AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. HRG. 119–434

HEARING TO EXAMINE THE U.S. NUCLEAR REGULATORY COMMISSION'S PROPOSED FISCAL YEAR 2027 BUDGET

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

ONE HUNDRED NINETEENTH CONGRESS

SECOND SESSION

May 13, 2026

Printed for the use of the Committee on Environment and Public Works

Available via the World Wide Web: http://www.govinfo.gov

U.S. GOVERNMENT PUBLISHING OFFICE

63–973 WASHINGTON : 2026

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED NINETEENTH CONGRESS

SECOND SESSION

SHELLEY MOORE CAPITO, West Virginia, *Chairman*
SHELDON WHITEHOUSE, Rhode Island, *Ranking Member*

KEVIN CRAMER, North Dakota
CYNTHIA M. LUMMIS, Wyoming
JOHN R. CURTIS, Utah
LINDSEY O. GRAHAM, South Carolina
DAN SULLIVAN, Alaska
PETE RICKETTS, Nebraska
ROGER F. WICKER, Mississippi
JOHN BOOZMAN, Arkansas
JON HUSTED, Ohio

BERNARD SANDERS, Vermont
JEFF MERKLEY, Oregon
EDWARD J. MARKEY, Massachusetts
MARK KELLY, Arizona
ALEX PADILLA, California
ADAM B. SCHIFF, California
LISA BLUNT ROCHESTER, Delaware
ANGELA D. ALSOBROOKS, Maryland

ADAM TOMLINSON, *Republican Staff Director*
DAN DUDIS, *Democratic Staff Director*

C O N T E N T S

Page

MAY 13, 2026

OPENING STATEMENTS

Capito, Hon. Shelley Moore, U.S. Senator from the State of West Virginia 1
Whitehouse, Hon. Sheldon, U.S. Senator from the State of Rhode Island 3

WITNESSES

Nieh, Hon. Ho K., Chairman, United States Nuclear Regulatory Commission . 5
Prepared statement 7
Responses to additional questions from:
Senator Capito 11
Senator Capito and Senator Whitehouse 16
Senator Husted 18
Senator Whitehouse 21
Senator Whitehouse and Senator Markey 22
Senator Padilla 23
Senator Alsobrooks 25
Wright, Hon. David A., Commissioner, United States Nuclear Regulatory Commission 27
Prepared statement 28
Responses to additional questions from:
Senator Capito 31
Senator Alsobrooks 32
Crowell, Hon. Bradley R., Commissioner, United States Nuclear Regulatory Commission 35
Prepared statement 37
Responses to additional questions from:
Senator Capito 41
Marzano, Hon. Matthew J., Commissioner, United States Nuclear Regulatory Commission 44
Prepared statement 45
Responses to additional questions from:
Senator Capito 49
Senator Alsobrooks 54
Weaver, Hon. Douglas W., Commissioner, United States Nuclear Regulatory Commission 56
Prepared statement 57
Responses to additional questions from:
Senator Capito 59

HEARING TO EXAMINE THE U.S. NUCLEAR REGULATORY COMMISSION'S PROPOSED FISCAL YEAR 2027 BUDGET

WEDNESDAY, MAY 13, 2026

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 09:59 a.m. in room 406, Dirksen Senate Office Building, Hon. Shelley Moore Capito (chairman of the committee) presiding.

Present: Senators Capito, Whitehouse, Curtis, Sullivan, Markey, Kelly, Padilla, Blunt Rochester, Alsobrooks.

OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO, U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

Senator CAPITO. Welcome, welcome to everybody.

Before we begin, I would like to note that this is the committee's first day back in our new hearing room, after the renovations that took nearly a year to complete. The renovation has added technology and functionality to the room, which I believe will help the committee, make us look better, and the new furnishings look great.

I want to thank all the staff, the Architect of the Capitol, the Senate Recording Studio, and the contractors who worked on the project and did an excellent job.

I also want to give special thanks to Lisa Hobbs and Kelly Zimmer, who oversaw the project for the Architect of the Capitol. Alicia Butler, our committee's chief clerk, and Karly McQuitty, of my staff, for their dedication to this project.

I was in my blue phase when Karly asked me what colors I liked, I think we did a good job, Karly. I like it. I am still in my blue phase. That is good.

With that, I will turn to my opening statement. Again, good morning, and thank you for joining us today as we hear from the members of the Nuclear Regulatory Commission on the NRC's proposed budget for Fiscal Year 2027. This is the first time that the Committee is hearing from Chairman Nieh and Commissioner Weaver, as they were confirmed last year with bipartisan support.

Since being designated chairman on January the 8th, Chairman Nieh has been actively overseeing the implementation of the ADVANCE Act, Executive Order 14300, while also making sure licenses are efficiently reviewed and approved.

Of Commissioner Wright's tenure as Chairman throughout 2025, the NRC was well-positioned to accelerate its work under Chairman Nieh. Commissioner Wright, thank you for your steady hand last year. We really appreciate it.

Of particular note, Commissioner Wright worked with Commissioner Crowell to update the NRC's Mission Statement to align with today's reality that we need to preserve and rapidly expand nuclear capacity. Thank you both for that. That goal will be achieved by the NRC enabling the safe and secure use of radioactive material and nuclear energy.

This updated Mission Statement is paying dividends as the Commission, the NRC staff and the industry undergoes a rapid change. This rapid change is partially driven by the bipartisan efforts of this Committee to get the NRC to do its work smarter, faster and cheaper, and to do so without compromising the Agency's foundational goal of ensuring nuclear safety.

I have previously expressed caution, particularly with the likelihood of unintended consequences, about the potential impacts of creating regulatory uncertainty if the NRC does not accomplish its tasks deliberately. The Commission's work is encouraging, but the most consequential work I do believe still remains in front of us.

The Commission's proposed 2027 budget reflects the Agency's recent successes, accounts for high-priority ongoing work and forecasts expected workload. One success was when the Commission re-baselined its primary reactor oversight and inspection programs earlier this year, which will yield savings both for staffing and funding.

I have previously supported this long-running effort to reexamine the Reactor Oversight Process, so I am pleased to see the Commission ambitiously move forward with this initiative.

The Commission has also approved an Agency reorganization that aligns the NRC staff with current and projected work, consolidates unnecessary administrative staffing and eliminates levels of bureaucracy.

The NRC is in the midst of a wholesale review and revision of its regulations. This broad effort requires more near-term resources for rulemaking, but it should result in long-term budget savings.

Most importantly, the NRC is projecting an increase of licensing work, the purpose for which the Agency exists. That licensing work will be completed faster and with fewer staff due to the efficiencies that we are directed by this Congress in the ADVANCE Act.

Those licensing efficiencies are already evident. The NRC recently completed the fastest ever subsequent license renewal for a reactor, nearly cutting in half the time and cost of what was normal at the Agency 2 years ago.

The multitude of these changes heighten the importance of the Commission's strategic planning, its role in developing and executing the Agency's budget and in modeling the leadership traits that are needed to sustain the changing culture we are seeing at the NRC.

I want to thank the Commission for both the efficiency for which you are working and the thoughtfulness for which you are fulfilling your responsibilities. For example, at the recommendation of Commissioner Marzano, the Commission directed the staff to develop a

change management plan to ensure that the new organizational structure is clearly communicated and deliberately undertaken. This will help make the Commission's actions successful and durable.

I would also like to commend Chairman Nieh, the entire Commission and the NRC staff for working in a bipartisan way with this Committee to keep us informed about their work.

As we discuss the NRC's budget proposal today, I will explore how the positive steps will be translated into an enduring framework that can deliver what Congress, the administration, industry and the public expect from our Nation's nuclear safety regulator.

As States across the Country, including my State of West Virginia, consider nuclear power's potential to meet the growing energy demand, I expect the NRC will prove through its actions that it will not be an obstacle to reliable, clean electricity generation.

I now recognize Ranking Member Whitehouse for his opening statement.

OPENING STATEMENT OF HON. SHELDON WHITEHOUSE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator WHITEHOUSE. First, let me join the Chair in thanking the AOC, and by that I mean Architect of the Capitol—

[Laughter.]

Senator WHITEHOUSE [continuing]. and the construction team for our hearing room upgrade. It is nice to be back in our own hearing room again.

Let me also congratulate the Chair on her thumping primary victory yesterday, even though that was not in much doubt. It is always nice to have them behind you. Congratulations to you, Madam Chair.

Welcome to all the commissioners who are here. 2026 has already been a busy year for you. NRC issued its first commercial construction permit in nearly a decade, and first commercial nonlight water permit in over 40 years for TerraPower's advanced reactor, months ahead of schedule. It issued its first new fuel fabrication licenses in over 50 years to TRISO-X to produce high assay low enriched uranium for America's future advanced reactor fleet.

It completed its fastest ever license renewal approval in under 12 months for the H.B. Robinson Plant in South Carolina. It finalized a Part 53 risk-informed technology inclusive reactor licensing pathway to accommodate diverse advanced reactor technologies, and proposed regulatory frameworks for microreactors and fusion machines as directed by Congress. The NRC is showing that it can get the job done.

These accomplishments are the results of our actions in Congress, of prepared and engaged project applicants, and of the Commission itself, including its seasoned, expert staff. The narrative that NRC is the problem is now the domain of unqualified developers seeking shortcuts. These developers look to the Department of Energy to either take over or supplant our Nation's safety regulatory.

As TerraPower's CEO said, "The regulator was a concern four or five plus years ago, but we started seeing progress that far back. The NRC is no longer the big concern." TerraPower's press release,

which I will enter into the record, makes clear that capable applicants can navigate the licensing process at NRC smoothly. Working with NRC will bring this Nation where it needs to go.

Unfortunately, threats to NRC's success and to success of the nuclear industry still loom. First, NRC's independence. Public trust in nuclear safety requires an independent regulatory. From DOGE infiltration to haphazard executive orders to the firing without cause of a commissioner, the Trump administration has reached unprecedented political tentacles into the NRC.

Luckily, the worst of this turbulence has subsided, as evidenced by the full commission seated before us today, whose combined experience and expertise will allow the NRC to function at its best.

The White House and Department of Energy operatives lurk at NRC with a subset of these nuclear neophytes forming a shadowy steering committee, some kind of covert commission within a commission, reporting to whom we do not know, but shaping priorities at the Agency.

Meanwhile, DOE itself forges ahead hastily approving reactors with the explicit goal of fast-tracking them for future NRC licensing, as stated in DOE's own documents.

Decades ago, Congress put a firewall between nuclear regulation and nuclear promotion. It did so for a reason, to protect the safe operation of our reactor fleet. These moves threaten that bulwark of nuclear safety.

All this while the proposed budget for NRC's inspector general was cut by nearly a quarter, begging the question whether any mischief at the Agency will be caught before it is too late.

Second, NRC's transparency and deliberative process. The Agency is churning through over two dozen rules and a wholesale revision of its regulations. Instead of robust stakeholder consultation, NRC rules move darkly through OIRA, where the White House, political players, and other agencies can quietly influence NRC's previously independent rules.

Even commissioners' votes on rulemakings, which once we are crucial windows into NRC's evaluative process, are no longer even public. Even if no hidden mischief occurs, the lack of transparency reduces confidence and trust.

Third and finally, NRC's work force. Attrition at NRC remains at alarming highs while the agency is taking on more work than ever. These staffing losses are unsustainable and will undermine the nuclear renaissance this administration claims it wants to bring to fruition.

Chair Capito and I, along with many of our colleagues, have spent years passing NRC reforms to effectively deliver on the promise of nuclear energy. Those reforms have coincided with the regulatory renaissance TerraPower described.

The results are clear. We see before us a commission, guided by a strong group of capable leaders. At all costs, we must not let creeping political influence compromise the NRC as it ushers in a new day for nuclear energy in America.

Thank you, Chairman.

Senator CAPITO. I want to thank the Ranking Member, and we will now turn to our witnesses. Our first witness is the Chairman of the NRC, Ho Nieh. Chairman Nieh was confirmed by the Senate

in November of last year and designated Chairman by President Trump in January.

Welcome, Chairman Nieh, and you are recognized for 5 minutes to deliver your opening statement.

STATEMENT OF HON. HO K. NIEH, CHAIRMAN, UNITED STATES NUCLEAR REGULATORY COMMISSION

Mr. NIEH. Thank you, and good morning.

Chairman Capito, Ranking Member Whitehouse and members of the committee, thank you for the opportunity to appear before you today. The Nuclear Regulatory Commission appreciates the bipartisan leadership of this committee through the ADVANCE Act, which is guiding the NRC's modernization to accelerate the deployment of new nuclear and expand existing capacity.

I want to recognize and appreciate my fellow commissioners. Together, our expertise and perspectives are shaping the future of nuclear safety regulation in America during one of the most consequential moments in the history of NRC.

The NRC's safety mission remains our top priority. Congress also mandated that the NRC's mission enable the safe use of nuclear technologies through predictable and efficient regulation. In the regulatory context, enabling is aligning our regulations with actual risks, adapting to new technologies and adding flexibility where safety is maintained. Enabling is how the NRC fulfills its safety commitment and delivers public benefit.

America urgently needs more energy due to artificial intelligence, data centers and industrial growth. Nuclear is seen as essential to our energy security. The question now is execution, whether America can build at scale, on schedule and at lower cost.

That is where the NRC matters. Regulatory uncertainty is capital risk, and capital will go elsewhere if risk is too high. As America's nuclear safety regulator, our role is clear; our safety decisions must be credible, predictable and timely.

Accordingly, the NRC is making reforms driven by Congress and the President. Throughout this period of change, the NRC is coordinating with Federal partners, including the Department of Energy. In doing so, the NRC is making its safety decisions consistent with its mission and independent from the Department of Energy.

As the NRC implements the ADVANCE Act and Executive Order 14300, we are focusing on what is most important to safety by eliminating unnecessary conservatism and applying risk-informed, performance-based approaches consistently. We are making major structural changes to how we oversee and license nuclear facilities.

We are rebalancing our oversight programs to reflect the high levels of safety and security performance across the industry. We are developing new licensing frameworks that are predictable, efficient and designed for deployment.

Over the past year, the NRC has been delivering results. We finalized Part 53 ahead of schedule. We issued a construction permit for a non-light water advanced reactor ahead of schedule. We approved a restart pathway for a permanently shut-down reactor.

We renewed the operating licenses for 15 operating reactors. We issued a license for a TRISO fuel fabrication facility ahead of

schedule. We launched a regulatory framework for fusion. We prepared 19 Executive Order 14300 draft rulemakings.

These actions demonstrate that a strong safety focus and timely regulatory decisions go hand in hand. The NRC will not be an impediment to nuclear energy innovation in America.

To meet this moment, I am focusing the agency on three priorities. First, core mission delivery with safety, efficiency and speed. Second, leadership and operational excellence in how we do our business. Third, sustaining our performance through a culture of continuous improvement.

Our success in this moment depends on our people. While the Agency has experienced above average attrition over the last year, we continue to deliver on our mission, because we are working smarter, not harder, and with the help of the ADVANCE Act.

We are increasing our efforts to recruit, retain and develop our people.

Our success in this moment, delivering our mission, also requires realistic planning, disciplined budget execution and alignment with strategic goals. The NRC's Fiscal Year 2027 budget reflects these principles and the resources needed to accelerate deployment, while ensuring the continued safety and security of America's existing nuclear facilities.

Going forward, the American public can expect credible, predictable and timely safety decisions from the NRC.

Thank you. I look forward to your questions.

[The prepared statement of Mr. Nieh follows:]



TESTIMONY OF

Ho K. Nieh
Chairman
U.S. Nuclear Regulatory Commission

For A Hearing

BEFORE

United States Senate
Committee On Environment And Public Works

ON

U.S. Nuclear Regulatory Commission's Proposed Fiscal Year 2027 Budget

May 13, 2026
Washington, D.C.

Chairman Capito, Ranking Member Whitehouse and Members of the Committee, thank you for the opportunity to appear before you today.

The Nuclear Regulatory Commission appreciates this Committee's bipartisan leadership through the ADVANCE Act, which is guiding modernization of our regulatory framework to accelerate new reactors and expand existing capacity.

The NRC's safety mission remains our top priority. Congress also made clear that our mission must enable the safe and secure use of nuclear technologies through efficient and predictable regulation.

In the regulatory context, enabling means aligning our regulations with actual risks, adapting to new technologies and adding flexibility where safety is maintained. Enabling is how the NRC fulfills its safety commitment and delivers public benefit.

America urgently needs more energy due to artificial intelligence, data centers and industrial growth. Nuclear energy is seen as essential to our energy security.

Now the question is execution—whether America can build at scale, on schedule and at lower cost. That is where the NRC matters. Regulatory uncertainty is capital risk—and capital will go elsewhere if risk is too high.

This is a defining moment for the NRC and for nuclear energy in America. What we do now will determine whether nuclear is deployable at scale—or remains limited to one-off projects.

