



NUCLEAR REGULATORY COMMISSION

[NRC-2026-2905]

Policy Statement on Mandatory Hearings for Reactor Licensing

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a policy statement entitled “Policy Statement on Mandatory Hearings for Reactor Licensing.” This policy statement sets forth the NRC’s plan for conducting future mandatory hearings on reactor license and permit applications. The statement explains the rationale for adopting the process to be used going forward and describes the new process.

DATES: The policy statement is effective on **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Please refer to Docket ID NRC-2026-2905 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-2026-2905. Address questions about NRC dockets to Helen Chang; telephone: 301-415-3228; email: Helen.Chang@nrc.gov. For technical questions contact the individuals 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. The “Policy Statement on Mandatory Hearings for Reactor Licensing” is available as an attachment to this document.

- **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. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the SUPPLEMENTARY INFORMATION section.

FOR FURTHER INFORMATION CONTACT: Sara Kirkwood, Office of the General Counsel, telephone: 301-287-9187, email: Sara.Kirkwood@nrc.gov; or Marcia Simon, Office of the General Counsel, telephone: 301-287-9176, email: Marcia.Simon@nrc.gov; U.S. Nuclear Regulatory Commission, Washington DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to section 189a. of the Atomic Energy Act of 1954 (AEA), the NRC is required to “hold a hearing” after 30 days’ notice on certain reactor license applications (for construction permits, early site permits, and combined licenses). The NRC has reassessed and altered its approach to conducting these mandatory (or “uncontested”) hearings several times over the last two decades. For example, during this time span, the Commission itself (the five-member collegial body of principal officers that oversees

the agency) has delegated and then reassumed the role of presiding officer at certain mandatory hearings and has streamlined the process to create a hearing based entirely on written submittals from the applicant and the NRC staff (see, e.g., SRM-SECY-21-0107, “Selection of Presiding Officer for Mandatory Hearings Associated with Construction Permit Applications” (ADAMS Accession No. ML22083A045), and SRM-SECY-24-0032, “Revisiting the Mandatory Hearing Process at the U.S. Nuclear Regulatory Commission” (ADAMS Accession No. ML24200A044)).

Because the AEA does not define “hearing” and does not specify the content of mandatory hearings or particular procedures to be used, the NRC has considerable discretion to establish the content and procedures for mandatory hearings. Historically, the NRC has chosen to structure the mandatory hearing as a confirmation of the sufficiency of the NRC staff’s technical review of the application, held after the NRC staff review is complete. However, the AEA does not specify when the mandatory hearing must take place or that it must include a sufficiency review.

The Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act), which was signed into law in July 2024, establishes requirements to enhance the NRC’s timeliness and efficiency in conducting nuclear power reactor licensing reviews. Section 207 of the ADVANCE Act specifically addresses the hearing process, requiring the NRC (for certain 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. Subsequently, in May of 2025, the President directed a series of reforms to improve the NRC’s efficiency and effectiveness in Executive Order (E.O.) 14300, “Ordering the Reform of the Nuclear Regulatory Commission.” As relevant to this policy statement, section 5(j) of E.O. 14300 directs the NRC to streamline its public hearing process.

In light of these significant developments, the NRC is revising the mandatory hearing process for reactor licensing in a manner that satisfies the statutory requirement in the AEA while addressing the directives in the ADVANCE Act and E.O. 14300. The

NRC believes the revised process will benefit all stakeholders by allowing public participation in the mandatory hearing and reducing the resource burden of the hearing on the NRC staff and the applicant.

II. Discussion

The requirement to hold a mandatory (or “uncontested”) hearing was added to section 189a. of the AEA in 1957 in response to Congressional concerns about a perceived lack of transparency in the reactor licensing process at the time. These concerns were based primarily on the dual roles of the NRC’s predecessor, the Atomic Energy Commission (AEC), in regulating the safe use of nuclear materials and technology while also encouraging their development and use. At the time, commercial nuclear power was a new, unproven industry with many areas requiring research and demonstration of concept, and the AEC’s mission had recently (in 1954) undergone a fundamental shift from focusing on government and military uses of nuclear materials to private commercial uses such as electric power generation.

The nuclear power industry and the way the NRC implements its regulatory oversight have changed significantly since the mandatory hearing provision was first enacted almost 70 years ago. Given these changes and the NRC’s accumulated experience with mandatory hearings, a fresh look at what the provision requires, and how best to implement it, is appropriate.

