



September 10, 2026

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

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

Dear NRC Staff,

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

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

Post-Promulgation Public Comment

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

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

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

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

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

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

Advisory Committee on Reactor Safeguards (ACRS)

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

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

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

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

The list includes

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

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

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

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

Sincerely,

Judi Greenwald
President & CEO
Nuclear Innovation Alliance