As America's nuclear safety regulator, the NRC's role is clear—our safety decisions must be credible, predictable and timely. Accordingly, the NRC is making reforms driven by Congress and the President.

Through this period of change, the NRC is coordinating with federal partners, including the Department of Energy, to meet the nation's energy needs. In doing so, the NRC continues to deliver its safety decisions consistent with its mission and independent from the Department of Energy.

As the NRC implements the ADVANCE Act and Executive Order 14300, we are focusing on what matters most to safety by reducing unnecessary conservatism and applying risk-informed, performance-based approaches consistently.

The NRC is making major structural changes to how we oversee and license nuclear facilities. Our oversight programs are being rebalanced to reflect the high levels of safety and security performance across the industry. And we are delivering new licensing systems that are predictable, efficient and designed for deployment.

Over the past year, the NRC has delivered results—evidence of a more disciplined and efficient regulatory approach. We finalized Part 53. We issued a commercial advanced reactor construction permit. We approved a restart pathway for a permanently shut-down reactor. We renewed 13 operating reactor licenses. We issued a license for a TRISO fuel fabrication facility. We launched a fusion regulatory framework. And we prepared 18 EO 14300 draft rules.

These actions demonstrate that timely regulatory decisions and a strong safety focus go hand in hand. That is how America regains leadership in nuclear energy.

To meet this moment, I am focusing the agency on three priorities:

First, core mission delivery with safety, efficiency and speed.

Second, leadership and operational excellence.

Third, sustainable performance through a culture of continuous improvement.

Our success in this moment depends on our people. Every day, the dedicated NRC staff deliver on a safety mission essential to public trust in nuclear technologies.

Delivering our mission requires realistic planning, disciplined budget execution and alignment with strategic outcomes. The FY 2027 budget reflects these principles and the resources needed to accelerate deployment, while ensuring the continued safety and security of the operating fleet.

Going forward, the American people can expect credible, predictable and timely safety decisions from the NRC.

Thank you. I look forward to your questions.

Senate Committee on Environment and Public Works
Hearing Entitled, "*The U.S. Nuclear Regulatory Commission's Proposed Fiscal Year 2027 Budget*"
May 13, 2026
Questions for the Record for Chairman Ho Nieh

Chairman Capito:

1. **As we look ahead to the next two or three years, we can see a drastically different NRC: the Agency's inspection and oversight activities are appropriately reduced; the reorganization is completed and duplicative bureaucracy is eliminated, the major rush of rulemakings is finished; and licensing is completed in a more timely and predictable manner.**

   The NRC must have sufficient foresight and strategic planning to make sure the Agency has the right staff with the right expertise in the right positions to do the right work. The proposed budget for NRC appears to include a notable reduction of staff, yet the licensing and regulatory work the Agency is accomplishing today is significant and ahead of schedule.

   How are you ensuring that the projected staffing needs are reflected in the budget and how that aligns with the future workload and structure of the Agency?

   The NRC is at a defining moment as we modernize our regulatory framework and transform how we deliver our mission. To ensure our workforce remains aligned with future workload and agency priorities, the NRC is focused on three areas:

   - **Strategic Workforce Alignment:** The NRC is aligning staffing and expertise with our highest-priority work. This includes shifting resources from oversight to licensing activities, strengthening advanced reactor and fuel cycle capabilities and ensuring readiness to support emerging technologies. Resource decisions are tied to mission priorities and measurable outcomes.

   - **Disciplined Budget Planning and Execution:** The NRC's budget is informed by actual workload data, budget execution performance and realistic projections. The agency has moved away from incremental budgeting and strengthened the connection between staffing, workload and mission delivery. As the workload evolves, resources are reallocated to where they are needed the most.

   - **Organizational Effectiveness and Efficiency:** The NRC is aligning its organization to meet current and future regulatory demands by reducing unnecessary layers, streamlining operations and positioning our workforce where it can deliver the greatest mission value. As oversight needs shift, the agency is strengthening licensing and technical capacity in advanced reactors, fuel cycle facilities and other emerging technologies. The NRC is also leveraging technology, including artificial intelligence and data analytics, to improve efficiency, strengthen decision-making and enhance mission delivery.

These actions ensure the NRC remains a credible, predictable and enabling regulator prepared to support the safe and secure deployment of nuclear technologies.

2. **As a fee-based agency, the NRC is primarily funded by license holders and applicants. This structure is deliberate and purposeful – it is good public policy. As Congress developed the ADVANCE Act, we considered various options to address regulatory costs. Ultimately, Congress significantly reduced the NRC's fee recovery requirements for advanced reactors.**

   The NRC is now proposing to establish fixed fee caps – which deviates from Congressional direction and raises many implementation challenges – including shifting costs from the industry to taxpayers.

   It appears the NRC's proposed budget does not request an additional appropriation to pay for licensing review costs that would be necessary if the fixed cap is exceeded.

   a. **How does the NRC expect to pay for costs incurred above the fixed fee cap?**

      The NRC does not expect to exceed the fixed fee caps for reasons not attributable to applicant failure. In the unlikely event that review costs surpass the cap, these costs will not be passed on to applicants or licensees as either service fees or annual fees. The Nuclear Energy Innovation and Modernization Act (NEIMA) requires the NRC to recover through service fees and annual fees, to the maximum extent practicable, approximately 100 percent of its total budget authority for the fiscal year, less the budget authority for excluded activities, including fee-relief activities identified by the Commission. These statutory mechanisms allow the NRC to address fee cap exceedances, in the unlikely event they occur, consistent with law. The NRC has put multiple systems and management controls in place to monitor resources and schedules throughout the NRC's review to identify and mitigate any challenges to the fixed fee caps.

   b. **If you do not expect that the fee cap would ever be reached, how do those caps and associated licensing deadlines, meet the ADVANCE Act and EO 14300's ambitious goals to complete key licensing activities?**

      The fixed fee caps will provide cost predictability and drive increased efficiency and accountability in the NRC's licensing and other activities requested by applicants and licensees. Specifically, fixed fee caps will push consistent timelines, tighter milestone control, increased use of dashboards and project controls, consistent review scopes, and repeatable risk-informed approaches. Fixed fee caps also serve as a defense-in-depth measure for accountability, providing an additional layer of discipline and reinforcing the NRC's commitment to credible, planning, and timely decisions.

      Establishing tailored caps will drive further efficiency and accountability because, depending on the complexity of the requested activity, it would be more appropriate to hold the NRC accountable to a tailored cap below the

bounding categorical cap. In certain cases, due to the bounding nature of the categorical caps, categorical caps may be higher than the resources needed for a specific application and thus do not provide the efficiency and accountability benefits that fixed fee caps are designed to offer. Tailored caps will reflect the content and complexity of the specific application and will be provided to applicants as part of the NRC's established practice of communicating schedule and resource estimates.

c. The fixed fee cap was included in the proposed fee rule for Fiscal Year 2027, which is delegated to the NRC staff. However, establishing a fixed fee cap is a policy change and policy decisions are reserved for the Commission. What is the Commission's role in establishing a fixed fee cap?

Policy matters associated with fee rules are resolved through separate Commission direction before they are included in rulemaking. Specifically, with respect to fixed fee caps, the Commission approved the staff's recommendation to implement a policy change to establish fixed fee caps in the fiscal year (FY) 2026 fee rule. The staff then implemented this direction in the annual fee rule under the delegated authority described in Management Directive 6.3, "The Rulemaking Process." The fixed fee caps were proposed in the FY 2026 proposed fee rule consistent with these authorities and processes.

3. Historically, the NRC releases its guidance documents, which are necessary for licensees and applicants to understand how to comply with NRC's rule, at the same time that proposed rules are made public.

a. What are the NRC's plans to issue regulatory guidance documents associated with the proposed rulemakings associated with EO 14300?

The NRC plans to issue draft, revised, or interim regulatory guidance documents at the same time as their associated rulemakings whenever feasible; however, there will be cases where the regulatory guidance documents lag behind the rulemakings. The NRC has taken a similar approach in the past for accelerated rulemakings, such as Part 53. In some cases, the NRC intends to incorporate stakeholder feedback on the proposed rulemakings into their associated guidance, necessitating a slight delay in the issuance of the associated guidance.

b. Does the NRC intend to have all guidance documents supporting the respective rulemakings completed when the rulemakings are finalized?

The NRC expects to have most guidance documents completed to support final rule issuance. However, some guidance will follow after the final rules are issued. In such rare cases, the NRC intends to ensure that stakeholders have the essential or interim guidance needed to support understanding and early implementation of the rules by the time they are finalized, with any remaining guidance completed as soon as practicable.

4. **Please describe the NRC's strategy and recent activities to enable greater usage of digital instrumentation and control systems.**

   The NRC is advancing a disciplined strategy to enable greater use of digital instrumentation and control (I&C) systems across the nuclear sector. The agency is modernizing its regulatory pathways and working closely with industry to ensure licensing and oversight keeps pace with technological advancements and modern engineering practices.

   In 2023, NRC updated its common cause failure (CCF) policy, resulting in a more risk-informed and flexible framework. Recently, the NRC approved of a first-of-its-kind digital protection system upgrade at the Limerick Generating Station.

   In response to the ADVANCE Act, EO 14300 and lessons learned from Limerick, the NRC is further reforming the I&C regulatory framework and establishing management expectations to support safe, efficient digital deployment using risk-informed decisions. The reformed framework aims to improve efficiency and flexibility, modernize reliability methods, address digital licensing challenges and leverage data in regulatory pathways. Staff discussed these reform actions with stakeholders at a public meeting in April 2026.

5. **On May 20, 2026, the Environment and Public Works Subcommittee on Clean Air, Climate, and Nuclear Innovation and Safety held a hearing on a discussion draft titled the "Enrichment Licensing Modernization Act." This discussion draft would amend licensing requirements for uranium enrichment facilities in section 193 of the Atomic Energy Act.**

   a. **Does the NRC currently require a redress plan for at-risk construction of any fuel cycle facility?**

      No, currently, there are no requirements for redress plans for any fuel cycle facilities.

   b. **I understand that a redress plan is required by regulation for the approval of certain NRC licenses associated with utilization facilities – specifically for Limited Work Authorizations and Early Site Permits. Does the NRC require a redress plan that is not a part of an NRC license?**

      No, the NRC does not require a redress plan that is not part of an NRC license. A redress plan is required only in the context of a licensing action, i.e., issuance of a Limited Work Authorization.

   c. **Are there any statutory requirements for a redress plan or are the limited instances of a redress plan found exclusively in NRC regulations?**

      The NRC is not aware of an explicit statutory requirement mandating an entity to supply a redress plan related to pre-license construction for activities within the

NRC's jurisdiction to regulate.

d. What statutory authority does the NRC currently have to require site-specific action by a private entity at a site for which there is no license application pending, no license issued, and has never had any source material, special nuclear material, or any other radiological material at that site?

The NRC has authority over any person—licensed or unlicensed—who performs activities that require a license under the Atomic Energy Act of 1954 (AEA). For example, section 101 of the AEA prohibits, among other things, possession of a utilization facility except under and in accordance with a license issued by the NRC. To the extent that an unlicensed person engages in an activity that requires a license under the AEA, the NRC is within its authority to require appropriate action from the unlicensed person.

6. Earlier this year, the Commission approved a uniform, one-time 10% bonus for NRC employees for Fiscal Year 2026.

a. As the Commission considers future agency-wide compensation decisions, will the Commission prioritize bonuses and pay increases for highly specialized or high-performing NRC staff, as intended by the ADVANCE Act?

The FY 2026 agency-wide special act awards were an intentional investment in the agency's workforce at a time of heightened demand for their collective expertise. The agency-wide aspect recognized that it took the entire NRC organization working together to meet the moment of the ADVANCE Act and Executive Order 14300. In addition, employees must meet agency-established eligibility criteria to qualify for the award.

These special act awards do not replace the flexibilities provided under the ADVANCE Act; rather, they recognize the significant accomplishments the agency achieved overall in FY 2026 and acknowledge staff contributions made during a period of rapid regulatory modernization and operational reform to implement the ADVANCE Act and Executive Order 14300. Looking ahead, the NRC is evaluating options for agency-wide compensation that will continue to support staff retention and recruitment and emphasize rewarding high-performing employees.

b. How is the Commission considering the long-term sustainability of multiple pay raises or bonuses over multiple fiscal years with respect to (1) required budget requests, (2) potential need to increase fees, and (3) targeted staffing needs for the NRC as the agency completes its reorganization?

The NRC is taking a disciplined and balanced approach to its phased awards strategy to ensure it supports mission delivery, remains within budget and does

not significantly affect fees for licensees.

The FY 2026 agency-wide special act awards are being funded using resources already available within the agency's budget, primarily from unspent salary and benefit funds. As a result, no additional appropriations are required, and licensee fees will not increase as a result of these awards. Looking ahead, the agency is evaluating options to incorporate awards into future annual budget planning to ensure a sustainable, transparent, and predictable approach.

This approach supports the NRC's ability to attract and retain the skilled workforce needed to deliver its mission. As the agency implements its reorganization and aligns resources with evolving workload demands, maintaining critical expertise remains a priority. These efforts help ensure the NRC remains prepared to meet future mission needs while exercising responsible stewardship of taxpayer and licensee resources.

Chairman Capito and Ranking Member Whitehouse:

1. **To comply with Executive Order (EO) 14215, "Ensuring Accountability for All Agencies last February," the NRC has implemented changes to its policy development process, including changes to the publication of Commission votes on proposed and final rules.**

    a. **Prior to the issuance of EO 14215, what criteria were considered to determine if Commission votes were made public or withheld? Following the issuance of EO 14215, what criteria are considered to determine if Commission votes are made public or withheld?**

    Prior to the issuance of EO 14215, Commission Voting Records were made publicly available, unless the voting records contained Classified Information, Safeguards Information, or other information the Commission deemed sensitive. Following issuance of EO 14215, the Commission has not made voting records publicly available on votes related to regulatory actions to align with EO 12866, EO 14215 and relevant Office of Management and Budget (OMB) guidance including, but not limited to, interim guidance M-25-24.

    b. **Please provide copies of Commission Voting Records and each Commissioner's response sheet and comments on proposed and final rulemakings since February 2025.**

    The entire Commission has deliberated on every EO 14300 proposed, final rule and direct final rule. For every EO 14300 rule, the Commission unanimously approved publication, subject to adjustments through the Commission's collegial deliberative process. This includes 21 rules. The rules published in the Federal Register reflect a consensus by at least a majority of the Commission. The individual Commissioner votes on rules are non-public information.

c. Do you commit to provide the Chairmen and Ranking Members of the NRC's authorizing committees with information on Commission votes as requested for future votes?

Commission votes on proposed rules are non-public information.

2. How does a transparent, consultative process for rulemakings, including public transparency on Commissioner votes, result in more durable regulation?

The NRC continuously strives to enhance its public communications for greater transparency consistent with law. For rulemakings, the NRC invites the public, regulated industry, and other interested parties to review and comment on proposed rulemakings and associated guidance to help early identify any foreseeable challenges or gaps that may not have been fully considered in the development process. For many rulemakings, the NRC supplements this comment period with a public meeting intended to facilitate the public's understanding of the rule. This results in more durable regulations and guidance because they benefit from a variety of stakeholder perspectives which enhances safety, efficiency and useability. As a result, the rules require less frequent updates.

3. The Commission functions as a collegial body and is responsible for formulating policies and developing regulations to ensure nuclear safety and efficient regulation. Certain NRC staff offices report directly to the Chairman as the principal executive officer and spokesman for the NRC, including the Office of Public Affairs and Office of Congressional Affairs. The bulk of the remaining staff offices, either directly or through the Office of the Executive Director for Operations (OEDO), report to the Commission, including the Office of General Counsel With regard to the steering committee on Executive Order 14300 rulemakings:

a. Please provide the formal title, scope of responsibility, list of individuals who currently sit or have previously sat on the committee or who have routinely participated in committee meetings, the frequency with which the committee meets, the standing agenda of the committee (if any), and to whom the committee reports.