As previously stated, the NRC’s long-standing practice of conducting these hearings as a sufficiency review—to confirm the adequacy of the staff’s review—was not compelled by the AEA. Rather, it was a policy decision by the Commission (see *Exelon Generation Co., LLC* (Early Site Permit for Clinton ESP Site), CLI-05-17, 62 NRC 5, 38-42 (2005)). We now believe the NRC’s mission and the public interest will be best served by holding the mandatory hearing early in the review process and allowing public participation in the hearing. The early public hearing will be a forum for information exchange and public input, in contrast to the current focus on an independent review of

the staff's review. This change expands the opportunities for members of the public to participate in NRC licensing processes. The NRC's revised approach for mandatory hearings does not affect the opportunity for members of the public to request a hearing to contest specific safety, security or environmental issues.

Over the past several decades, we have changed the specific procedures for conducting mandatory hearings several times without seeking public comment. Issuing this policy statement ensures transparency about how mandatory hearings will be conducted going forward, and the changes to the mandatory hearing process will allow for public participation in each individual hearing. Therefore, we have determined, on balance, that seeking formal comment on this policy statement is not in the public interest because of the overall flexibility that is already built into the new mandatory hearing process to facilitate public involvement.

III. 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).

IV. Paperwork Reduction Act

This Policy Statement does not contain new or amended information collection requirements and, therefore, is not subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

V. Regulatory Planning and Review

The Office of Information and Regulatory Affairs has determined that this policy statement is not a significant regulatory action under E.O. 12866.

VI. Congressional Review Act

This Policy Statement is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

The text of the Policy Statement on Mandatory Hearings for Reactor Licensing is attached.

Dated: June 04, 2026.

For the Nuclear Regulatory Commission.

Carrie Safford,
Secretary of the Commission.

Attachment - Policy Statement on Mandatory Hearings for Reactor Licensing

The requirement to hold a mandatory (or “uncontested”) hearing at the construction permit stage of new nuclear power reactor licensing was established in 1957 in Section 189a. of the Atomic Energy Act of 1954, as amended (AEA). Under this provision, the NRC must “hold a hearing” after 30 days’ notice on applications for construction permits, early site permits (ESPs), and combined licenses (COLs). The mandatory hearing requirement was added to the AEA in response to Congressional concerns about the lack of transparency in the reactor licensing process at the time—concerns that were informed in large part by the dual roles of the NRC’s predecessor, the Atomic Energy Commission (AEC), in regulating the safe use of nuclear materials and technology while also encouraging their development and utilization.

Now, nearly 70 years after the mandatory hearing requirement was enacted, the regulatory and technical landscape has changed dramatically. First, the concerns about the AEC’s dual roles were eliminated over half a century ago with the passage of the Energy Reorganization Act of 1974 (ERA). The ERA abolished the AEC and separated its dual functions, creating the NRC to perform the regulatory functions previously performed by the AEC and moving the AEC’s other functions to a separate Federal agency. Today, the Department of Energy is responsible for supporting development and use of nuclear energy, while the NRC recently celebrated its 50th anniversary as the independent agency that regulates civilian uses of nuclear energy.

Second, in the late 1950s, commercial nuclear power was a new and unproven industry. The AEC was also a new agency, early in the process of developing its regulatory infrastructure and transitioning from its original focus on military applications to peaceful uses of nuclear energy. Now, commercial nuclear power is a mature industry, with a current fleet of 94 operating commercial power reactors in the U.S. supplying approximately 20 percent of the country’s energy. In parallel with the growth and evolution of the industry, the NRC (starting with its predecessor, the AEC) has established a staff with technical expertise in a wide array of relevant disciplines and has

amassed nearly 70 years of institutional and operating experience to guide the agency's regulatory process and decisions. Research, operating experience, and technological developments in the nuclear field have resulted in numerous safety improvements, and advances in modeling and simulation technology have made it possible to evaluate and analyze reactor safety in ways that were unimaginable in the 1950s.

Finally, the NRC now regularly engages with its stakeholders, and particularly with the public, in ways far beyond what could have been envisioned 70 years ago. The NRC proactively seeks public input through public meetings, open comment periods, webinars, and outreach events designed to inform and involve the public in its regulatory processes. With the advent and widespread availability of personal computers and the Internet, license applications, staff safety evaluations, environmental review documents, and a vast array of other documents and information about the NRC's regulatory process and decision-making are now readily accessible on the NRC public website and in the agency's electronic database, the Agencywide Documents Access and Management System (ADAMS). And, in addition to the NRC's own efforts to engage with stakeholders, Congress has also enacted several statutes since 1957 that focus on increased openness and accountability in government, such as the Freedom of Information Act, the Government in the Sunshine Act, and the Federal Advisory Committee Act.

