



December 26th, 2025

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

Subject: Public Comment on NRC's Sunset Rule (NRC-2025-0479-0002)

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 advanced 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 advanced reactor commercialization while meeting national environmental and energy security goals.

NIA appreciates the opportunity to comment on the Sunset Rule¹, issued on December 3, 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).

NIA is generally supportive of the rule. We have no comments except on the aspects of the rule indicated below.

Legislative Hearings (10 CFR Part 2 Subpart O)

NIA agrees with the NRC Staff's rationale for sunseting Subpart O of 10 CFR Part 2, particularly given that the Subpart O procedures have never been used. NIA observes, however, that according to both a recent NIA paper ([Advancing Regulatory Efficiency: Lessons and Opportunities in NRC Licensing Practice](https://nuclearinnovationalliance.org/advancing-regulatory-efficiency-lessons-and-opportunities-nrc-licensing-practice)²) and a prior INL paper ([Recommendations to Improve Nuclear Licensing](https://inldigitallibrary.inl.gov/sites/STI/STI/Sort_167741.pdf)³), procedures such as those found in Subpart O could be used in proceedings other than those currently in scope of 10 CFR 2 §§ 2.1500(a) and (b). This approach would necessitate a change in Subpart O's scope, which is currently limited to Commissioner-

¹ Direct Final Rule (FR Document 2025-21784, 90 FR 55621) and Proposed Rule (FR Document 2025-21785, 90 FR 55699), Common Docket NRC-2025-0479

² <https://nuclearinnovationalliance.org/advancing-regulatory-efficiency-lessons-and-opportunities-nrc-licensing-practice>

³ https://inldigitallibrary.inl.gov/sites/STI/STI/Sort_167741.pdf

discretionary design certification hearings and developing a record to assist the Commission in resolving a petition filed under § 2.335(b).

NIA suggests a later sunset date, therefore, to allow for consideration of this proposed “repurposing” of Subpart O procedures as part of the larger rulemaking effort in which the Staff are currently engaged. By extending the sunset date and repurposing Subpart O, the regulation would allow for a streamlined approach to hearings.

10 CFR Part 50 Appendix Q

NIA agrees generally with the rationale for sunseting 10 CFR Part 50 Appendix Q. As the Staff note, however, sunseting Appendix Q limits flexibility under 10 CFR Part 50. For example, a construction permit application can be crafted to focus findings primarily on site suitability issues but nonetheless requires design information. The Staff’s observation that a Part 50 applicant can apply for an early site permit under Part 52 (then, presumably, apply the findings from that permit to a future construction permit application) mitigates this issue in large part. But it is not clear that this provision (i.e., allowance for use of Part 52 findings in a Part 50 application, or vice versa) is stated explicitly in regulation. NIA suggests the Staff use a Regulatory Guide to confirm the use of this provision. Regulatory Guides provide guidance on implementing specific parts of the NRC's regulations and techniques used by the NRC staff in evaluating specific issues. Applicants have the option of following Regulatory Guides, but they are not required to do so. Implementing a Regulatory Guide on this topic would help provide the flexibility that Appendix Q originally allowed.

NIA would like to thank NRC for the opportunity to comment on this rule. If you have any questions, please contact Miranda McGuire at mmcguire@nuclearinnovationalliance.org.

Sincerely,
Judi Greenwald
President & CEO
Nuclear Innovation Alliance