The steering committee on EO 14300 rulemakings is composed of the Executive Director for Operations who provides technical and operational perspectives and oversight, and the General Counsel who provides legal, regulatory, and compliance perspectives and oversight. The Acting General Counsel previously sat on the steering committee prior to the General Counsel's selection in April 2026 and based on his prior experience, continues to be involved as an advisory (non-voting) member. A Department of Energy employee who was on detail to the NRC also sat on the committee as an advisory (non-voting) member to provide regulatory and cross-agency perspectives. The committee meets on an as-needed basis, and its agenda covers topics or issues raised, as needed, based on the rulemaking schedule. Various staff attend or support the meetings, based on the topics/issues raised. The Commission is the final decisionmaker and the steering committee is responsible to the Commission.

b. **Please describe the committee's role in development of EO 14300 rulemakings, including any direction given to staff relating to the development of the rules, engagement with other Executive Branch agencies, and review and approval of rulemakings before they are sent to the Commission.**

The steering committee for EO 14300 provides guidance and oversight to staff to ensure consistency, compatibility and timeliness for the overall project scope and to ensure implementation of Commission direction. This includes an opportunity to review draft rules before they are provided to the Commission for consideration. In addition, the steering committee facilitates coordination with other Executive Branch agencies.

c. **Please describe the process by which the steering committee keeps the Commission informed of its meetings, priorities, and other activities.**

Both the Executive Director for Operations and the General Counsel have periodic meetings with individual Commissioners to keep them apprised of status and priorities for the EO 14300 rulemaking efforts. Additionally, for all EO 14300 rulemakings, the Commission receives a description of changes proposed by the steering committee, prior to voting on the rulemaking.

d. **Please provide a list of other steering committees that have been formed at NRC over the last ten years, including their formal title, scope of responsibility, dates of operation, and membership. Please indicate if any of these steering committees included individuals who were not full-time NRC employees, and if so, the name and affiliation of the individual.**

Steering committees are a routine part of NRC business to provide guidance and oversight into various projects and working groups. Most major NRC rulemakings, such as Part 53, have benefited from steering committee oversight. Other examples include, but are not limited to artificial intelligence, digital instrumentation and controls, fees transformation, knowledge management, and reactor decommissioning financial assurance. In general, non-NRC employees do not serve on NRC steering committees, with occasional exceptions for interagency working groups involving Federal and State partners.

Senator Husted:

1. **Last May, President Trump signed Executive Order 14300 directing the NRC to establish expedited pathways for licensing reactor technologies that have already been authorized, tested, or demonstrated by the Department of Energy or the Department of Defense. How is the Commission implementing this directive in its recent and ongoing rulemakings?**

The NRC has proposed a framework for an expedited pathway through draft regulations

that were published in the *Federal Register* for public comment on April 2, 2026 (91 FR 16584). The public comment period closed on May 4, 2026, and the staff is currently evaluating the comments received during this process. In addition, several other rulemakings under consideration by the Commission may further expedite the licensing process for all licensing applications, including those that utilize technologies that have already been authorized, tested or demonstrated by the Department of Energy or Department of War. These include the NRC's rulemakings for microreactors (91 FR 23628) and contested adjudications (91 FR 10450).

2. **Specifically, what steps are being taken to ensure that prior federal reviews—particularly from DOE and DOD—are meaningfully incorporated, rather than duplicated, in the NRC's licensing process?**

   Under the proposed framework, the NRC will conduct an independent evaluation and determination to issue an NRC license, while leveraging DOE or DOW to inform its review. DOE and DOW authorizations will serve as valuable inputs, enabling the NRC to avoid unnecessary duplication and focus its efforts on safety-significant issues. The Commission will continue to make its own safety decisions and retain responsibility for issuing any NRC license. The NRC, DOE and DOW are closely coordinating reviews of new reactor designs to identify potential regulatory, safety or design issues that could pose challenges to NRC regulations or requirements. The NRC anticipates that this coordination will ensure that information relied on by the DOE and DOW can be leveraged to the maximum extent possible during NRC reviews, which will avoid unnecessary duplication in the NRC's licensing process. In addition, the NRC has published draft guidance that provides a roadmap to NRC requirements in key technical areas so developers can align DOE/DOW authorization activities with future NRC licensing needs and maximize opportunities to leverage prior federal reviews (91 FR 20717).

3. **And how will the Commission balance the need for rigorous safety oversight with the Executive Order's goal of reducing unnecessary regulatory burden and enabling timely deployment of advanced reactor technologies?**

   Nuclear safety remains the NRC's top priority. The NRC remains committed to strong, risk-informed oversight to help ensure high levels of safety and security performance are sustained. The agency is also committed to enabling the deployment of advanced reactor technologies while continuing to protect public safety. The new regulatory framework for advanced reactor technologies (Part 53) and the proposed regulatory framework for microreactors and other reactors with comparable risk profiles (Part 57) demonstrate how the NRC is, consistent with the ADVANCE Act and EO 14300, continuing to protect public safety while enabling timely deployment of advanced reactor technologies through the elimination of redundant or unnecessary steps in the licensing process. That way, the NRC staff can focus its review on the items that matter most to safety and maintain the rigorous safety oversight expected by Congress and the American people.

4. **As utilities pursue advanced reactor deployment, unclear and inconsistent NRC guidance on the siting and permitting of meteorological towers - even when comparable meteorological data is already available from existing sources - has become an avoidable early stage barrier to timely site characterization and investment. What steps is the agency taking to update met tower guidance to improve and expedite this process and to provide clear, predictable rules to stakeholders?**

   In June 2025, the Commission directed NRC staff to "explore additional recommendations by stakeholders, such as using existing meteorology and weather data from the National Oceanic and Atmospheric Administration, National Weather Service or other established nearby sources to support analyses and design bases for applications." As part of an upcoming EO 14300 rulemaking, the staff plans to revise NRC guidance to provide applicants greater flexibility in developing meteorological characterizations. The planned revisions are intended to enable a more risk-informed and performance-based approach that supports faster deployment timelines, particularly for advanced reactors and microreactors, while maintaining the necessary level of safety and environmental protection.

5. **Given the rapid expansion of data center construction nationwide and the significant economic benefits for Ohio, can the NRC meet the accelerated timelines necessary for reviewing and approving small modular reactor applications so that our state can secure the reliable, cost effective energy needed to sustain continued growth?**

   Yes. In the past year, the NRC has developed significant reforms to its regulations, processes and structure. As an enabling regulator, we are aligning our regulations with actual risk, adapting to new technologies and adding flexibility where safety is maintained. We are also focusing on what is most important to safety by eliminating unnecessary conservatisms and applying risk-informed, performance-based approaches. Many of these changes will streamline the licensing process for small modular reactors. Collectively, these reforms ensure that the agency stands ready to meet the moment and support national priorities to enable the safe use of nuclear technologies to meet America's growing energy needs

6. **Are there any foreseeable challenges or constraints that could prevent the NRC from meeting the required accelerated review timelines?**

   Due to its reform efforts described above, the NRC is prepared to conduct safe, efficient and timely reviews. The NRC is keenly focused on its workforce and critical skills sets; if the NRC is not able to recruit and retain sufficient staff, this could present a challenge in meeting accelerated review timelines.

Ranking Member Whitehouse:

1. **With regard to the steering committee on Executive Order (EO) 14300 rulemakings:**

    a. **Please provide a copy of the NRC organizational chart that includes the placement of the steering committee and to whom the committee reports.**

    The NRC organizational chart does not include steering committees or working groups as they are not permanent fixtures in the organization. The steering committee is responsible to the Commission as the Commission is the final decisionmaker.

    b. **Please describe the relationship between the steering committee and the "dedicated team of at least 20 officials" that EO 14300 directs NRC to create to "draft the new regulations" for its wholesale revision of its regulations and guidance documents.**

    The "dedicated team of at least 20 officials" is composed of the NRC career Senior Executives that are responsible for oversight and guidance of the individual EO 14300 rulemakings. The steering committee for EO 14300 provides these Senior Executives with guidance and oversight to ensure consistency, compatibility and timeliness for the overall project scope and to ensure implementation of Commission direction.

2. **Reporting by E&E News indicates that Seth Cohen, who had called for NRC to be a "rubber stamp," participates on the steering committee on EO 14300 rulemakings. According to his LinkedIn, Mr. Cohen simultaneously serves as Senior Advisor at NRC, Chief Counsel for Nuclear Policy at DOE, and Advisor at NASA on nuclear power.**

    a. **When is Mr. Cohen's detail to NRC scheduled to conclude?**

    Mr. Cohen was on a detail to the NRC that was scheduled to end on July 4, 2026.

    b. **Is Mr. Cohen's detail to NRC expected to be renewed? On what grounds would it be renewed?**

    Mr. Cohen is no longer on detail to the NRC.

3. **Reporting by ProPublica indicates that two lawyers from the Executive Office of the President have been placed at NRC: Nicholas Gallagher and Sydney Volanski.**

    a. **Can you confirm the presence of these two individuals at NRC?**

    These two individuals are not employed by the NRC.

b. What is the nature of their work?

NRC coordinates with these individuals regarding Administration priorities. For further information on the nature of their work, this question should be referred to the White House Counsel's office for response.

c. To whom do they report at NRC?

Neither of these lawyers report to any individual at the NRC.

d. To whom do they report in the White House?

This question should be referred to the White House for response.

4. How will you ensure that the Executive Director of Operations and the General Counsel faithfully execute Commission direction?

As Chairman, I meet with the Executive Director for Operations and the General Counsel daily to provide leadership oversight and direction consistent with my statutory responsibilities as the agency's principal executive officer. In addition, the individual Commissioners have periodic meetings with both the Executive Director for Operations and the General Counsel to ensure they execute Commission direction faithfully. The Commission has authority for appointments and removals, performance management and incentives for both positions. Under Reoganization Plan No. 1 of 1980, the Executive Director for Operations has a statutory duty to keep the Commission fully and currently informed about matters within its functions. Likewise, the General Counsel has a statutory duty to report directly to the Commission, and pursuant to regulation, provides opinions, advice, and assistance to the agency with respect to all of the agency's activities. Moreover, Commission Assistants receive regular briefings and reports from technical and legal staff on areas of regulatory interest, which frequently include updates on how staff has implemented Commission direction.

Ranking Member Whitehouse and Senator Markey:

1. NRC has long made staff nonconcurrences and differing professional opinions public, reflecting the importance of "openness" as a Principle of Good Regulation. In a departure from longstanding practice, such differing views are now withheld from public release, depriving stakeholders of vital information and eroding the transparency upon which public trust is built, especially for safety-significant matters.

a. On what basis has NRC changed its policy to no longer allow the publication of staff differing views?

As part of the NRC's implementation of the ADVANCE Act and Executive Order 12866, and to align our practices more closely with other federal agencies, the NRC decided to no longer make differing views raised during the

Non-Concurrence Process or Differing Professional Opinion process publicly available. Instead, the options considered and the pros, cons, risks and impacts of those options will be documented in agency written products. The differing views that are raised will continue to inform the pros, cons, risks and impacts that are considered.

b. Please provide to Congress a copy of any guidance issued to staff regarding the revised Differing Professional Opinion and Non-Concurrence Process, and any relevant Commission votes, comments, or formal disagreements on these revisions.

The agency is currently editing the relevant NRC Management Directives to reflect the changes to the Non-Concurrence Process and Differing Professional Opinion process. The agency can provide these once they are complete.

c. How will NRC maintain transparency to the Commission, to Congress, and to the public on areas of disagreement that have arisen and how they are addressed, especially for safety-significant matters?

The insights that are gained from differing views raised during the deliberative process will continue to be incorporated into agency written products and analyses, and the NRC staff will continue to provide the Commission with significant differing opinions in papers submitted to the Commission. Congress and external stakeholders should fully expect that all views and opinions will be considered in the execution of the NRC's mission, and the robust debate and resolution thereof will be reflected in the final action of the agency.

d. Please provide to Congress copies of any formally submitted differing views on rulemakings, policy issues, licenses, or other relevant matters since NRC ceased publication of differing views.

While formally submitted differing views are normally privileged as part of the pre-decisional deliberative process, the NRC recognizes the Committee's interest in how the new process is functioning. The NRC is continuing to gain experience with the process, which became effective in March 2026. To help the Committee understand the new process, the NRC will offer a briefing once the agency has accrued additional experience with the new process.

Senator Padilla:

1. **Chairman Nieh, during the hearing, we briefly discussed the NRC's proposed process for licensing reactors for commercial use that received prior authorization through the DOE or DOD, in particular through the DOE's Reactor Pilot Program. You noted it may be possible for DOE-authorized reactors or fuel facilities to simply transfer to an NRC commercial license to operate continuously for commercial purposes. Please describe how the NRC will ensure that such facilities, which were authorized as research or test facilities, can safely operate for**

commercial-length timeframes.

To commence full commercial operation, an applicant will need an NRC license to operate in the United States. Under an expedited licensing pathway for a DOE- or DOW-authorized reactor, the NRC retains its statutory authority to review and make its own licensing determination to operate a commercial nuclear reactor. The NRC will continue to perform safety and licensing reviews that will consider site-specific, environmental, and operational factors which may differ between research, test, or demonstration facilities and full-scale commercial operations. This includes a review of proposed equipment qualification and inspection and maintenance activities that will ensure the facility can operate safely during the term of the licensed activities.

2. **You have often pointed to the Institute for Nuclear Power Operations (INPO), the voluntary industry organization to promote nuclear safety, as a key player in ensuring nuclear safety, alongside NRC. However, it has been reported that only one of the 10 companies participating in DOE's Reactor Pilot Program has chosen to join INPO. How will you ensure that NRC's requirements maintain safety culture across the industry—including among companies that opt out of voluntary safety programs?**

The NRC's safety requirements and the Commission's Policy on safety culture apply to all NRC licensees regardless of their involvement or membership in voluntary safety programs such as INPO. The NRC will uphold its rigorous safety standards through its licensing and oversight processes.

3. **The NRC has a responsibility to evaluate seismic risk to nuclear reactors. This is particularly important to California, where the threat of devastating earthquakes is not hypothetical. Given the Commission's efforts to streamline operations, please describe how the Commission will maintain high standards for continual seismic modeling and review of nuclear sites.**

Seismic hazards are evaluated during the initial licensing of nuclear facilities and monitored throughout each facility's operational life. Before issuing a license or license amendment, the NRC ensures that all applicable seismic-related requirements have been satisfied. At a high level, these requirements include:

- Nuclear facilities must be designed to withstand expected seismic events.
- Safety-related structures and systems must be adequately protected from seismic impacts.
- Licensees must maintain emergency plans for seismic events, conduct emergency exercises, and ensure safety systems are protected from nearby structural collapse.

In addition, subsequent to the events at Fukushima Dai-ichi, the NRC implemented the process for the ongoing assessment of natural hazards information (POANHI). Through POANHI, the NRC systematically monitors and assesses new natural hazards information, including geologic and seismological hazards, to determine

whether it has safety significance and whether additional regulatory action is warranted. This framework enhances safety, efficiently integrates with existing processes, and provides stability and predictability.

4. **I understand that the NRC has detailed 12 employees to DOE to assist with nuclear facility reviews.**

    a. **When will these detailees return to NRC?**

    These details will end in October 2026. These 12 NRC employees have been detailed to DOE under fully reimbursable interagency agreements for a one-year period to assist DOE with its Reactor Pilot Program.

    b. **Does the NRC intend to detail additional staff to DOE or DOD to support their nuclear facility authorizations?**

    There are currently no plans to detail additional NRC staff to DOE or DOW to support these programs.

5. **Commission-approved changes to reactor security now only require cybersecurity inspections every 3 years, down from every 2 years. How is NRC ensuring that the U.S. nuclear fleet is resistant to cyber threats, particularly as plants move toward digital systems?**

Cybersecurity protections across the nuclear power fleet are designed to provide robust defense against both current and emerging cyber threats. The NRC maintains continuous situational awareness by monitoring threat information from the U.S. Intelligence Community and other federal partners. When new or changing threats are identified, the NRC promptly evaluates whether updates to its rules, guidance or oversight approach are warranted to ensure that safety and security measures remain effective.

Senator Alsobrooks:

1. **As the NRC moves forward with its reorganization, I want to better understand how the agency intends to maintain staffing capacity and institutional expertise. This reorganization aims to reduce staff by roughly 10% compared to FY25 levels. The NRC has stated that staffing is already below the planned post-reorganization level due to attrition and estimates that approximately 150 vacancies need to be filled to meet the post-reorganization staffing goal. When do you aim to have positions filled to bring staffing up to this level?**

The NRC is using additional hiring flexibilities, including direct hire authority, to efficiently post and fill vacancies for critical needs. These changes are expected to decrease the time to hire for internal and external hiring actions. The agency's reorganization plans are finalized, and specific staffing needs have been clearly identified. In addition, the NRC is strengthening its early career pipeline through

continued recruitment for annual Nuclear Regulator Apprenticeship Network cohorts of at least 25 highly qualified hires. The agency anticipates that the use of retention and recruitment tools will decrease separations and increase hiring, helping the agency to meet its hiring goals in FY 2027.

a. How will NRC use your ADVANCE Act hiring authorities to attract talent and hire quickly?

The NRC will maintain a targeted, data-driven approach to recruiting and retaining qualified talent. The hiring and compensation authorities provided by the ADVANCE Act will enhance the agency's ability to attract and hire qualified new talent who may otherwise pursue private-sector opportunities. The agency plans to focus on recruiting for critical skills and retaining top performers in key disciplines where data shows this is needed to ensure continued mission success.

2. As the agency continues implementing organizational changes, it is also important to ensure employees have ways to address workplace concerns. Other than the Office of the Inspector General, what avenues currently exist for staff to resolve workplace disputes?

