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NRC Proposes to Streamline Contested Hearings in Licensing Proceedings

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For decades, the U.S. Nuclear Regulatory Commission's (NRC) contested hearing process has been widely viewed as one of the most procedurally complex, resource-intensive and time-consuming aspects of nuclear licensing, presenting significant challenges for involved parties. Importantly, many problems with the contested hearing process are often disconnected from any material safety or environmental issue associated with an application or NRC staff review.

Despite multiple prior efforts to reform these procedures—including a significant overhaul in 2004—the adjudicatory framework has remained, in many respects, formalistic, lengthy and costly. These characteristics have, at times, resulted in protracted litigation over issues with limited material impact on public health, safety or the environment.

Against this backdrop, the NRC is once again undertaking a comprehensive effort to modernize its hearing processes. On March 3, 2026, the NRC issued a proposed rule to streamline contested adjudications in licensing proceedings, driven by Congressional direction in the ADVANCE Act and Executive direction under Executive Order 14300.

At first glance, the proposal represents a meaningful improvement over the current framework. Whether it achieves its intended objectives in practice will depend implementation, but the direction is clear: the NRC is aiming for faster, more

structured and more disciplined adjudications.

Regulatory Drivers

The proposed rule is a direct response to:

- The ADVANCE Act of 2024, which requires the NRC to improve the timeliness and efficiency of licensing, including completion of hearings within defined timeframes; and
- Executive Order 14300, which directs the NRC to streamline its hearing process and establish fixed deadlines for licensing decisions.

These mandates reflect a broader policy shift to streamline NRC processes in response to projected nuclear deployment—with the NRC expecting at least twenty-five applications for new or renewed nuclear reactor licenses in the near term, and analysts expecting far more to match anticipated energy demand growth.

Key Features of the Proposed Rule

Some of the key elements of the proposed rule include:

- **Compressed hearing timelines.** The proposed rule would impose defined—and in many cases aggressive—timelines across the adjudicatory process. The NRC anticipates that most contested proceedings could be completed within 8 to 14 months, with even shorter timelines for expedited matters.

  To achieve this, the rule introduces:

  - Firm deadlines for filings, admissibility determinations, and issuance of decisions
  - A requirement that evidentiary hearings begin as soon as practicable after contentions are admitted, rather than waiting for completion of the staff's review
  - More structured scheduling in place of the current nonbinding "model

milestones," which have often been exceeded in practice

This reflects a shift from a flexible—but often prolonged—process to one that is tightly aligned with statutory licensing timelines.

- **Frontloading of issues and evidence.** The proposal restructures the sequencing of litigation by requiring parties to present more complete arguments and evidentiary support at the outset. In practice this would mean:
  - Petitioners must provide more clearly defined and substantiated contentions, including identification of the specific legal requirement at issue
  - Applicants (and, in some cases, NRC staff) must respond not only on admissibility, but also on the merits, supported by evidence and expert declarations
  - Replies engage directly with the technical and factual record rather than deferring substantive arguments

  This differs from the current system, where admissibility and merits are temporally and procedurally separate. The objective is to narrow disputes early and reduce the need for extended evidentiary hearings, while improving clarity around the issues in contention.

- **Reduced discovery burden**. The rule proposes to limit traditional discovery practices, reflecting both technological changes and policy priorities. The NRC notes that relevant information is increasingly available through electronic systems (e.g., ADAMS), and discovery has historically contributed to cost and delay without proportional benefit.

  As a result, the proposal emphasizes early submission of documentary evidence, greater transparency in initial filings and a more contained and focused evidentiary record. This approach may reduce overall litigation costs but may increase the up-front effort to develop a complete record early in the

process.

- **Tighter control of late-filed contentions.** A central feature of the proposal is to limit late-stage disruption of licensing proceedings. The rule would establish a "Standard Record Closure Date," after which new or amended contentions face significantly higher thresholds; require late-filed contentions to demonstrate good cause, including reliance on materially new information; and apply reopening standards to ensure that only issues of genuine significance are admitted later in the process.

