial decision must comply with the requirements of § 2.332 and (as applicable) § 2.1207. If the presiding officer initially determines to hold an oral hearing but later determines an oral hearing is unnecessary, the presiding officer may amend the scheduling order to remove the oral hearing and should inform the parties at the earliest practical opportunity.

(2) The procedures in the Administrative Procedure Act for “on the record” hearings apply to a proceeding expressly required by the Act to be determined on the record after opportunity for an agency hearing.

(b)(1) The presiding officer will determine which of the following written filings may be submitted by the parties and the schedule for these filings:

(i) Initial testimony, position statements, and supporting exhibits;

(ii) Rebuttal testimony, position statements, and supporting exhibits;

(iii) Motions in limine and motions to strike;

(iv) Written briefing or written responses to questions from the presiding officer;

(v) Proposed questions for the presiding officer to ask the witnesses; and

(vi) Proposed findings of fact and conclusions of law.

(2) Written testimony may be submitted in affidavit or question-and-answer form. If statements of position and proposed findings of fact and conclusions of law are both permitted, then the statements of position may be filed in the form of proposed findings of fact and conclusions of law. Proposed questions need not be filed with any other party. The presiding officer may allow oral motions in limine or motions to strike in lieu of (or in addition to) written filings.

(c)(1) Participants may designate and present their own witnesses to the presiding officer. Testimony for the NRC staff will be presented only by persons designated by the Executive Director for Operations or his or her designee for that purpose.

(2) The presiding officer may formulate and ask oral or written questions to the participants that the presiding officer considers appropriate to develop an adequate record.

(3) The presiding officer may accept written testimony from a person unable to appear at an oral hearing, and may request that person to respond in writing to questions.

(4) Unless cross-examination is permitted in accordance with § 2.1204, only the presiding officer will be permitted to pose questions to witnesses. If the presiding officer permits the parties to submit proposed questions under paragraph (b) of this section, the proposed questions may be propounded at the discretion of the presiding officer. All questions must be kept by the presiding officer in confidence until they are either propounded by the presiding officer, or until issuance of the initial decision on the issue being litigated. The presiding officer shall then provide all proposed questions to the Commission's Secretary for inclusion in the official record of the proceeding.

(d) In a proceeding expressly required by the Act to be determined on the record after opportunity for an agency hearing and in a proceeding on a denial of an application:

(1) A transcribed oral hearing must be held unless all parties jointly agree to dispense with an oral hearing; and

(2) Each party must be permitted:

(i) To file written testimony, a position statement, and supporting exhibits;

(ii) To submit rebuttal evidence and argument; and

(iii) To file proposed findings of fact and conclusions of law.

32. Revise § 2.1207 to read as follows:

§ 2.1207 Schedule for issuance of initial decision.

With the exception of enforcement proceedings and proceedings on denials of applications, the initial decision must be issued within the applicable timeframe prescribed by paragraphs (a) through (d) of this section.

(a) In a Standard Proceeding, the initial decision must be issued within the following timeframes, except to the extent that extraordinary circumstances necessitate a delay.

(1) For hearing requests, intervention petitions, and contentions submitted by the Standard Hearing Completion Date, the initial decision must be issued within 135 days of:

(i) The admission of the contention if the presiding officer immediately proceeds to the evidentiary hearing phase in accordance with § 2.332(d); or

(ii) Otherwise, the triggering event for the evidentiary hearing as determined in the presiding officer’s scheduling order issued in accordance with § 2.332.

(2) For hearing requests, intervention petitions, and contentions submitted after the Standard Hearing Completion Date, the initial decision must be issued within 100 days of:

(i) The admission of the contention if the presiding officer immediately proceeds to the evidentiary hearing phase in accordance with § 2.332(d); or

(ii) Otherwise, the triggering event for the evidentiary hearing as determined in the presiding officer's scheduling order issued in accordance with § 2.332.

(3) The Standard Hearing Completion Date in a proceeding under this paragraph (a) is 262 days after the *Federal Register* notice announcing the opportunity to request a hearing.

(b) In an Expedited Proceeding where the application references both a categorical exclusion listed in part 51 of this chapter and an NRC approval providing finality in the adjudicatory proceeding on design information within the application (including a design certification or a manufacturing license), the initial decision must be issued within the following timeframes, except to the extent that extraordinary circumstances necessitate a delay.

(1) The initial decision must be issued within 65 days of:

(i) The admission of the contention if the presiding officer immediately proceeds to the evidentiary hearing phase in accordance with § 2.332(d); or

(ii) Otherwise, the triggering event for the evidentiary hearing as determined in the presiding officer's scheduling order issued in accordance with § 2.332.

(2) The Standard Hearing Completion Date in a proceeding under this paragraph (b) is 147 days after the *Federal Register* notice announcing the opportunity to request a hearing.

(c) In an Expedited Proceeding other than one under paragraph (b) of this section or in a proceeding for the direct or indirect transfer of control of an NRC license

authorizing reactor operation when the transfer requires prior approval of the NRC under the Commission's regulations, governing statute, or pursuant to a license condition, the initial decision must be issued within the following timeframes, except to the extent that extraordinary circumstances necessitate a delay.