While the NRC is implementing a number of significant organizational changes, we continue to recognize the importance of providing employees with avenues to address workplace concerns. The NRC currently offers employees multiple channels for staff to raise concerns in addition to the Office of the Inspector General, as described below:

- Staff may first use informal discussions through supervisory chains and, if needed, the "Open Door Policy" to bring issues directly to senior leadership and the Commission without fear of reprisal.

- The staff can also submit anonymous questions or feedback using the agency's "Ask the EDO" interface, which has been and continues to be an active forum for raising workplace topics.

- The staff may also raise issues directly to senior leadership or the Commission in town hall or all hands meetings.

- Additionally, more formal options, including the Nonconcurrence Process and Differing Professional Opinion Program, remain in place and allow staff to document and resolve technical or policy disagreements.

In addition to providing these channels for employees to raise concerns, the agency regularly reinforces their visibility, trust and use through ongoing employee communications.

Senator CAPITO. Thank you very much.

Our next witness is Commissioner David Wright. Commissioner Wright was confirmed to a third term on the NRC in July 2026, and served as the chair from January 2025 through January of this year.

Commissioner, welcome, and you are recognized for 2 minutes for your opening statement.

STATEMENT OF HON. DAVID WRIGHT, COMMISSIONER, UNITED STATES NUCLEAR REGULATORY COMMISSION

Mr. WRIGHT. Thank you. Good morning, Chairman Capito, Ranking Member Whitehouse, and members of the committee. Thank you for the opportunity to appear before you today.

I want to thank Chairman Nieh and my fellow commissioners for their collegiality as we enable nuclear technology here and abroad.

The NRC sits at the center of the Nation's nuclear energy landscape. Since being confirmed to the Commission in 2018, I have worked to transform the NRC into a more agile and modern regulator. In 2019, Congress provided clear direction in Nuclear Energy Innovation and Modernization Act (NEIMA) to provide a path for licensing reactors in a technology-neutral manner that was efficient and streamlined while maintaining safety as our north star.

The NRC took this directive and got to work. The Part 53 rulemaking is the culmination of that work and I am happy to say that we accomplished this 9 months ahead of schedule.

This rule represents one of the most significant updates to our regulatory approach in decades, providing a flexible foundation for advanced reactor technologies.

While this accomplishment is huge, the American people demanded more. In July 2024, Congress passed and the President signed the ADVANCE Act. The first thing the NRC did was to update its mission statement. The Commission led this initiative and in January 2025 published the NRC's new mission statement that provides clear direction to staff that the NRC is here to enable the safe use and deployment of nuclear technologies for the betterment of society.

In the year since, we have seen a sea change in the culture of the staff, and they are leaning in on the mission and providing results, all while keeping safety at the heart of every decision.

This culture change is more evident in the revisions to our regulations directed by President Trump's Executive Order (EO) 14300. At the heart of all these accomplishments are the dedicated people that work at the NRC. Every day, they deliver results for the Country.

As I have said many times before, the NRC is the best place and has the best people in the Federal Government. I stand by that statement today, and thank the staff for all that they do.

The NRC is delivering meaningful results through a modernized mission, a skilled work force, and an unwavering focus on protecting public health and safety.

Thank you for your support. I look forward to your questions and comments, Chairman Capito.

[The prepared statement of Mr. Wright follows:]



TESTIMONY OF

David A. Wright
Commissioner
U.S. Nuclear Regulatory Commission

For A Hearing

BEFORE

United States Senate
Committee On Environment And Public Works

ON

U.S. Nuclear Regulatory Commission's Proposed Fiscal Year 2027 Budget

May 13, 2026
Washington, D.C.

Commissioner David A. Wright's Testimony

Senate Committee on Energy and Public Works

May 13, 2026

Chairman Capito, Ranking Member Whitehouse, and Members of the Committee, thank you for the opportunity to appear before you today. I appreciate the Committee's bipartisan leadership and continued engagement with the Nuclear Regulatory Commission.

I want to thank Chairman Nieh for his leadership during this unprecedented time for nuclear energy and my fellow Commissioner's for their dedication to the United States and for their collegiality as we help enable nuclear technology here and abroad.

The NRC sits at the center of the nation's nuclear energy landscape. Since being confirmed to the Commission in 2018, I have worked to transform the NRC into a more agile and modern regulator. In 2019, Congress provided clear direction in NEIMA to provide a path for licensing reactors in a technology neutral manner that was efficient and streamlined while maintaining safety as our north star. The NRC took this directive and got to work.

The Part 53 rulemaking—our Risk-Informed, Technology-Inclusive regulatory framework— is the culmination of that work and I am happy to say that we accomplished this nine months ahead of schedule. This rule represents one of the most significant updates to our regulatory approach in decades, providing a flexible foundation for advanced reactor technologies.

This progress reflects the dedication and expertise of the NRC staff, whose commitment to professionalism and innovation continues to drive our success.

While this accomplishment is huge, the American people demanded more. And in July of 2024, Congress passed and the President signed the ADVANCE Act. The first thing the NRC did was to update its mission statement. The Commission led this initiative and in January 2025 published the NRC's new mission statement that provides clear direction to staff that the NRC is here to enable the safe use and deployment of nuclear technologies for the betterment of society. In the year since, we have seen a sea change in the culture of the staff, and they are leaning in on this mission and providing results all while keeping safety at the heart of every decision.

This culture change is more evident in the revisions to our regulations directed by President Trump's EO 14300. The NRC is delivering efficient, streamlined regulations that will enable the deployment of nuclear energy to the country. All while remaining firmly committed to safety.

At the heart of all these accomplishments are the dedicated people that work at the NRC. Everyday, they bring their best selves to the agency, delivering results for the country. As I have said many times before, the NRC is the best place and has the best people in the federal

government. I stand by that today, and thank the staff for all that they do for the agency and the country.

In closing, the NRC is delivering meaningful results through a modernized mission, a skilled workforce, and an unwavering focus on protecting public health and safety.

Thank you for your support. I look forward to your questions.

Senate Committee on Environment and Public Works
Hearing Entitled, "*The U.S. Nuclear Regulatory Commission's Proposed Fiscal Year 2027 Budget*"
May 13, 2026
Questions for the Record for Commissioner David Wright

Chairman Capito:

1. **As a fee-based agency, the NRC is primarily funded by license holders and applicants. This structure is deliberate and purposeful – it is good public policy. As Congress developed the ADVANCE Act, we considered various options to address regulatory costs. Ultimately, Congress significantly reduced the NRC's fee recovery requirements for advanced reactors.**

   The NRC is now proposing to establish fixed fee caps – which deviates from Congressional direction and raises many implementation challenges – including shifting costs from the industry to taxpayers.

   It appears the NRC's proposed budget does not request an additional appropriation to pay for licensing review costs that would be necessary if the fixed cap is exceeded.

   a. **What is your view on the policy value of NRC's fee-recovery structure?**

      Response: NEIMA requires the NRC to recover through service fees and annual fees, to the maximum extent practicable, approximately 100 percent of its total budget authority for the fiscal year, less the budget authority for excluded activities, including fee-relief activities identified by the Commission. I am committed to this principle and continue to follow the mandates in NEIMA.

   b. **What are the primary challenges that you foresee with implementing a fixed fee cap?**

      Response: I do not foresee any challenges with implementing the fixed fee cap.

2. **Earlier this year, the Commission approved a uniform, one-time 10% bonus for NRC employees for Fiscal Year 2026.**

   a. **As the Commission considers future agency-wide compensation decisions, will you prioritize bonuses and pay increases for highly specialized or high-performing NRC staff, as intended by the ADVANCE Act?**

      Response: The FY 2026 agency-wide special act awards were an intentional investment in the agency's workforce at a time of heightened demand for their collective expertise. The agency-wide aspect recognized that it took the entire NRC organization working together to meet the moment of the ADVANCE Act and Executive Order 14300. In addition, employees must meet agency-established

eligibility criteria to qualify for the awards. For FY 2027, the NRC plans to continue this approach while also evaluating options to recognize high-performing and highly specialized staff.

These special act awards do not replace the flexibilities provided under the ADVANCE Act; rather, they recognize the significant accomplishments the agency achieved overall in FY 2026 and acknowledge staff contributions made during a period of rapid regulatory modernization and operational reform to implement the ADVANCE Act and Executive Order 14300. Looking ahead, the NRC is evaluating options for agency-wide compensation that will continue to support staff retention and recruitment and emphasize rewarding high-performing employees.

b. **How will you consider the long-term sustainability of multiple pay raises or bonuses over multiple fiscal years with respect to (1) required budget requests, (2) potential need to increase fees, and (3) targeted staffing needs for the NRC as the agency completes its reorganization?**

Response: The NRC is taking a disciplined and balanced approach to its phased awards strategy to ensure it supports mission delivery, remains within budget and does not significantly affect fees for licensees.

The FY 2026 agency-wide special act awards are being funded using resources already available within the agency's budget, primarily from unspent salary and benefit funds. As a result, no additional appropriations are required, and licensee fees will not increase as a result of these awards. Looking ahead, the agency is evaluating options to ensure a sustainable, transparent, and predictable approach.

This approach supports the NRC's ability to attract and retain the skilled workforce needed to deliver its mission. As the agency implements its reorganization and aligns resources with evolving workload demands, maintaining critical expertise remains a priority. These efforts help ensure the NRC remains prepared to meet future mission needs while exercising responsible stewardship of taxpayer and licensee resources.

Senator Alsobrooks:

1. **In FY25 and FY26, the NRC has experienced the highest attrition rates in 20 years. Overall attrition is expected to fall between 14% and 15% for this fiscal year, compared to an approximately 8 percent historical average and no prior years above 10 percent before FY25. Beyond salary competition with the private sector, what do you believe are the primary reasons employees are leaving the NRC?**

Response: There are a number of factors that go into an individual employee's calculation to leave the NRC. The nuclear industry is very attractive right now, and each employee makes career decisions that best reflect their own personal and family needs.

To what extent would you say departures are being driven by uncertainty surrounding the reorganization, changes to inspection programs, or concerns about agency direction and independence?

Response: These may be some of the factors that an individual employee weighs when making career decisions. As the agency implements its reorganization and aligns resources with evolving workload demands, maintaining critical expertise remains a priority. These efforts help the NRC remain prepared to meet future mission needs while exercising responsible stewardship of taxpayer and licensee resources. The NRC's commitment to safety remains the same and continues to be our North Star.

a. **How would you characterize staff morale across the agency over the past two years?**

Response: Staff morale has been reinvigorated over the last two years. This started with the direction in the ADVANCE Act to rewrite the NRC's mission statement. The Commission challenged staff in the new mission statement to enable the use and deployment of nuclear technologies for the betterment of society. Staff took this direction to heart and is leaning in to fulfil this mission, advancing national priorities.

b. **Do you believe NRC staff currently feel empowered to raise technical disagreements and safety concerns through established channels?**

Response: While the NRC is implementing a number of significant organizational changes, we continue to recognize the importance of providing employees with avenues to address workplace concerns. The NRC currently offers employees multiple channels for staff to raise concerns in addition to the Office of the Inspector General, as described below:

- Staff may first use informal discussions through supervisory chains and, if needed, the "Open Door Policy" to bring issues directly to senior leadership and the Commission without fear of reprisal.

- The staff can also submit anonymous questions or feedback using the agency's "Ask the EDO" interface, which has been and continues to be an active forum for raising workplace topics.

- The staff may also raise issues directly to senior leadership or the Commission in town hall or all hands meetings.

- Additionally, more formal options, including the Nonconcurrence Process and Differing Professional Opinion Program, remain in place and allow staff to document and resolve technical or policy disagreements.

In addition to providing these channels for employees to raise concerns, the agency regularly reinforces their visibility, trust and use through ongoing employee

communications.

Senator CAPITO. Thank you. Thank you very much.

Next, we will hear from Commissioner Bradley Crowell. Commissioner Crowell was confirmed to serve as a member of the NRC in 2022, and has over 20 years of experience in energy and environmental policy, including as a staffer for our own Ranking Member, Ranking Member Whitehouse.

Welcome, Commissioner, and you are recognized for 2 minutes.

STATEMENT OF HON. BRADLEY R. CROWELL, COMMISSIONER, UNITED STATES NUCLEAR REGULATORY COMMISSION

Mr. CROWELL. Thank you, Chairman Capito, Ranking Member Whitehouse, and members of the committee. Thank you for inviting me and my fellow commissioners to appear before you today to discuss the Nuclear Regulatory Commission's Fiscal Year 2027 budget request.

Today, we find ourselves at a pivotal juncture that will determine the future of commercial nuclear power not just in the United States, but around the world. Upon joining the Commission in 2022, I was excited to get to work and help lead an ongoing transformation at the NRC commensurate with my growing confidence in our Country's ability to position the U.S. as the world's leader for the next generation of nuclear energy technologies.

Most importantly, to do so while maintaining the United States' hard-earned, world-class reputation for nuclear safety and security. I am proud to have helped facilitate many accomplishments and milestones achieved by the Agency staff in just the last few years. Chairman Nieh highlighted many of the NRC's most recent successes, and I share his optimism that we are building a framework to accelerate further achievements.

However, success is far from guaranteed. Looking ahead, my confidence in our nuclear future is buoyed by Congress building and sustaining bipartisan support for nuclear power to meet our Nation's energy needs. In doing so, giving the NRC the policy direction and resources needed to modernize its approach to responsible nuclear regulation and oversight without sacrificing safety.

Recent positive change underway at the NRC can be traced directly to the Agency's recent update of its mission statement to establish a more enabling culture without losing focus on safety and security by effectively establishing an enabling mindset among Agency staff. We have already seen notable improvements in both the efficiency and clarity of Agency licensing and oversight activities.

I hope this agency Culture change will persevere despite recent upheavals among NRC staff. Just in the past 16 months, we have lost 510 employees, including a number of senior executives and subject matter experts, while adding only 59 new staff.

Over the past year, the Agency has been almost exclusively focused on implementing the current administration's Executive Order 14300, Ordering the Reform of the Nuclear Regulatory Commission. This EO doubles down on much of the Agency's ongoing work and related reform efforts. However, the breadth and scope of this Executive Order combined with the extraordinarily short timelines it establishes for implementation risks undermining the very goals set by the EO itself.

Maintaining the American public's trust in our government's ability to safely and securely regulate nuclear power generation means that getting it right should be more important than moving fast. The need to enhance regulatory efficiencies without impacting safety is why my paramount concern as a commissioner today is the current and future NRC work force. The Agency is being directed to do more with less despite a growing workload and aggressive new timeframes for Agency licensing and oversight activities. This is an unsustainable dynamic.

I am equally concerned about the Agency's continued focus in Fiscal Year 2027 to execute on the NRC's full mission, including the oversight of our Nation's current fleet of nuclear power and fuel cycle facilities.

For lasting success, the NRC must double down on efforts to restore, build, and maintain public trust, whereas the surest way to undermine the public's confidence in nuclear safety and the NRC's role in protecting public health and safety is decreased transparency.

I am confident in the current crop of NRC commissioners, that we can work collaboratively and collegially to achieve these objectives. I look forward to discussing that with you today.

Thank you.

[The prepared statement of Mr. Crowell follows:]



TESTIMONY OF

Bradley R. Crowell
Commissioner
U.S. Nuclear Regulatory Commission

For A Hearing

BEFORE

United States Senate
Committee On Environment And Public Works

ON

U.S. Nuclear Regulatory Commission's Proposed Fiscal Year 2027 Budget

May 13, 2026
Washington, D.C.

Statement of
Commissioner Bradley R. Crowell
Senate Environment and Public Works Committee
May 13, 2026

Chairman Capito, Ranking Member Whitehouse, and members of the Committee, thank you for inviting me and my fellow Commissioners to appear before you today to discuss the Nuclear Regulatory Commission's Fiscal Year 2027 budget request. Today, we find ourselves at a pivotal juncture that will determine the future of commercial nuclear power not just in the United States, but around the world.

Upon joining the Commission in mid-2022, I was excited to get to work and help lead an ongoing transformation at the NRC commensurate with my growing confidence in our country's collective ability to position the U. S. as the world leader for the next generation of nuclear energy technologies. But most importantly, to do so while maintaining the United States' hard-earned, world-class reputation for nuclear safety and security.

I am proud to have helped facilitate many accomplishments and milestones achieved by agency staff in just the last few years. Chairman Nieh highlighted many of the NRC's most recent successes in his remarks, and I share his optimism that we are building a framework to accelerate further achievements. However, success is far from guaranteed. Continued U.S. leadership in nuclear energy generation must always be grounded in a steadfast commitment to nuclear safety and security.

As we look ahead, my confidence in our nuclear future is buoyed by Congress building and sustaining bipartisan support for nuclear power as an indispensable contributor to our nation's energy needs. And in doing so, giving the NRC the policy direction and resources needed to modernize its approach to responsible nuclear regulation and oversight without sacrificing safety or security. I appreciate current and past members of this Committee for directing needed reforms at the NRC, including through the 2019 Nuclear Energy Innovation and Modernization Act (NEIMA) and the 2024 ADVANCE Act. These bipartisan legislative accomplishments provide the policy support necessary to accelerate the NRC's ongoing efforts to modernize its regulatory approach and sharpen the agency's focus to establish a refreshed platform for success.