  Importantly, late-filed challenges would not be considered "pending" unless leave to file is granted, reducing the risk that last-minute filings delay licensing decisions.

- **Elimination of discretionary intervention.** The NRC proposes to eliminate discretionary intervention, instead limiting participation to parties that can demonstrate standing. The agency notes that discretionary intervention has rarely been granted in practice, its evaluation consumes resources without materially affecting outcomes and the Atomic Energy Act does not require such participation absent a demonstrated interest.

  This change is intended to streamline proceedings and focus participation on parties with a direct and legally cognizable stake.

- **Attorney representation requirement.** The proposed rule would require that entities be represented by licensed attorneys in NRC adjudications, noting the technical and procedural complexity of proceedings and the need for disciplined and procedurally compliant filings under compressed timelines. Past experience shows inefficiencies arise from non-attorney representation. Individuals may still represent themselves, but organizations and governmental bodies would be required to appear through counsel.

- **Defined standards for extensions of time.** To support tighter schedules, the NRC proposes to significantly narrow the availability of extensions of time.

Under the revised framework:

- "Good cause" would require extraordinary circumstances outside the control of the requesting party
- Where an extension could affect overall timelines, a higher standard of "unavoidable and extreme circumstances" would apply
- Routine factors—such as complexity or competing obligations—would no longer justify extensions

Any extension granted must also be limited to the minimum time necessary, reinforcing the expectation of strict adherence to schedules.

Cost and Efficiency Impacts

The NRC characterizes the rule as deregulatory, projecting:

- Approximately $51.7 million in total savings over five years
- Reduced burden for industry, the public and the government

These projected savings are driven primarily by shorter proceedings and reduced litigation demands.

Implications for Developers, Intervenors and Other Stakeholders

If finalized, the proposed rule would fundamentally shift NRC adjudications toward a more disciplined, frontloaded and schedule-driven process.

For Developers and Applicants

- **More predictable timelines.** Contested hearings are less likely to be the critical path for licensing, improving visibility for project planning, financing and commercial execution.
- **Earlier and more concentrated effort.** Developers will need to engage on the merits of disputes at the outset, including developing evidentiary support

and expert positions earlier in the process. Costs may shift forward in time, even if overall burden declines.

- **Reduced procedural delay risk.** Tighter limits on extensions and late-filed contentions significantly narrow opportunities for delay, reducing uncertainty but also limiting flexibility once the process is underway.
- **Greater importance of early record development.** With fewer opportunities to supplement the record later, success will depend on presenting a complete and well-supported case from the start.

For Intervenors and Other Participants

- **Higher entry and participation thresholds.** Participation will be more constrained, with elimination of discretionary intervention and continued standing requirements limiting access to parties with a direct stake.
- **Frontloaded evidentiary burden.** Intervenors will need to present well-developed, legally grounded contentions—with supporting evidence and, in many cases, expert input—at the outset, leaving less room for iterative development.
- **Limited ability to adjust over time.** Stricter standards for late or amended contentions, coupled with defined record closure points, reduce the ability to change arguments as adjudication progresses.
- **Compressed timelines and procedural demands.** Accelerated schedules and the requirement for attorney representation may create practical constraints, particularly for less-resourced stakeholders.

The proposal favors speed, structure and early issue definition over procedural flexibility. For developers, this should improve certainty and reduce delay risk. For intervenors, it raises the bar for participation and shifts the burden toward earlier, more fully developed advocacy.

Key Takeaway

The NRC is attempting—once again—to reform a hearing process long viewed as overly formal, slow and costly.

This proposal is more ambitious than prior efforts, particularly in its use of strict timelines, frontloaded litigation and limits on procedural flexibility. On its face, it represents a meaningful improvement over the current framework.

Whether it ultimately delivers on its objectives will depend on how these reforms operate in practice—particularly in complex, contested proceedings where legal, technical and policy considerations intersect.

Next Steps

- Public comments are due by April 2, 2026
- The NRC is expected to refine the proposal based on stakeholder input
- Additional related reforms (including NEPA and mandatory hearing processes) may follow

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