(1) The initial decision must be issued within 80 days of:

(i) The admission of the contention if the presiding officer immediately proceeds to the evidentiary hearing phase in accordance with § 2.332(d); or

(ii) Otherwise, the triggering event for the evidentiary hearing as determined in the presiding officer’s scheduling order issued in accordance with § 2.332.

(2) The Standard Hearing Completion Date in an Expedited Proceeding under this paragraph (c) is 162 days after the *Federal Register* notice announcing the opportunity to request a hearing. The Standard Hearing Completion Date in a transfer proceeding under this paragraph (c) is 152 days after the *Federal Register* notice announcing the opportunity to request a hearing.

(d) In a Focused Proceeding and in a transfer proceeding other than one described in paragraph (c) of this section, the initial decision must be issued within the following timeframes, except to the extent that extraordinary circumstances necessitate a delay.

(1) For contentions submitted by the Standard Hearing Completion Date, the initial decision must be issued within 110 days of:

(i) The admission of the contention if the presiding officer immediately proceeds to the evidentiary hearing phase in accordance with § 2.332(d); or

(ii) Otherwise, the triggering event for the evidentiary hearing as determined in the presiding officer’s scheduling order issued in accordance with § 2.332.

(2) For contentions submitted after the Standard Hearing Completion Date, the initial decision must be issued within 100 days of:

(i) The admission of the contention if the presiding officer immediately proceeds to the evidentiary hearing phase in accordance with § 2.332(d); or

(ii) Otherwise, the triggering event for the evidentiary hearing as determined in the presiding officer's scheduling order issued in accordance with § 2.332.

(3) The Standard Hearing Completion Date in a proceeding under this paragraph (d) is 217 days after the *Federal Register* notice announcing the opportunity to request a hearing, except that the Standard Hearing Completion Date in a transfer proceeding under this paragraph (d) is 182 days after the *Federal Register* notice announcing the opportunity to request a hearing.

§§ 2.1208 and 2.1209 [Removed and Reserved]

33. Remove and reserve §§ 2.1208 and 2.1209.

§ 2.1210 [Amended]

34. In § 2.1210:

a. In paragraph (a) introductory text, remove the phrase "an informal hearing" and add in its place the phrase "a hearing"; and

b. In paragraph (c) introductory text, remove the references "§§ 2.1207 or 2.1208" and add in its place the reference "§ 2.1206".

35. In § 2.1213, revise paragraphs (a) and (c) to read as follows:

§ 2.1213 Application for a stay.

(a) Any application for a stay of the effectiveness of the NRC staff's action on a matter involved in a hearing under this subpart must be filed within seven (7) days of the issuance of the notice of the NRC staff's action under § 2.1202(a) and must be filed and considered in accordance with paragraphs (b), (c), and (d) of this section. In a license

transfer proceeding, the application for stay must be filed with the Commission, which will decide whether to grant the stay application; in all other proceedings, the application for stay must be filed with the presiding officer for the proceeding.

* * * * *

(c) Within seven (7) days after service of an application for a stay of the NRC staff's action under this section, any party, the NRC staff, or both, may file an answer supporting or opposing the granting of a stay. Answers may not be longer than ten (10) pages, exclusive of affidavits, and must concisely address the matters in paragraph (b) of this section as appropriate. Further replies to answers will not be entertained.

* * * * *

36. Add § 2.1214 to read as follows:

§ 2.1214 Additional procedures for license transfer applications.

(a) *Notice of receipt and withdrawal of application.*

(1) The Commission will notice the receipt of each application for direct or indirect transfer of a specific NRC license by placing a copy of the application at the NRC website, *https://www.nrc.gov*.

(2) The Commission will also publish in the *Federal Register* a notice of receipt of an application for approval of a license transfer involving licenses under part 50, 52, or 53 of this chapter, major fuel cycle facility licenses issued under part 70 of this chapter, or licenses under part 72 of this chapter. This notice constitutes the notice required by § 2.105 with respect to all matters related to the application requiring NRC approval.

(3) Periodic lists of applications received may be obtained upon request addressed to the NRC Public Document Room, US Nuclear Regulatory Commission, Washington, DC 20555-0001.

(4) The Commission will notice the withdrawal of an application by publishing the notice of withdrawal in the same manner as the notice of receipt of the application was published under paragraphs (a)(1) and (2) of this section.

(b) *Written comments.*

(1) As an alternative to requests for hearings and petitions to intervene, persons may submit written comments regarding license transfer applications. The Commission will consider and, if appropriate, respond to these comments, but these comments do not otherwise constitute part of the decisional record.

(2) These comments should be submitted within 30 days after public notice of receipt of the application and addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

(3) The Commission will provide the applicant with a copy of the comments. Any response the applicant chooses to make to the comments must be submitted within 10 days of service of the comments on the applicant. Such responses do not constitute part of the decisional record.