A key tipping point in the positive changes underway at the NRC can be traced directly to the agency's recent update of its mission statement to establish a more "enabling" culture throughout the NRC without losing focus on safety and security. By effectively establishing an "enabling mindset" among agency staff, we have already seen notable improvements in both the efficiency and clarity of agency licensing and oversight activities. I hope this agency culture change will persevere despite recent upheavals among NRC staff. In the past 16 months, we have lost 510 employees, including a number of senior executives and subject matter experts, while bringing on only 59 new staff.

Almost one year ago, the current Administration issued Executive Order (E. O.) 14300, "Ordering the Reform of the Nuclear Regulatory Commission." The thrust of this E.O. doubles down on much of the agency's ongoing work and related reform efforts. Viewed positively, the E. O. is welcome recognition of the integral role the NRC can play in catalyzing the safe and secure deployment of new and advanced nuclear energy systems. However, the breadth and scope of this Executive Order combined with the extraordinarily short timelines it establishes for implementation risks undermining the very goals set by the E.O. itself. Maintaining the American public's trust in our government's ability to safely and securely regulate nuclear power generation, means that getting it right must be paramount versus moving quickly in pursuit of artificial timelines. The oft repeated mantra for fostering rapid advancements in many cutting-

edge technology sectors is to "move fast and break things." While that ethos may apply well in some technology sectors, it is the antithesis of safe, secure, and informed nuclear regulation.

The legitimate need to enhance regulatory efficiencies without impacting safety is why my greatest concerns as a Commissioner today all relate to the current and future NRC workforce. The agency is being directed to do more with less despite a growing workload and aggressive new timeframes for agency licensing and oversight activities. This is an unsustainable dynamic. The NRC staff is the key to successfully turning our present-day challenges into future successes. They are undoubtedly our most vital asset. We **must do better** to retain and recruit talented staff.

In my role as an NRC Commissioner, I am often asked what keeps me awake at night. Lately, my most frequent response is questioning whether we are doing enough to support and supplement our staff and ensure that the NRC workforce is sufficiently robust and resourced to match the anticipated workload coming before the agency without sacrificing our commitment and attention to safety and security.

My second greatest concern for FY 2027 is the agency's continued ability to execute on the NRC's full mission, including the oversight of our nation's current fleet of nuclear power reactors and fuel cycle facilities. While I wholeheartedly support the need to incorporate new efficiencies into all processes throughout the agency, we must not let the fervor of deregulation and a singular focus on operational efficiencies undermine the NRC's critical role in ensuring the continued safe and secure operation of existing NRC licensed facilities. For example, I am concerned that shifting the agency's focus to licensing activities too heavily or too quickly will come at the expense of maintaining sufficient talent and resources focused on our equally important oversight responsibilities. Weakening proven and successful oversight programs represents the greatest risk to realizing the true and lasting nuclear renaissance we are all working so hard to foster.

For lasting success, the NRC must double down on efforts to restore, build, and maintain public trust. I am concerned on this front because the surest way to undermine the public's confidence in nuclear safety and, in the NRC's role as safety regulator, is to decrease transparency. This maxim is true for all things nuclear – but is particularly acute with respect to nuclear power generation and used fuel management. Over the past year, circumstances have clouded stakeholder belief in the agency's commitment to transparency as a pillar of the NRC's Principles of Good Regulation. The agency's ability to seek and receive valuable input from external experts, non-governmental agencies, trade associations, members of the public, and other key stakeholders has fallen victim to meeting arbitrary deadlines associated with E.O. 14300's direction to overhaul the NRC's entire regulatory framework. The durability of this herculean rulemaking effort would be greatly enhanced by allowing sufficient time for agency stakeholders to review and offer informed input on the unprecedented volume of proposed rulemakings being advanced under E.O. 14300. Instead, the agency has denied multiple well-justified requests to extend public comment periods by just a few weeks.

That said, while maintaining a credible opportunity for public comment is integral to a durable rulemaking process, it is not a substitute for the more fulsome, meaningful engagement with stakeholders, as rightfully expected by the public from any public-facing government agency. To foster a lasting nuclear renaissance, we must retain a reasonable ability to engage proactively and transparently with regulated entities, states, local communities, and all other stakeholders. Failure to do so risks undermining public trust and forfeiting the "social license" essential to an enduring future for nuclear technologies. During my remaining time on the Commission, I will continue to seek new ways for agency staff to conduct meaningful public engagement without compromising the efficiency we all desire.

Lastly, I presently see in the current cadre of NRC Commissioners a set of leaders with diverse skill sets and unique perspectives that constitute the right mix, at the right time, to effectively lead the NRC at this crucial juncture. We each understand and appreciate the necessity and value of working as a collegial, policy-making body. But this does not mean always agreeing. It means communicating regularly and honestly, and working together toward the best outcomes, with clear direction and durable decisions for the agency. As Commissioners, we owe this to the NRC workforce, the regulated community, and the American people.

With adequate resources for the agency and with clear, consistent leadership, I believe the NRC can achieve many great things. I intend to do my part to ensure we meet our responsibilities to the NRC workforce, and our obligations to the American public for whom we serve. While I have concerns, my belief in our shared goals across government, with support from both sides of the aisle, fuels my continued optimism and measured confidence that we can stay on the high end of this slippery slope and thus on the right side of history. Thank you, and I look forward to your questions.

Senate Committee on Environment and Public Works
Hearing Entitled, *"The U. S. Nuclear Regulatory Commission's Proposed Fiscal Year 2027 Budget"*
May 13, 2026

Questions for the Record for The Honorable Bradley R. Crowell

Chairman Capito:

1. **As we look ahead to the next two or three years, we can see a drastically different NRC: the Agency's inspection and oversight activities are appropriately reduced; the reorganization is completed and duplicative bureaucracy is eliminated, the major rush of rulemakings is finished; and licensing is completed in a more timely and predictable manner.**

   The NRC must have sufficient foresight and strategic planning to make sure the Agency has the right staff with the right expertise in the right positions to do the right work. The proposed budget for NRC appears to include a notable reduction of staff, yet the licensing and regulatory work the Agency is accomplishing today is significant and ahead of schedule.

   At the hearing, you noted that the NRC must align projected future licensing work with necessary staff. How can the NRC identify those specific licensing activities to ensure adequate staffing?

   RESPONSE:

   I generally agree with the three areas of focus that Chairman Nieh outlined in his response to your similar Question for the Record about how the NRC will remain aligned with future workload and agency priorities. However, to meet agency workforce needs, I am not supportive of shifting resources back and forth between agency oversight and licensing activities. Doing so is neither efficient nor in the best interests of agency licensees or applicants. I view oversight, licensing, and pre-application activities as critically important for maintaining safety and security and therefore the agency should request the resources necessary for each priority through the established federal budget and appropriations process. For the NRC, as a safety and security agency, this should be non-negotiable. I must also add that I believe strongly that the NRC needs to develop and implement an aggressive and strategic recruitment and hiring plan in order to replenish agency staff losses and begin building the necessary staff and expertise commensurate with the agency's impending increased workload.

2. **As a fee-based agency, the NRC is primarily funded by license holders and applicants. This structure is deliberate and purposeful – it is good public policy. As Congress developed the ADVANCE Act, we considered various options to address regulatory costs. Ultimately, Congress significantly reduced the NRC's fee recovery requirements for advanced reactors.**

   The NRC is now proposing to establish fixed fee caps – which deviates from Congressional direction and raises many implementation challenges – including shifting costs from the industry to taxpayers.

   It appears the NRC's proposed budget does not request an additional appropriation to pay for licensing review costs that would be necessary if the fixed cap is exceeded.

a. **What is your view on the policy value of NRC's fee-recovery structure?**

RESPONSE:

From a high-level policy perspective, my understanding is that the NRC's "fee-based" funding structure has changed overtime, historically shaped by legislation, court rulings, and budgeting practices. I see the NRC's fee-recovery structure as an appropriate funding mechanism that governs how the NRC should build and implement its annual budget and expenditures, consistent with Congressional intent.

b. **What are the primary challenges that you foresee with implementing a fixed fee cap?**

RESPONSE:

I see a range of potential challenges from policy to logistics.

On the policy front, fee caps—if exceeded—have the potential to increase the amount of funding the NRC requests from Congress off-the-fee base, also known as "fee relief," which all translates into taxpayer dollars. That is not an ask that I take lightly. I am also concerned that fixed fee caps run afoul of the Nuclear Energy Innovation and Modernization Act (NEIMA) by essentially setting a percentage limit on NRC's fee recovery—a requirement that NEIMA lifted.

Logistically, I am concerned that the agency's historical data is not apt for setting fixed fee caps at this time. Given the historically high volume of licensing work anticipated for the staff, as well as the new technologies likely to be in front of the staff for review, I think the NRC would be better positioned for future success if we delay implementation of fixed fee caps and gather data from reviews of the diverse and novel designs under the soon-to-be revised regulatory framework. With fresh and relevant data in hand, the agency may then be better positioned to set informed caps. Delayed implementation of the fee cap would also allow the NRC to do the spade work with Congress to get any related changes that may be needed into the appropriations process at the start versus in an ad hoc, emergent fashion.

3. **Earlier this year, the Commission approved a uniform, one-time 10% bonus for NRC employees for Fiscal Year 2026.**

a. **As the Commission considers future agency-wide compensation decisions, will you prioritize bonuses and pay increases for highly specialized or high-performing NRC staff, as intended by the ADVANCE Act?**

RESPONSE:

Yes.

b. **How will you consider the long-term sustainability of multiple pay raises or bonuses over multiple fiscal years with respect to (1) required budget requests, (2) potential need to increase fees, and (3) targeted staffing needs for the NRC as the agency completes its reorganization?**

RESPONSE:

In addition to Chairman Nieh's response, I also want to express my concerted view that the Commission and designated senior agency staff should work closely with both our Congressional authorizing and appropriating Committees on any such effort given the significant policy and appropriations-related items that must be resolved in order to implement this initiative successfully. Prior to engaging Congress, the NRC will also coordinate closely with the White House Office of Management and Budget.

Senator CAPITO. Thank you.

Our next witness is Commissioner Matthew Marzano. Commissioner Marzano was confirmed by the Senate to serve as a member of the NRC in 2024, previously having been detailed by the Idaho National Laboratory to support the EPW Committee for then-Chairman Carper.

Welcome, Mr. Marzano, and you are recognized for 2 minutes.

STATEMENT OF HON. MATTHEW J. MARZANO, COMMISSIONER, UNITED STATES NUCLEAR REGULATORY COMMISSION

Mr. MARZANO. Thank you, Chairman Capito, Ranking Member Whitehouse, members of the Environment and Public Works Committee. I appreciate the opportunity to appear before you today.

The NRC is undergoing one of the most significant periods of reform in the Agency's half-century history. Staff at all levels are working diligently to implement the direction provided by Congress in the ADVANCE Act, as well as recent executive orders intended to modernize and accelerate the safe deployment of nuclear technologies.

The staff's dedication to this effort is demonstrated through the sheer volume of activity that is nothing short of remarkable. The progress we have made over the past year gives me confidence that we can respond successfully to the task before us.

At the same time, I must offer a note of caution. As a former nuclear operator, much of my focus in the role centered on understanding human performance and identifying precursor behaviors and conditions that lead to human error. In the context of the reforms underway, I believe that we may be at risk of allowing schedule pressure to drive outcomes.

In my experience, when organizations are pushed to move faster through complex and interconnected tasks, the potential for error increases significantly.

For our purposes, the risk is not simply delay, it is poorer outcomes, reduced transparency, and ultimately a loss of public confidence. This challenge before us is not whether the NRC can succeed in this effort but rather ensuring that speed does not come at the expense of the core values and principles.

I firmly believe we can accomplish the ambitious goals before us, if three things happen. First, the Agency must have a well-resourced and robust work force. Expanded responsibilities require sufficient staffing, training, and technical expertise to execute them effectively.

Second, we must maintain meaningful stakeholder involvement and adequate public comment opportunities. Durable regulatory progress depends on transparency and public trust.

Third, we must preserve strong morale and organizational culture at the NRC, one that empowers employees to raise concerns, apply sound technical judgment and remain committed to the Agency's public safety mission.

If we get these things right, I believe that we can successfully accomplish all that is before us while maintaining the confidence of Congress, industry, and the American public.

Thank you, and I look forward to your questions.

[The prepared statement of Mr. Marzano follows:]



TESTIMONY OF

Matthew J. Marzano
Commissioner
U.S. Nuclear Regulatory Commission

For a Hearing

BEFORE

United States Senate
Committee on Environment and Public Works

ON

U.S. Nuclear Regulatory Commission's
Proposed Budget for Fiscal Year 2027

May 13, 2026
Washington, D.C.

Chairman Capito, Ranking Member Whitehouse and Members of the Committee, thank you for the opportunity to appear before you today.

Seventy years ago, President Eisenhower stood before the United Nations to present his vision for the peaceful use of nuclear technology to a world that had crossed a threshold into the atomic age. The Atoms for Peace program that followed established the groundwork for international civil nuclear cooperation and reoriented the Atomic Energy Commission toward transparency and a dual mandate to promote and regulate nuclear technology for commercial purposes. Thus, the agency became tasked with fulfilling a defining premise of Eisenhower's address that "this greatest of destructive forces can be developed into a great boon, for the benefit of all mankind."

The nuclear enterprise in the United States sits at a similar yet distinct crossroads today. The extraordinary promise of emerging nuclear technologies has converged with a geopolitical urgency to address energy security and climate change. The interests of industry, government, and the public have aligned in ways not seen in a generation. Yet, many of the same pressures and expectations that tested the Atomic Energy Commission endure in this moment. And today, the Nuclear Regulatory Commission has inherited the responsibility to enable the safe use of this technology, while ensuring adequate protection of public health and safety.

For many years, NRC staff have identified reforms that could improve efficiency without compromising safety. Some of those ideas have been discussed, studied, but eventually deferred. Further, in the past, rulemaking has often been overly burdensome and lengthy. Multi-year rulemakings with extensive layers of internal review can create uncertainty, consume resources, and delay benefits without proportionate gains in safety. In that context, I view the directives of the ADVANCE Act and Executive Orders as providing a vehicle—and frankly, the

encouragement—to modernize and incorporate regulatory reforms that have been long contemplated but not fully realized.

But I would also emphasize that modernization must be approached with care and discipline. The NRC's credibility—earned over decades—is rooted in a deliberate, evidence-based approach to decision-making. Public trust, safety margins, and the long-term viability of nuclear energy all depend on getting this right. Moving too quickly, or without sufficient technical grounding, risks undermining the very goals we are trying to achieve.

This is particularly important when we consider the distinction between our existing fleet and emerging technologies. For today's operating reactors, we benefit from thousands of reactor-years of experience—data, operating history, and lessons learned that give us confidence in where flexibility can be responsibly applied. That depth of knowledge allows us, in some cases, to streamline processes or adjust requirements with a clear understanding of the risks.

However, that same level of experience does not yet exist for novel reactor concepts. These designs may ultimately prove to be safer and more efficient, but our regulatory approach must reflect the current state of knowledge, not anticipated outcomes. As a result, the degree of flexibility we can responsibly offer is different. That is not a barrier to innovation—it is a recognition that sound regulation must be anchored in sound engineering judgement.

Building and sustaining a regulatory system that is both modern and durable depends on two foundational elements: research and workforce.

Simply stated, robust research provides the technical basis for informed decision-making. It reduces uncertainty, supports risk-informed regulation, and broadens our capability to assess new

technologies on their merits. Without it, we are left to rely on assumptions and unnecessary conservatism where we should be relying on evidence and data.

Equally important is the strength of our workforce. The NRC's effectiveness depends on the expertise, independence, and judgment of its people. As technologies evolve, so too must our capabilities. Investing in the next generation of engineers, safety analysts, and regulatory professionals is not optional—it is essential to sustaining our mission. That is why I remain focused on addressing our workforce challenges. This involves an honest assessment of the reasons individuals may choose to leave the NRC and implementing the solutions to address them. We must better leverage our hiring and compensation authorities and implement work-life flexibilities to attract and retain talent and incentivize public service.

In closing, modernization is both necessary and achievable. But it must be done in a way that preserves the principles that have served this nation well: independence, rigor, and an unwavering commitment to safety. If we pair thoughtful reform with strong investment in research and people, we can build a regulatory framework that supports innovation while maintaining the public trust that is the cornerstone of our work.

Thank you, and I look forward to your questions.