In sum, 50 years after the NRC was created, and almost 70 years after the mandatory hearing requirement was established, there have been immense transformations in the nuclear industry and at the NRC. In light of these changes, the NRC is revising its approach to the mandatory hearing in a manner that will fulfill the statutory requirement while supporting an efficient, timely and predictable regulatory review and enhancing public participation.

The mandatory hearing requirement in Section 189a. of the AEA states that the NRC "shall hold a hearing after thirty days' notice and publication once in the Federal Register" on construction permit applications. Because an ESP is a partial construction

permit and COLs contain a construction permit, the NRC interprets the Section 189a. requirement to apply to these licenses as well. The statute contains no other direction regarding the process, scope, or timing of mandatory hearings. Thus, we have broad discretion under the AEA to adapt the mandatory hearing process to the modern regulatory and technological landscape.

Our longstanding practice has been to conduct mandatory hearings as a sufficiency review to confirm that the NRC staff's review has been adequate. This practice was not compelled by the AEA or any other statutory requirement but was informed by how we had structured our regulations. In particular, former 10 C.F.R. § 2.104(b), which we removed from our regulations in 2007, specified certain issues to be considered even in uncontested hearings. As we have previously explained, the NRC staff has "prime responsibility for technical fact-finding on uncontested matters."¹ Moreover, during the review process the NRC staff interacts with the Commission and the Advisory Committee on Reactor Safeguards as needed, particularly when significant new designs, technologies, or policy issues are presented in the review of an application. Thus, an additional formal sufficiency check on the NRC staff's review is simply unnecessary.

Since 2007, we have made several revisions to the mandatory hearing process in an effort to achieve greater efficiency while meeting the requirement. The recent passage of the ADVANCE Act and the Administration's issuance of related Executive Orders have placed intense focus on the nation's nuclear energy capacity and NRC's role in enabling the safe and secure use and deployment of civilian nuclear energy technologies, and, in particular, on the efficiency and timeliness of NRC reactor licensing decisions. Because of these Congressional and Administration actions and corresponding developments within the nuclear industry, the NRC expects an influx of new reactor applications that will require mandatory hearings. And the strict timelines for

¹ *Exelon Generation Company, LLC* (Early Site Permit for Clinton ESP Site), CLI-05-17, 62 NRC 5, 35 (2005).

completing reviews of those applications have compelled the NRC to once again reconsider the format and function of the mandatory hearing. At this time, we believe the NRC's mission and the public interest will best be served by changing the timing and process of the mandatory hearing as described below. These changes will make the mandatory hearing more effective and meaningful to the agency and the public by restructuring it as a vehicle to share information and obtain early public input and by maximizing the NRC staff's focus on reviews to facilitate their completion on schedule without compromising public health and safety or the common defense and security. The changes in the mandatory hearing process described in this policy statement do not alter the NRC staff's responsibility to keep the Commission informed and to timely seek and obtain Commission direction about any significant issues that arise during the review process.

We believe the NRC's mission and the public interest will be best served by conducting the mandatory hearing as a public hearing held early in the review process, approximately 30 days after a complete application is docketed. The early public hearing will provide a forum for information exchange and public input, in contrast to the current focus on checking the NRC staff's completed review. This approach will better realize an aim identified in the 1957 Joint Committee on Atomic Energy study of AEC procedures: to allow members of the public to provide views early in the process without the encumbrances of seeking a contested hearing.² This approach will also reallocate the significant NRC staff and Commission resources currently dedicated to mandatory hearings held at the conclusion of the NRC staff's review to focus those resources instead on the timely completion of comprehensive safety, security, and environmental reviews.

Our current mandatory hearing process has provided appropriate transparency that is fully consistent with the AEA, giving the public the ability to view publicly available hearing documents near the end of the staff's review of a license application. The

² Staff of the Joint Committee on Atomic Energy, "A Study of AEC Procedures and Organization in the Licensing of Reactor Facilities," at 23 (Joint Committee Print 1957).

current mandatory hearing format does not provide an opportunity for public participation or feedback. Accordingly, an additional benefit of our revised approach to the mandatory hearing is that members of the public will have an opportunity to provide information in areas of inquiry for the staff's safety, security, and environmental reviews at the beginning of the review process. Our revised approach does not affect the opportunity for members of the public to request a hearing to contest specific safety, security, or environmental issues.