(c) *Generic determination regarding license amendments to reflect transfers.*

(1) Unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility or the license of an Independent Spent Fuel Storage Installation which does no more than conform the license to reflect the transfer action, involves respectively, “no significant hazards consideration,” or “no genuine issue as to whether the health and safety of the public will be significantly affected.”

(2) Where administrative license amendments are necessary to reflect an approved transfer, such amendments will be included in the order that approves the

transfer. Any challenge to the administrative license amendment is limited to the question of whether the license amendment accurately reflects the approved transfer.

(d) *Role of NRC staff*. Except as otherwise directed in accordance with § 2.1202(b)(1), the NRC staff is not required to be a party to proceedings under this subpart but will offer into evidence its safety evaluation report associated with the transfer application and provide one or more sponsoring witnesses, if this safety evaluation report is available at the time a hearing is conducted.

Subpart M [Removed and Reserved]

37. Remove and reserve subpart M.

Appendix B to Part 2 [Amended]

38. In appendix B to part 2, remove and reserve sections II and III.

PART 51 – ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

39. The authority citation for part 51 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 193 (42 U.S.C. 2201, 2243); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); National Environmental Policy Act of 1969 (42 U.S.C. 4332, 4334, 4335); Nuclear Waste Policy Act of 1982, secs. 144(f), 121, 135, 141, 148 (42 U.S.C. 10134(f), 10141, 10155, 10161, 10168); 44 U.S.C. 3504 note.

Sections 51.20, 51.30, 51.60, 51.80, and 51.97 also issued under Nuclear Waste Policy Act secs. 135, 141, 148 (42 U.S.C. 10155, 10161, 10168).

Section 51.22 also issued under Atomic Energy Act sec. 274 (42 U.S.C. 2021) and under Nuclear Waste Policy Act sec. 121 (42 U.S.C. 10141).

Sections 51.43, 51.67, and 51.109 also issued under Nuclear Waste Policy Act sec. 114(f) (42 U.S.C. 10134(f)).

40. In § 51.104:

a. Revise the section heading and paragraph (a); and

b. Remove and reserve paragraph (b).

The revisions read as follows:

§ 51.104 NRC proceeding using public hearings.

(a) In any proceeding in which a contested hearing is held, any party to the proceeding may take a position and offer evidence on the aspects of the proposed action within the scope of NEPA and this subpart in accordance with the provisions of part 2 of this chapter applicable to that proceeding or in accordance with the terms of the notice of hearing. In the proceeding, the presiding officer will decide any such matters in controversy among the parties.

* * * * *

PART 52 – LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS

41. The authority citation for part 52 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 103, 104, 147, 149, 161, 181, 182, 183, 185, 186, 189, 223, 234 (42 U.S.C. 2133, 2134, 2167, 2169, 2201, 2231, 2232, 2233, 2235, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

42. In § 52.21, revise the last sentence to read as follows:

§ 52.21 Administrative review of applications; hearings.

* * * All contested hearings conducted on applications for early site permits filed under this part are governed by the procedures contained in 10 CFR part 2, as applicable.

43. In § 52.163, revise the last sentence to read as follows:

§ 52.163 Administrative review of applications; hearings.

* * * All hearings on manufacturing licenses are governed by the hearing procedures contained in 10 CFR part 2.

PART 53 – RISK-INFORMED, TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK FOR COMMERCIAL NUCLEAR PLANTS

44. The authority citation for part 53 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 103, 108, 122, 147, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Pub. L. 115-439, 132 Stat. 5571.

45. In § 53.1149, in paragraph (b), revise the last sentence to read as follows:

§ 53.1149 Review of applications.

* * * * *

(b) * * * All contested hearings conducted on applications for early site permits filed under this part are governed by the procedures contained in 10 CFR part 2, as applicable.

46. In § 53.1285, in paragraph (b), revise the last sentence to read as follows:

§ 53.1285 Review of applications.

* * * * *

(b) * * * All hearings on MLs are governed by the hearing procedures contained in 10 CFR part 2.

PART 54 – REQUIREMENTS FOR RENEWAL OF OPERATING LICENSES FOR NUCLEAR POWER PLANTS

47. The authority citation for part 54 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 102, 103, 104, 161, 181, 182, 183, 186, 189, 223, 234 (42 U.S.C. 2132, 2133, 2134, 2136, 2137, 2201, 2231, 2232, 2233, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846); 44 U.S.C. 3504 note.

Section 54.17 also issued under E.O. 12829, 58 FR 3479, 3 CFR, 1993 Comp., p. 570; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391; ADVANCE Act of 2024, sec. 301 (42 U.S.C. 2133 note).

48. Revise § 54.27 to read as follows:

§ 54.27 Hearings.

A notice of an opportunity for a hearing will be published in the *Federal Register* in accordance with 10 CFR 2.105 and 2.309. In the absence of a request for a hearing filed by a person whose interest may be affected, the Commission may issue a renewed operating license or renewed combined license without a hearing upon a 30-day notice and publication in the *Federal Register* of its intent to do so.

Dated: <Month XX, 20XX>

For the Nuclear Regulatory Commission.

Jody Martin,
Secretary of the Commission.