Senate Committee on Environment and Public Works

Hearing Entitled, "*The U.S. Nuclear Regulatory Commission's Proposed Fiscal Year 2027 Budget*"

May 13, 2026

Questions for the Record for Commissioner Marzano

Chairman Capito:

1. **As we look ahead to the next two or three years, we can see a drastically different NRC: the Agency's inspection and oversight activities are appropriately reduced; the reorganization is completed and duplicative bureaucracy is eliminated, the major rush of rulemakings is finished; and licensing is completed in a more timely and predictable manner.**

   The NRC must have sufficient foresight and strategic planning to make sure the Agency has the right staff with the right expertise in the right positions to do the right work. The proposed budget for NRC appears to include a notable reduction of staff, yet the licensing and regulatory work the Agency is accomplishing today is significant and ahead of schedule.

   How are you ensuring that the projected staffing needs are reflected in the budget and how that aligns with the future workload and structure of the Agency?

   The NRC uses a comprehensive planning process to ensure our staffing needs are accurately reflected in the budget and aligned with the Agency's future workload and structure. The NRC regularly assesses anticipated licensing, oversight, and rulemaking activities and allocates resources to meet our core mission of protecting public health and safety.

   Although staff have improved forecasting future work and resource planning, as the nuclear landscape changes and the Agency completes its reorganization and major rulemakings under EO 14300, we recognize that our budget and workforce has very little margin before impacting our primary safety role. The Commission will continue to monitor and adjust the budget as needed through established mechanisms such as reprogramming, the OMB passback process, and ongoing budget reviews to address evolving needs.

   However, the timing of certain milestones within the budget process offers limited opportunities to make real-time adjustments within execution years. In order to further enhance the agency's adaptability and responsiveness to workload changes, the NRC is developing a comprehensive strategic workforce planning process, which uses an enterprise-wide tool known as NEXUS that integrates a number of workload and workflow tracking tools with the agency's human capital systems. The tool will enable the

agency to capture both current and future talent needs in a systematic way to ensure that the talent and expertise required to execute our mission is available today and in the future. This process is expected to support the Agency in assessing workforce gaps and future staffing needs by empowering agency leaders to make better planning decisions and inform hiring, recruitment, and talent management. As part of this effort, the agency is developing a staff expertise database to help management quickly identify and deploy technical experts where needed based on the current workforce.

Additionally, one of the priority goals of the agency's reorganization in my view was to improve upon the level of service that the program (or "mission") offices receive from the "mission support" organization. This includes a restructuring of the Office of the Chief Financial Officer (OCFO) and changes to ways that OCFO interacts with program offices to improve budget formulation that more accurately reflects workload needs while promoting budget discipline.

Staff attrition is a significant concern of mine, and I am in constant communication with senior management to understand resource needs and gaps across all business lines. I use these engagements to make informed decisions that accurately reflect our workload and staffing needs when voting on the Agency's budget. Ensuring that NRC's staff, budget, and workload remain aligned is one of my highest priorities, and I will continue working with my Commission colleagues to maintain our effectiveness and readiness as a safety regulator.

2. **As a fee-based agency, the NRC is primarily funded by license holders and applicants. This structure is deliberate and purposeful – it is good public policy. As Congress developed the ADVANCE Act, we considered various options to address regulatory costs. Ultimately, Congress significantly reduced the NRC's fee recovery requirements for advanced reactors.**

   The NRC is now proposing to establish fixed fee caps – which deviates from Congressional direction and raises many implementation challenges – including shifting costs from the industry to taxpayers.

   It appears the NRC's proposed budget does not request an additional appropriation to pay for licensing review costs that would be necessary if the fixed cap is exceeded.

   a. **What is your view on the policy value of NRC's fee-recovery structure?**

      I believe the fee-recovery structure established under NEIMA (Nuclear Energy Innovation and Modernization Act) and the ADVANCE Act made marked improvements to the prior fixed-percentage structure under the Omnibus Budget and Reconciliation Act of 1990 (OBRA-90). The annual fee development process enhances transparency and accountability by requiring the NRC to clearly communicate how fees are calculated and what activities are covered by such fees, allowing stakeholders to better understand the regulatory cost structure.

This process benefits the NRC by providing a stable and predictable funding mechanism that supports effective mission execution, while also incentivizing efficiency. For industry, the transparent fee structure improves predictability and fairness in regulatory costs, supporting business planning and innovation. The public also benefits through increased openness and assurance that NRC resources are allocated efficiently to protect health and safety, while enabling responsible nuclear development.

Notwithstanding, there are certainly challenges with this process and areas for improvement. In the years since NEIMA was enacted, the staff have endeavored to strengthen budget formulation through improved forecasting, refined confidence methodologies, and more disciplined resource planning. Despite these improvements, the agency continues to struggle to identify a reliable mechanism to accurately estimate 10 CFR Part 170 workload. Many budgeting challenges are outside the staff's control, intensified by geopolitical developments and rapidly shifting policy priorities. Thus, without a durable solution that reconciles budget process milestones with the timing of when workload materializes, there will be inefficiencies that must be addressed especially as we work to limit reliance on carryover funding.

Another example concerns the agency's ability to fund activities off of the fee base. Although the mechanisms exist within NEIMA for the Commission to designate fee-relief categories and for Congress to identify activities exempt from fee-recovery, these items contribute to increases in the agency's net budget authority. This comes at a time of increased fiscal scrutiny meaning that such fee-exempt activities may not receive funding even if such activities provide broader benefits to the agency, licensees and applicants, or the greater public. In my view, I find it timely to begin deeper discussions on whether certain NRC activities provide public benefits worthy of greater taxpayer investment.

Additionally, despite the improvements made to NRC's corporate support budget process under the ADVANCE Act, the fixed percentage cap continues to affect the agency's ability to make certain agencywide investments particularly as overall budget levels decrease with increasing workloads. These constraints may affect the agency's ability to hire and onboard new talent, limit investments in workforce development, and challenge efforts to maintain a high-performing, diverse staff. The fixed percentage cap may also restrict the agency's ability to maintain appropriate administrative, technical, or security support. As the costs of advanced technologies—such as artificial intelligence (AI) systems needed to support mission programs—continue to rise, the cap can further limit the agency's capacity to invest in modern tools and infrastructure. This can result in outdated systems, increased cybersecurity risks, and reduced operational efficiency, all of which may compromise the agency's ability to effectively fulfill its regulatory mission.

b. What are the primary challenges that you foresee with implementing a fixed fee cap?

In my view, the primary challenge with implementing the fixed fee cap is one of incentives. Costs that exceed the fixed fee cap may be borne by the taxpayer and it is not clear that the taxpayer benefits from the alignment of incentives inherent to this policy. I would support policy that aligns the agency's incentives with providing applicant timeline certainty, but the fixed fee cap appears to penalize situations where increasing resources to deliver on-time decisions would result in fee cap exceedance. I also support policy that provides broad public benefits by promoting innovation or enabling the safe deployment of new nuclear generation capacity, as put forward in the ADVANCE Act Section 201 by establishing a reduced hourly rate for advanced reactor applicants and pre-applicants, which the NRC implemented in the FY 2025 Fee Rule.

I also foresee a possibility that fee caps could actually reduce efficiency and introduce uncertainties for both applicants and NRC staff. In the rare event a fee cap is exceeded and attributed to the applicant, trust could be eroded. This scenario could also elevate the risk of disputes, litigation, or questions of fairness, particularly if the criteria for "applicant failure" (as discussed in Section 5(a) of E.O. 14300) are not clearly defined and if expectations are not communicated effectively at the outset of the process.

3. Earlier this year, the Commission approved a uniform, one-time 10% bonus for NRC employees for Fiscal Year 2026.

a. As the Commission considers future agency-wide compensation decisions, will you prioritize bonuses and pay increases for highly specialized or high-performing NRC staff, as intended by the ADVANCE Act?

Yes. As a strong proponent of the ADVANCE Act's hiring and compensation authorities, I continue to encourage management and supervisors to fully utilize the hiring and retention tools provided under the ADVANCE Act to attract and retain highly qualified staff. Leveraging these flexibilities is essential to ensuring we have the expertise needed to fulfill the NRC's mission both now and in the future.

That is why I was pleased to see the agency issue ADVANCE Act awards earlier this year to formally recognize exceptional staff performance in enabling the safe deployment of nuclear technology and improving licensing or regulatory oversight programs. Eighteen individuals were selected as the inaugural recipients of this prestigious award, marking an important milestone in acknowledging their outstanding contributions to

the NRC's mission. This also demonstrates how the ADVANCE Act is driving practical, meaningful improvements for staff.

b. How will you consider the long-term sustainability of multiple pay raises or bonuses over multiple fiscal years with respect to (1) required budget requests, (2) potential need to increase fees, and (3) targeted staffing needs for the NRC as the agency completes its reorganization?

I view our stewardship of taxpayer and ratepayer resources to be essential in the execution of our mission. It is through this lens that I view the agency's budget development to include potential long-term compensation decisions for staff. As our fee-recovery structure under NEIMA demands, the fees charged to licensees to fund associated regulatory activities must reflect actual workload, and as the NRC embraces a culture of continuous improvement, we must continue to strengthen our budget discipline to fulfill this intent. Ultimately, we must strike an appropriate balance that ensures we can accomplish our core mission while making the right investments to prepare the agency for future demands.

This requires an ongoing dialogue between the NRC, OMB, and Congress to achieve alignment on durable solutions to budget and compensation challenges. Such was the case as the Commission weighed the issuance of the FY26 special act awards. NRC staff engaged with the relevant stakeholders in the development of these awards, which enabled the Commission to issue these awards to staff in recognition of their significant accomplishments in response to the ADVANCE Act and EO 14300.

Although resources for these awards were already available within the agency's budget, thereby avoiding the need to increase fees or for additional appropriations, I recognize that this approach will not be sustainable over the long-term. Future solutions will require additional engagements with our stakeholders to arrive at an equitable and durable solution. We will be sure to engage you if we determine a legislative solution is necessary to provide competitive compensation to staff.

To that end, I find the agency to be in a similar situation to the Securities and Exchange Commission (SEC) around twenty-five years ago. In response to high staff turnover, Congress enacted pay parity legislation (through the Investors and Capital Markets Fee Relief Act, P.L. 107-123) to exempt SEC staff from the standard general schedule civil service pay rules. Although the NRC has somewhat similar authority under Section 161d of the Atomic Energy Act, there are additional restrictions that have limited the Commission's ability to provide pay parity, especially among the senior executive service.

Senator Alsobrooks:

1. **In FY25 and FY26, the NRC has experienced the highest attrition rates in 20 years. Overall attrition is expected to fall between 14% and 15% for this fiscal year, compared to an approximately 8 percent historical average and no prior years above 10 percent before FY25. Beyond salary competition with the private sector, what do you believe are the primary reasons employees are leaving the NRC? To what extent would you say departures are being driven by uncertainty surrounding the reorganization, changes to inspection programs, or concerns about agency direction and independence?**

   Based on my understanding of exit survey data, approximately 60% of respondents stated that issues related to work-life balance and work schedule flexibility, to include telework policy, influenced their decisions to leave the agency. Although staff have expressed concerns over certain aspects of recent policy decisions at the NRC such as the agency's reorganization effort and changes to inspection programs, this does not appear to be a major factor in staff departures in my view.

   a. **How would you characterize staff morale across the agency over the past two years?**

      Characterizing staff morale is a difficult task, especially considering lack of available data that was previously used to probe staff morale through response to the Federal Employee Viewpoint Survey, which was suspended for 2025. In my experience since joining the Commission in early January 2025, staff morale has declined in response to government-wide policy changes. Furthermore, the agency is being pushed to accomplish more with fewer resources, which creates the conditions that lead to potential staff burnout and higher staff attrition. That said, I believe that the agency is in better position today in terms of staff morale as the primary drivers for uncertainty have diminished, especially with the execution of the agency's reorganization effort, effective as of June 15, 2026.

      Staff morale is also a subject I prioritize in discussions with the agency's senior leadership. Attrition data and my engagements with senior leaders were two factors that led me to support the uniform, 10% bonus for NRC employees for FY26 as one means of addressing staff morale. However, with the anticipated increase in workload facing the agency over the next few years, I am concerned that without sufficient resources we may struggle to provide for timely licensing decisions and place further pressure on our staff. If not addressed over the long-term, we may continue to see elevated attrition rates compared to the historical average.

b. Do you believe NRC staff currently feel empowered to raise technical disagreements and safety concerns through established channels

Yes. The Commission maintains an "open door policy" that empowers any employee to initiate a meeting with an NRC manager or supervisor, including a commissioner, to discuss any matter of concern to the employee. Over the last year, multiple staff have pursued this avenue to speak with me about technical disagreements and safety concerns. The Commission has also been provided, on multiple occasions over the last year, with materials describing differing professional opinions. Considering that we are in one of the most dynamic periods in the agency's history, it would have been notable if there was a complete absence of dissenting views shared with the Commission. While it would be impossible to know if all NRC staff currently feel empowered to raise technical disagreements and safety concerns through established channels, I have not observed that the established channels are constrained.

Senator CAPITO. Thank you very much.

Our final witness, we will hear from Commissioner Douglas Weaver. Commissioner Weaver was sworn into his current position in December 2025, and his nomination to serve a full 5-year term is currently pending for a vote on the Senate floor.

Commissioner Weaver, welcome back to the committee.

STATEMENT OF HON. DOUGLAS W. WEAVER, COMMISSIONER, UNITED STATES NUCLEAR REGULATORY COMMISSION

Mr. WEAVER. Good morning, Chairman Capito, Ranking Member Whitehouse, and members of the committee. Thank you for the opportunity to appear before you today with my colleagues to discuss the NRC's efforts to enable the safe and secure use of nuclear technologies for the benefit of our Nation.

On December 3d, last year, I appeared before this Committee as a nominee to become a member of the Commission. I testified on that day that, if confirmed, I would work with the current members of the Commission to effectively implement both the ADVANCE Act and Executive Order 14300 in a manner that maintains public trust and meets the needs of the Nation.

As I approach 5 months on the Commission, I can say that the NRC is delivering on those commitments and will continue to do so as we implement our new organizational model, new regulations, and more risk-informed programs.

NRC stands ready to meet the Country's needs today, and we will be even better positioned to do so tomorrow. I would describe the work we are doing as transformational. The full scope of the changes will become apparent as the Commission deliberates on and issues the full suite of proposed rules in the coming months. These regulatory changes, in conjunction with the cultural and organizational alignment in progress, will result in an NRC that is both safety-focused and a true enabler of nuclear technology.

That is the vision. I am committed to advancing that vision through my votes, my engagement with staff and stakeholders, and my work with my colleagues on the Commission.

I appreciate the Committee's oversight and look forward to your questions.

Thank you, Chairman.

[The prepared statement of Mr. Weaver follows:]



TESTIMONY OF

Douglas W. Weaver
Commissioner

U.S. Nuclear Regulatory Commission

For a Hearing

BEFORE

United States Senate

Committee on Environment and Public Works

ON

U.S. Nuclear Regulatory Commission's Proposed Fiscal Year 2027 Budget

May 13, 2026
Washington, D.C.

Chairman Capito, Ranking Member Whitehouse, and Members of the Committee:

Thank you for the opportunity to appear before you with my colleagues to discuss the U.S. Nuclear Regulatory Commission's efforts to enable the safe and secure use of nuclear technologies for the benefit of our nation.

On December 3, 2025, I appeared before this Committee as a nominee to become a member of the Commission. I testified on that day that, if confirmed, I would work with the current members of the Commission to effectively implement both the ADVANCE Act and Executive Order 14300 in a manner that maintains public trust and meets the needs of the Nation.

As I approach five months on the Commission, I can say that the NRC is delivering on those commitments and will continue to do so as we implement our new organizational model, new regulations, and more risk-informed programs.

NRC stands ready to meet the country's needs today, and we'll be even better positioned to do so tomorrow. I would describe the work we are doing as transformational. The full scope of the changes will become apparent as the Commission deliberates on, and issues, the full suite of proposed rules in the coming months. These regulatory changes, in conjunction with the cultural and organizational alignment in progress, will result in an NRC that is both safety-focused and a true enabler of nuclear technology. That's the vision.

I am committed to advancing that vision through my votes, my engagement with staff and stakeholders, and my work with my colleagues on the Commission. I appreciate the Committee's oversight and look forward to your questions.

Senate Committee on Environment and Public Works
Hearing Entitled, "*The U.S. Nuclear Regulatory Commission's Proposed Fiscal Year 2027 Budget*"
May 13, 2026
Questions for the Record for Commissioner Douglas Weaver

Chairman Capito:

1. **As we look ahead to the next two or three years, we can see a drastically different NRC: the Agency's inspection and oversight activities are appropriately reduced; the reorganization is completed and duplicative bureaucracy is eliminated, the major rush of rulemakings is finished; and licensing is completed in a more timely and predictable manner.**

   The NRC must have sufficient foresight and strategic planning to make sure the Agency has the right staff with the right expertise in the right positions to do the right work. The proposed budget for NRC appears to include a notable reduction of staff, yet the licensing and regulatory work the Agency is accomplishing today is significant and ahead of schedule.

   What are the priority actions the Commission should consider to right size the NRC's total staffing while ensuring future licensing actions are completed in a timely and efficient manner?