Procedures for Conducting Mandatory Hearings for Reactor Licensing

The Commission hereby delegates its authority to conduct mandatory hearings for new reactor construction permits, early site permits, and combined licenses to the Executive Director of Operations (EDO). The EDO may further delegate this authority to the appropriate office director. Each mandatory hearing will be conducted by a facilitator from the NRC In-House Meeting Facilitator and Advisor Program, with at least one agency employee who is a member of the Senior Executive Service in attendance.

The mandatory hearing will be held in a public hearing style format frequently used by local government bodies to receive input from the public. Within the parameters laid out in this policy statement, the NRC staff has the discretion to conduct mandatory hearings in a manner that the NRC staff finds appropriate to the particular circumstances of each application and that will best adhere to the NRC's Principles of Good Regulation (<https://www.nrc.gov/about-nrc/values#principles>). The hearing should be conducted in a location as close to the proposed site as practicable, but should generally not be held at a licensee's, applicant's, or licensee/applicant contractor's facility. In deciding on a location, the NRC staff should consider factors such as weather, anticipated crowd size, availability of parking, proximity to public transportation, appropriateness of the venue, infrastructure and internet accessibility, and security needs, including availability of local law enforcement, as well as any other considerations as appropriate.

Our general expectation is that the NRC staff will hold the mandatory hearing as early as possible in the review process after an application is docketed. Section 189a. of the AEA requires the NRC to provide at least 30 days' notice of the mandatory hearing. Accordingly, after docketing an application for review, the NRC staff will identify an appropriate location and venue for the mandatory hearing and publish notice of the hearing in the *Federal Register*. As appropriate, the NRC staff may issue a combined notice of docketing of the application, notice of mandatory hearing, and notice of opportunity to request a (contested) hearing. The distinction between the mandatory hearing and the opportunity to request a contested hearing will be explained in the hearing notice and during the mandatory hearing. In accordance with NRC policy, the NRC staff will also publish notice of the mandatory hearing on the NRC public website, and the NRC staff may supplement the *Federal Register* and website notices with notices on social media and in local media as appropriate.

While we intend that the NRC staff has some flexibility in conducting these hearings, we expect the NRC staff to select a hearing format that is most suitable for each individual application and that will best serve the interests of all stakeholders. Initially, we expect all mandatory hearings to be conducted either in person or using a hybrid (both in-person and virtual) format. In addition, we expect all mandatory hearings to include, at a minimum, the following elements:

1. The formal portion of the hearing (see items 2 to 4 below) will be transcribed.
2. The NRC staff will provide a presentation explaining the review process, providing a brief overview of the application, explaining where the public can obtain further information, and explaining the opportunities for public engagement in the review process. The overview of the application will include basic information about the project (e.g., location, important geographical features, type of reactor technology, whether the project uses a new or already approved design), key aspects of the application's analysis of

potential hazards, and, as applicable, any novel or unusual aspects of the project of which the NRC staff is aware.

3. The total time for presentations (including the staff's overview of the application and review logistics, and the applicant's presentation, if applicable) would typically be no more than 60 minutes. The applicant will have an opportunity to provide a presentation of no more than 30 minutes about the project and the license application.
4. The NRC staff will provide a comment period of up to three hours, where questions and comments from the public will be heard on the record. Each member of the public will be allowed to speak for no more than five minutes at a time in an effort to ensure that all stakeholders who wish to provide oral comments or ask questions will have the opportunity to do so. During the comment period, the NRC staff should respond in real-time to questions about the application and the review process to the extent practicable. The staff may hold an open house before or after the comment period to facilitate further discussion and information sharing.
5. The NRC staff will prepare a meeting summary for the hearing and place it in ADAMS and on the NRC website. The meeting summary will include an addendum that provides responses to any questions that could not be answered at the hearing, based on information known to the NRC staff at the time of the hearing.
6. The NRC staff will provide a two-week period after the hearing for the submission of further written comments and questions. Any written comments or questions received during the two-week period after the hearing will be placed in a folder in ADAMS and instructions on how to access them will be posted on the NRC's public website. The Commission expects that the NRC staff will consider and incorporate comments and questions received during the hearing into its review as appropriate.

Conclusion

In sum, the NRC has carefully considered the significant developments that have occurred in the decades since the mandatory hearing requirement was established.

These changes in the regulatory landscape and national priorities, across the nuclear industry, and at the agency, together necessitate further refinement of our hearing process. By applying these revised hearing procedures, the NRC will fulfill the statutory requirement while supporting an efficient, timely and predictable regulatory review and enhancing public participation.

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