   The NRC is improving insight into workforce utilization, better linking budget planning to execution, and refining project-level tracking to clarify outputs and resource needs. The NRC is also reviewing the balance between fee-billable and non-fee-billable mission-direct effort, enhancing time and labor tracking, and strengthening enterprise-wide hiring oversight through the Strategic Hiring Committee. Over time, reductions in the mission-direct workforce required to achieve the agency's goals are expected to result in proportional reductions in both mission-indirect staff (supervisory and non-supervisory support) and agency support (corporate support). Taken together, these changes should result in lower hourly rates and annual fees than otherwise would have been the case.

   In addition, the NRC is (1) revamping its regulations and regulatory processes to be more risk-informed and performance-based, leading to more efficient licensing reviews and oversight activities with better focus on safety, (2) aligning its organization to meet current and future regulatory demands by reducing unnecessary layers, streamlining operations and positioning our workforce where it can deliver the greatest mission value, and (3) leveraging technology, including artificial intelligence and data analytics, to improve efficiency, strengthen decision-making, and enhance mission delivery. These actions support more efficient operations, clearer prioritization, and data-driven staffing decisions aligned with evolving mission needs.

2. **As a fee-based agency, the NRC is primarily funded by license holders and applicants. This structure is deliberate and purposeful – it is good public policy. As Congress developed the ADVANCE Act, we considered various options to address regulatory costs. Ultimately, Congress significantly reduced the NRC's fee recovery requirements for advanced reactors.**

   The NRC is now proposing to establish fixed fee caps – which deviates from Congressional direction and raises many implementation challenges – including shifting costs from the industry to taxpayers.

   It appears the NRC's proposed budget does not request an additional appropriation to pay for licensing review costs that would be necessary if the fixed cap is exceeded.

   a. **What is your view on the policy value of NRC's fee-recovery structure?**

      NRC's fee-recovery structure ensures the beneficiaries of NRC licensing and oversight activities bear the associated costs, consistent with longstanding congressional direction. This approach promotes fiscal discipline and strives to align fees with workload, as intended in the Nuclear Energy Innovation and Modernization Act (NEIMA). The Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy (ADVANCE) Act further strengthened this framework by reducing fee-recovery burdens on advanced reactor applicants in recognition of both national policy priorities and the early-stage nature of emerging technologies. NEIMA's provision allowing the NRC to recover fees "to the maximum extent practicable" generally provides necessary flexibility to manage normal fluctuations in workload and execution without shifting unplanned costs to applicants or taxpayers.

   b. **What are the primary challenges that you foresee with implementing a fixed fee cap?**

      The primary challenges to implementing a fixed fee cap are: (1) applying clear, objective criteria for determining when an exceedance is attributable to the applicant; (2) maintaining disciplined budget execution supported by reliable tracking systems to identify potential exceedances early; and (3) ensuring timely communication to stakeholders when an exceedance not attributable to the applicant occurs, including how it will be addressed under existing statutory mechanisms. These factors are essential to avoid unintended impacts on applicants, licensees, or appropriated activities. The NRC has put multiple systems and management controls in place to monitor resources and schedules throughout the NRC's review to identify and mitigate any challenges to a fixed fee cap. I would like to make it clear that the NRC sees the chances of exceeding a fixed fee cap as extremely rare.

3. **Earlier this year, the Commission approved a uniform, one-time 10% bonus for NRC employees for Fiscal Year 2026.**

a. As the Commission considers future agency-wide compensation decisions, will you prioritize bonuses and pay increases for highly specialized or high-performing NRC staff, as intended by the ADVANCE Act?

Yes. The FY 2026 agency-wide special act awards were an intentional investment in the agency's workforce at a time of heightened demand for their collective expertise. The agency-wide aspect recognized that it took the entire NRC organization working together to meet the moment of the ADVANCE Act and Executive Order 14300. In addition, employees must meet agency-established eligibility criteria to qualify for the award.

These special act awards do not replace the flexibilities provided under the ADVANCE Act; rather, they recognize the significant accomplishments the agency achieved overall in FY 2026 and acknowledge staff contributions made during a period of rapid regulatory modernization and operational reform to implement the ADVANCE Act and Executive Order 14300. Looking ahead, the NRC is evaluating options for agency-wide compensation that will continue to support staff retention and recruitment and emphasize rewarding high-performing employees.

b. How will you consider the long-term sustainability of multiple pay raises or bonuses over multiple fiscal years with respect to (1) required budget requests, (2) potential need to increase fees, and (3) targeted staffing needs for the NRC as the agency completes its reorganization?

The NRC is taking a disciplined and balanced approach to its phased awards strategy to ensure it supports mission delivery, remains within budget, and does not significantly affect fees for licensees.

The FY 2026 agency-wide special act awards are being funded using resources already available within the agency's budget, primarily from unspent salary and benefit funds. As a result, no additional appropriations are required, and licensee fees will not increase as a result of these awards. Looking ahead, the agency is evaluating options to incorporate awards into future annual budget planning to ensure a sustainable, transparent, and predictable approach.

This approach supports the NRC's ability to attract and retain the skilled workforce needed to deliver its mission. As the agency implements its reorganization and aligns resources with evolving workload demands, maintaining critical expertise remains a priority. NRC is revamping its regulations and regulatory processes to be more risk-informed and performance-based, aligning its organization to meet current and future regulatory demands, and leveraging technology, including artificial intelligence and data analytics. Over time, these changes are expected to right size the NRC's total staffing while ensuring that the NRC remains prepared to meet future mission needs. The right sizing, in turn, can support the Commission's decisions on pay raises and bonuses.

Senator CAPITO. Thank you all very much. I will kick us off with the questions.

Let us talk a bit first with Chairman Nieh about the proposed budget, which is nearly $80 million lower than the enacted budget of Fiscal Year 2026. The proposal realizes much of the savings that Congress envisioned will be put together in the ADVANCE Act, which directed the Agency to be more efficient in its licensing and oversight program, and in doing so, lowering those regulatory costs paid by industry.

Will you please, Chairman Nieh, briefly summarize and quantify key cost savings that are included in this budget that would have been as a result of the ADVANCE Act?

Mr. NIEH. Thank you, Chairman Capito. Yes, I can do that.

I do want to echo one thing that I think is instrumental to the savings that I will describe momentarily, is the committee's efforts to include enabling in the NRC's admission. That, in my view, is one of the most substantial aspects of how we are able to achieve these licensing and oversight program efficiencies.

As you mentioned, there are significant reductions through the provisions in the ADVANCE Act that we are building into how we do business. In licensing alone, we have reduced costs by approximately $6 million and 30 full time equivalents. In the oversight program, we have reduced costs around $9 million and 40 full time equivalents.

There are other reductions that we have implemented as well in the corporate support area. Again, another area focused through the ADVANCE Act. Taken together with the ADVANCE Act alone, the focus on disciplined milestones and achieving efficiencies with that enabling mindset has enabled us to really deliver this value back to the Country, so we can really execute our work at the best efficiency possible.

One thing I would really add to that, bringing into my private sector experience to the Agency and having a disciplined leadership model, companies that execute well on their objectives really look to streamline and simplify or eliminate the work that does not contribute to the desired outcome.

That is one thing that we are doing at the NRC. We really want to do less with less, because we have found that over the years, there are things we have been doing that really do not materially contribute to mission outcomes. Those are the things that the executive director for operations and his senior leadership team are really seeking to look for more and more as we execute our work, so that we are focusing on what is actually most important for safety, and nothing more or nothing less.

Senator CAPITO. Thank you.

The next question I have is related, several of you addressed this in your opening statements, and that is appropriate staffing levels. Many of you noted a lot of folks have left the Agency. We are seeing a dramatically different NRC.

I want to start with Commissioner Crowell on this one. The proposed budget for NRC appears to include a notable reduction of staff. Yet the licensing and regulatory work that the Agency is accomplishing is significant and ahead of schedule.

What is your assessment, and you alluded to this in your statement, the staffing needs in the budget, and how does that align with future workload?

Mr. CROWELL. Thank you for the question, Senator. My concern in this regard is that these accelerated timelines and efficiencies that we have been able to achieve will be vulnerable to a dynamic in Fiscal Year 2027 and beyond where we have an increased workload that will require us to review multiple applications at the same time.

Right now, we are able to meet some of these aggressive goals, because we are pretty much in a one-at-a-timeframe work. When that becomes multiple applications for different technologies, that is going to be more challenging.

I am also concerned about having the right knowledge skill sets to appropriately review some of the advanced reactor technologies that we expect to come before the commission.

Senator CAPITO. Commissioner Weaver, what would be your perspective on that? What is your view on how the commission intends to address these human capital challenges as it faces the updates and continues to do the licensing and regulatory work?

Mr. WEAVER. Thank you for the question, Chairman.

In addition to the efficiencies that the Chairman mentioned, I think we are not simply doing the same old way of doing our work and trying to do it faster with fewer people. We are fundamentally changing the way we do licensing. We are using risk-informed performance-based regulations and approaches.

What that means is we focus on what matters the most, and we spend our time on what really impacts safety. In that way, we can be more efficient, use less resources and still have good safety outcomes.

It is true, we need to hire at this point, and I happened to check our website. We have, I think, 15 or more postings, and we are looking to hire approximately 80 people primarily from outside the agency. We also have, I believe, 30 interns coming this summer.

We are hiring to fill the critical needs right now.

Senator CAPITO. Senator Whitehouse?

Senator WHITEHOUSE. Thanks, Chairman.

Chairman Nieh, will you talk for a minute about public voting? My understanding is that generally, commissions have a public vote before they submit a proposed regulation to OIRA. It then goes into an OIRA, a notoriously non-transparent process, irrespective of the administration, and then ultimately comes back and there is another public vote on final adoption of the rule.

You are not doing that right now, correct?

Mr. NIEH. Ranking Member Whitehouse, we are sending our rules to the OIRA process, which is a government—

Senator WHITEHOUSE. Not after a public vote. There is not a public vote when they are returned for approval by the commission.

Mr. NIEH. That is correct. The commissioners, each individual commissioner's public votes are considered part of the deliberative process, and per the governmentwide protocols—

Senator WHITEHOUSE. Well, first of all, that is a pretty unique way of looking at a public act of an appointed commissioner. I do not want to credit that as being legally sound at all.

More to the point, when Congress asks questions, the deliberative process just does not pertain. We have Constitutional oversight.

What I am going to ask is that you provide this committee a list of all the votes that have been taken by the NRC since that executive order with a vote roll as to who voted how on which vote. That would be question A.

Question B, on a going-forward basic, could you update the committee on those vote tallies as they proceed? I think it is important that the committee with oversight over your voting knows what the hell happened in your voting. Fair enough?

Mr. NIEH. Yes, sir.

Senator WHITEHOUSE. Thank you.

Next, let us talk about this sort of mysterious steering committee that we have read about. I understand that it has three members. I understand that only one of its members is even on your organizational chart. I understand that the steering committee itself does not exist on your organizational chart.

Could you provide the committee an updated version of your organizational chart that includes where this steering committee resides within your organization, and to whom it reports?

Mr. NIEH. Senator, yes, and I would like to clarify some things about this steering committee. This is a committee that is looking at the overall project management of the Executive Order 14300 rulemakings. It is not unlike other projects that the NRC has where they have established a steering committee to oversee the work. It is not something that is put on the major organizational diagram, because it is a temporary management structure.

I would like to clarify just the membership of the committee as well. There are two members of the committee that are NRC employees, that is the Executive Director for Operations, and there is also our General Counsel, who is on the steering committee. Then there is one person who is on detail to the NRC.

In my interactions with the Executive Director for Operations, understanding how the steering committee functions, it is really to provide the management oversight of the staff's work developing these rules. They are not writing the rules themselves. They are coordinating an overall project as well as the desired objectives of the rulemaking.

Senator WHITEHOUSE. Given the importance of the rulemaking process right now, this is not like you are just handing off some minor project to an ad hoc committee to run it while the project gets done. This is central to the Executive Order, central to the operation of the Nuclear Regulatory Commission, and central to the wellbeing of the future of the nuclear fleet.

The idea that it gets handed off to a steering committee that we do not know who it even reports to, do you have a person, does the commission have a person present in the room when the steering committee meets?

Mr. NIEH. No, they do not. Senator, as I mentioned previously, this is really project leadership, and you know, making sure that things are directionally correct, and there are interrelationships between the various rulemakings. This committee—

Senator WHITEHOUSE. I hear you saying that. That begs the really big question, which is, according to whom? The question is, who do they report to? Within the NRC, are they reporting up to you? Are they reporting to the Secretary of Energy? Are they reporting to somebody in the White House?

I get that that is their task. Somebody is adjudicating whether that task is being done correctly or not. If it is not the commission, which I would think it should be, then who the heck is it? It just seems like it is a really, really weird organizational anomaly.

In the context of the, what I consider to be infiltration efforts of the NRC by the Department of Energy, then I think it raises real concerns about whether there is a shadow commission within the commission that is making decisions that you are not even made aware of at the behest of and subject to the review of somebody who may not even be within the NRC.

I think that needs to be dispelled as a concern, and I hope you will work with us to dispel it. My time is expired.

Mr. NIEH. If I may, Ranking Member Whitehouse, I assure you that there is no shadow commission. We, each individual member of the commission, we own our votes and decisions and we may take positions that are different than what is recommended by the steering committee in the ultimate package that comes to the commission.

I assure you there is no shadow commission operating at the NRC. I feel 100 percent accountable to Congress as well as the President who appointed me in this role to ensure that all decisions that we make and all rules that we promulgate will protect the American people.

Senator WHITEHOUSE. It is not your decisions that worry me, it is the steering committee's decisions, and who they are made for the benefit of and to whom they report. I think that needs to be clarified.

Mr. NIEH. I understand.

Senator CAPITO. Senator Curtis?

Senator CURTIS. Thank you.

Chairman Nieh, congratulations, Mayor Wright, thank you for your service and your leadership during that period of time.

Some of you will remember from pervious hearings that we both share that title in common.

Senator Whitehouse, all those lists of accomplishments that you mentioned I would attribute to him having been a mayor.

[Laughter.]

Senator CURTIS. If we could just make every member of the Senate a mayor, we would be in good shape.

Utah, as many of you know, is known as the Beehive State. That is a reminder that working together produces outcomes, better outcomes. State, local leaders, and industry partners often recognize the potential in their communities long before a Federal agency thousands of miles away.

That is why I believe Federal policy works best when it empowers State and communities instead of imposing a one-size-fits-all solution across the Country.

We also need to acknowledge the reality that comes up repeatedly in these hearings, our permitting and regulatory processes are

too slow, too duplicative, and too unpredictable. We should recognize the tremendous opportunity in front of us. America has the talent, resources, innovation, capacity to lead the world in next generation energy development and advanced technologies. Leadership require a government that can move at the pace of innovation.

Let me start, Chairman Nieh, with a question about rulemaking, and as you consider new rules, are you looking at anything for making uranium recovery, is here a plan for that? If so, maybe a timeline, please.

Mr. NIEH. Yes, Senator. The NRC's efforts for these rulemakings started under the Executive Order will cover the entire life cycle of nuclear from the front end to the back end. It is important that we really look at our regulatory frameworks to make sure that we can enable the entire circle of life in nuclear.

As you already know, America is too dependent on foreign uranium and enrichment, and we need to fix that. What we are doing with all of these rules is that when the commercial interests align with capital resources, work force and supply chain to bring new facilities all around the fuel cycle to the NRC, we will have a predictable and credible licensing framework to support that.

Senator CURTIS. Thank you.

Utah has a request to allow conversion to be added to Utah's agreement in the State status. I hope the NRC is still on track to give them an answer by this summer.

Can you comment on that?

Mr. NIEH. I believe we are on track but I will verify that after the hearing.

Senator CURTIS. Super important. Thank you.

With that, Utah is actively exploring nuclear as a dependable source of clean baseload power. I think it has been clear; Utah wants to be a leader in this. How is the NRC engaging States to provide clarity around the path forward for deploying nuclear?

Mr. NIEH. Senator, we always stay ready to engage with our State partners through any NRC licensing activities. I would share, personally, I have been invited to several States to speak about some of the reforms happening at the NRC related to some of the new requirements.

I will be, by the end of this month, attending an event in your home State, Senator, to do the same. We stand ready to engage with the States to ensure that there is full transparency and awareness about the NRC's licensing process.

Senator CURTIS. Commissioner Wright, please.

Mr. WRIGHT. Yes, if I could add to that, Mayor, I mean, Senator—

Senator CURTIS. Mayor works just fine, thank you.

Mr. WRIGHT. I actually met with the Governor's team as well as the president of the Senate in Utah, and the majority, our speaker, I guess, of the house, to discuss these things several months ago. I have also met personally with Governor Cox and actually appeared in a video with him on the nuclear issues and the nuclear stuff that is going on in Utah.

We are a resource for the States. I think it is important. We will assist them as appropriate to do exactly what Chairman Nieh was

talking about, to answer questions, help them better understand the process, and all of it consistent with our mission.

Senator CURTIS. Excellent. Good.

Chairman, or any of you, really, comment to the American taxpayers who are looking at these changes, the things that are upcoming, how can the American taxpayer be assured that we are on track, that we are spending their money well? What is your message to my constituents back home?

Mr. NIEH. The message to your constituents is, judge us by our actions. We are making our licensing performance more transparent on our website. There are dashboards that show how we are using resources for licensing so there is increased transparency.

Again, I set priorities for this Agency to operate in a more disciplined and efficient manner. My message would be, NRC is enabling the safe use of nuclear technologies in America. I hope that your people in your State will be able to judge that and confirm that through our actions and results.

Senator CURTIS. Ranking Member Whitehouse, I am going to paraphrase something you said in remarks, and I will get it wrong, so I will apologize. You kind of classified a couple of different applicants to those who are on their game, they know what they are doing, and when they do so, they interact well with NRC. Others are not so.

I would introduce a third class, I think, of Utah Municipal Power Authority, and UAMPS' two municipal organizations in the State of Utah, who I would say kind of fall in a third category, who really just do not have the resources to navigate the way some of these larger organizations do.

Just a quick question about what you are doing to ensure applicants who do not have a wealth of resources know how to navigate this as well, who are good actors, and who we want to be players in this space.

Mr. NIEH. One of the most important things we do, Senator, is our preapplication engagement with applicants. That is one of the most valuable things to ensure that there is clear expectations on what is expected to be in an application. It is very clear that the applications have to contain sufficient information that demonstrate NRC requirements are met.

We do those discussions up front. It really is a prioritization tool for us as well as an agency. We can judge through a preapplication engagement what level of maturity the application may be in, what type of information gaps may exist. It helps us really prioritize what to focus on.

Senator CURTIS. I am out of time, but thank you for your answers. Really, thank you for the good work that all of you do as commissioners. We do not get very many hearings, and yes, we have our questions, and yes, we have our concerns, we do not get very many hearings when we have a body in front of us that is really doing really good work, and really at a critical point not just for nuclear, but for energy throughout our whole Country.

Thank you, and I yield my time.

Senator WHITEHOUSE. I will accept my friend's characterization of a third category.

[Laughter.]

Senator CURTIS. Thank you.

Senator CAPITO. Senator Padilla?

Senator PADILLA. Thank you, Madam Chair.

Thank you to all the commissioners for your service and your participation today.

The Department of Energy has now approved three reactors to begin operation under its Reactor Pilot Program, and aims to reach criticality by the fourth of July. The Department of Energy reviews and the criticality target date are both proceeding on extremely short timelines. I understand the Department of Energy has advertised the program as "fast-track" to NRC commercial licensing.

I want to make sure this committee understands the role that NRC plays in this fast-track process, since the NRC will soon propose a rule allowing reactor applicants to use data gathered in DOE or DOD authorized reactor tests to inform their own license approvals.

My first question is to Chairman Nieh. How will the NRC assess the validity of DOE's or DOD's authorization process to ensure that any potential steps skipped in DOE's review are addressed during the NRC's review?

Mr. NIEH. Thank you for the question, Senator. I want to say up front that the information through DOE or DOW authorization is not a short cut through NRC's licensing. There is no rubber stamping that is going to happen at the agency.

With this rule that we have published in draft form, we just published in April, last month, the accompanying guidance for that interaction using information from Department of Energy or Department of War. That does, what that guidance will do, it will help the NRC identify the scope and depth of how it uses information from another Federal agency to make an NRC safety decision.

Every applicant coming through NRC is going to have to send in a complete application that shows how the information and authorization activities meet NRC requirements. As I mentioned, using the guidance to figure out the scope and depth is how we are going to gain efficiencies here.

I will give you one example. Fuel qualification testing. If a Department of Energy reactor pilot project does fuel testing and experiments and things like that to qualify the fuel, the NRC, we are not going to recreate that. We are going to look at the data, we are going to see how that meets our requirements and then move that forward with greater efficiency. Same thing, if there is safety analysis or source term analyses that are done in the pilot project, we will use that information and make a determination how far we need to go.

The idea is, let us not reinvent the wheel and create—

Senator PADILLA. Do not get me wrong; we are all for being as efficient and expeditious as possible, but not in a way that is going to increase risk unnecessarily. I think the spirit of my question was ensuring that there is no steps missed on the DOE side, or do not want to get off topic here, in the Senate, it is still the Department of Defense. The administration calls it whatever it wants. It is the Department of Defense.

I want to make sure there are no steps skipped in that process. You are assuring me that your utilization of either DOE or DOD data is not going to lead to any steps skipped.

Mr. NIEH. Yes, sir.

Senator PADILLA. Okay, thank you.

Related question. Under the NRC's proposed rules, would it be possible at all for the Department of Energy authorized reactor or fuel facility to simply transfer to an NRC commercial license to operate the same facility continuously for commercial purposes?

Mr. NIEH. That is something we are exploring, Senator, how that might work. I will assure you that if it is going to receive an NRC license, it will receive a rigorous review to ensure that all the NRC requirements are met.

Senator PADILLA. Okay. Then we will ask for additional information as part of followup in questions for the record.

Finally, in my 1 minute remaining, to all the commissioners, I will keep it simple, it is just a yes or no question, will you review issues that we are nominally addressed by the DOE's or the DOD's authorization process if you do not believe such issues we are sufficiently investigated as part of this fast-track process? Yes or no?

Commissioner Nieh?

Mr. NIEH. Yes.

Mr. WRIGHT. Yes.

Senator PADILLA. Commissioner Crowley?

Mr. CROWLEY. Yes, I will do my part to ensure that happens.

Mr. MARZANO. Yes.

Mr. WEAVER. Yes.

Senator PADILLA. Thank you all very much. I will have additional followup questions for the record.

Thank you.

Senator CAPITO. Senator Blunt Rochester?

Senator BLUNT ROCHESTER. Thank you, Chair Capito, Ranking Member Whitehouse. Thank you, Mr. Chairman, Mr. Mayor, Commissioner, and to the other as well for being here.

I would start off by just saying, hearing the conversation about the ADVANCE Act was really important, and looking back to see the overwhelming bipartisan support for that, just giving that history and context for me as a new member was really important.

As you know, Mr. Marzano, I received the torch from Chairman Tom Carper. I am really proud to be sitting in this seat.

Nuclear work force development is crucial to helping us meet the growing energy demand. At a time when we are seeing the impacts of the volatility of the fossil fuel industry in energy bills, it is even more important now that we build a work force that is stable, that can focus on safety, that can focus on low carbon energy sources. Ultimately it is truly about our public health, about our economy and our national security.

My first question is to you, Chairman Nieh. Beyond the University Nuclear Leadership Program, what is the NRC doing to support nuclear work force development across the industry?

Mr. NIEH. Thank you for the question, Senator Blunt Rochester.

The NRC's programs that directly impact the work force are really through the University Nuclear Leadership Program. We do not

really have things that we, programs that the NRC executes at trade schools and things of that nature.

I would say maybe what we do is somewhat indirect, through the work of the Agency, and as we do things that enable the development of nuclear technology, that gives confidence to applicants, businesses to make investments into the supply chain as well as the work force.

I will say, speaking from experience, working for a nuclear utility, running a fleet of reactors, developing the work force was very, very important, in the company that I used to work for would make investments in local communities to develop craft and trades that support the nuclear ecosystem.

Senator BLUNT ROCHESTER. Chairman Wright, I am going to ask you a similar question. If you could just share more expansively, what do we need to be doing as a Country to expand this work force?

Mr. WRIGHT. Well, we need to pay attention and we need to speak about it, talk about it. One of the things that we can do as commissioners, which we do, when we go out to universities or to other places where we know there is interest, there are students, could they be middle schools, high schools, and the university programs.

The NRC is a good place to come to work, right? We are the cool kids on the nuclear block today. People can support, they can grow a family, they can have a career that is really meaningful, working in your local communities when you are out there.

I mean, we need to talk about what we do as commissioners.

Senator BLUNT ROCHESTER. Well, I know we asked specifically about the general public, but I know there have been a couple of comments by commissioners as well as our Ranking Member about your own work force, and going from over 500 folks losing their positions.

I thought I heard you say you are on track to hire 59 staff, additional staff, is that correct?

Mr. CROWELL. Senator, I believe that was in my opening remarks. We have lost over 500, but we have been able to replace about 59, I think is the number right now. We are continuing to push. I think our needs outpace the availability and applications for the types of positions we need to fill.

Senator BLUNT ROCHESTER. That is why I asked the question about work force development. What I would suggest is a real concerted push and effort there.

I also wanted to clarify, Commissioner Weaver, you mentioned, as you we are talking about, many of you talked about doing more with less and things like that, but you also mentioned hiring 30 interns. As a former intern for Tom Carper, it took me 30 years to get here. I want to know what those interns are going to be doing at an agency like this.

Mr. WEAVER. Thank you, Senator. I will start, if some of the others maybe want to add something.

They go through, I think it is a year and a half program where they get out in the field, they go to a power plant and spend time there, they go through various trainings. It does not, after 18 months they are not fully qualified to do the work, but they have

gotten a taste of all the different things that we do, and they can really begin and begin to be productive and support the Agency.

Senator BLUNT ROCHESTER. I am going to run out of time, so I had better go quickly. I just again want to put a fine point on this. Interns will not replace the experience and expertise of people who have been with the Agency all of this time. We can followup afterwards about the specifics of a plan, a work force plan, and also look at us as a Country.

I want to shift to, in February 2025, the President signed the Executive Order requiring all agencies, including independent agencies, to submit for review all significant regulatory actions to the White House Office of Information and Regulatory Affairs, otherwise known as OIRA.

This means that public comment, as I understand it, would have to go through NRC and OIRA, to agree on, like a proposed rule? Is that correct or incorrect?

Mr. NIEH. Senator, if I may clarify, so, the NRC will hold a public comment period when it publishes a draft rule. Prior to the draft rule being published, that is where the interagency review comes in with OIRA. They will provide some comments on the rules that we are proposing.

Senator BLUNT ROCHESTER. Help me understand what OIRA's role was prior to this Executive Order, and also could you share how the public comment part will be impacted by this?

Mr. NIEH. In my view, the public comment part will not be affected by the OIRA review, because OIRA review happens prior to the draft rule being published. What I have experienced thus far in this OIRA process is there is comments that relate to how the need for the rule is framed up in the Federal Register notice, there are some questions for clarification around the regulatory analysis, the cost and benefits, things of that nature.

My experience so far, I can not say this will be the case for every single rule, but generally, the NRC's technical substance is largely intact, because we are the technical experts that are doing this.

The broader Federal Government in review provides some perspectives, because they are not deep in the process for us.

Senator BLUNT ROCHESTER. I thank you, Madam Chairwoman, for giving me that extra time. I did want to understand how we are doing, trying to do things quickly, we are trying to make sure there is safety, we are also having to engage the public. I just want to make sure that public involvement, that gets to the transparency, that gets to the public trust.

That is vital for the work that you do. Thank you, and I yield back.

Senator CAPITO. Thank you.

Senator Kelly is up next. If he wants to wait until he sits there, I am going to ask a real quick question then in between to Commissioner Wright.

Since you are kind of the old guy on the block in terms of seniority and being on the Commission, not the other way, I did not mean it like that.

[Laughter.]

Senator CAPITO. I am very sensitive to that. Culture change. We just had a brief, Senator Whitehouse and I just had a brief con-

versation about the past hearings with the NRC, not quite having as much camaraderie between commissioners in terms of being able to get things done.

Briefly, can you describe, is there a culture change at the Commission level, and how do you see that?

Mr. WRIGHT. Oh, absolutely. First off, thank you for your comments earlier, recognizing last year.

Everything flows through what the first requirement was out of the ADVANCE Act. Foundational to everything was the adoption of the new mission statement. I worked very closely with Commissioner Crowell, and then Mr. Marzano came on near the end of it, and the others are now here to help and to bring it forward.

Everything flows from this mission statement, and it is connected to everyone through it, I mean, Commission, reactors, IT, international programs, fuels, and other nuclear materials, medical stuff. Everything and everything is connected.

I think that right there, everybody is leaning into it, even the commissioners themselves.

Senator CAPITO. Great.

Mr. WRIGHT. We have a very good relationship.

Senator CAPITO. Good. I would say the direction of redoing the mission statement came from the bipartisan ADVANCE Act. I guess we can share a little bit of the credit for that.

Senator Kelly?

Senator KELLY. Thank you, Madam Chair. Thank you, gentlemen, for being here today.

Chairman Nieh, there has been a lot of attention on the NRC's work to improve the permitting process for nuclear reactors. It looks like we have already seen some results. TerraPower's reactor permit was completed in less than 18 months, 9 months ahead of schedule.

That matters. We need to get clean, reliable power on the grid faster.

As an engineer myself, I know this is not an area where we can cut corners. Safety always has to be the top priority.

Chairman Nieh, how has the Commission maintained the rigorous safety standards the public expects and deserves in the NRC licensing process while finding ways to move forward faster?

Mr. NIEH. Thank you for the question, Senator.

For myself as an individual member of the Commission, and I believe it is the same for my colleagues on the Commission as well, we are fully committed to the NRC's safety mission. That is why we are here. We are here to protect the public from the hazards associated with the——

Senator KELLY. Did you have to add more people to the safety part of the organization to be able to do these things faster and still not compromise safety?

Mr. NIEH. Not in all cases, Senator. There was some dialog before you joined the hearing about our focus on what is most important to safety. One of the reasons why we are able to achieve these efficiencies is because in the past, Senator, some of our licensing activities have taken too long and cost too much because we spent too much time looking at matters in a license application that really did not affect safety. They we are low safety significant issues.

This team is really aligned. They are embracing the enabling mind set to really focus on what is most important in a licensing review. That is one reason why we are able to do that.

Other instances, though, if we do not have a specific skill set, let us say in a very, very focused technical area, maybe like fuels or electrical instrumentation and control, yes, we would have to maybe augment the technical capacity. The things that moves the needle the most is really focusing on what matters most for safety.

Senator KELLY. Does that mean that you focus the licensing approval process on the areas that affect safety and try to maybe not worry so much about other things?

Mr. NIEH. Yes, sir. I will just share with you an example from the last time I was here at the Agency. There was an application that came in for a particular reactor design. The staff had some really great interest in some non-safety related ventilation system near where the reactor was, and spending time looking at that.

The leadership team had to really focus the staff to say, hey, that is not really going to affect the safety case outcome one way or another. Let us not spend time there. Let us focus on really what is truly most important for the safety case.

It is examples like that that are really enabling us to do more disciplined and efficient regulatory reviews for SMRs and other nuclear technologies.

Senator KELLY. All right. Thank you.

Commissioner Weaver, you have testified about the need for a strong nuclear fuel cycle to support more nuclear power. I agree with that. Building more reactors does not get us anywhere if we do not have the fuel to operate them.

Right now, our fuel supply is in a precarious place. More than 80 percent of enrichment happens overseas. Ultimately that means the utility bills of millions of Americans depend on a global supply chain that we can not control.

Notably, about 20 percent of enriched uranium comes from Russia. Clearly, that is a problem. Russia is an adversary. We should not be relying on them for something as important as the fuel that powers our nuclear reactors. That is why we passed a law banning those imports by 2028.

That leaves us with a real capacity gap. We only have two enrichment facilities in the United States. We need more of those. We should be making this stuff here at home. Nuclear fuel is too important to our economy and our national security to leave it in the hands of foreign suppliers.

What is the plan?

Mr. WEAVER. Senator, as you know, the Department of Energy has funded a number of enrichments for both low enriched, high enriched, and high assay low enriched uranium. Our role at the NRC will be to be prepared to review those applications when they come to us.

I have testified in the House a few weeks ago that there are some changes to the Atomic Energy Act that would be useful for the enrichers, so they can get constructing a little bit faster.

Senator KELLY. Have you received applications?

Mr. WEAVER. We are, I know we are in preapplication with several. I do not know that we have any enrichment applications under review. I will get back to you.

Mr. NIEH. We received an application from Orano for an enrichment facility under their Project IKE. That is undergoing acceptance review now.

Senator KELLY. Assuming that process proceeds smoothly, is it possible to have an enrichment facility built and operating by 2028? I assume not. If not, when could we have another enrichment facility here in the U.S.?

Mr. NIEH. Senator, I do not have the exact timeline for this project. What I would like to share with this committee is another example of how NRC is going to be an enabling regulator.

The facility that I just mentioned, it is a facility that operates in the world today, it is in France, same exact technology, and actually builds on a technology we had in the United States a few decades ago, Eagle Rock.

The NRC staff is looking to how to leverage our previous experience, as well as the experience from the French regulators, so we do not have to reinvent the wheel. Again, we are not going to rubber stamp anything.

We are going to validate technical information that it meets our regulatory requirements to deliver a more timely regulatory review to get this enrichment facility and application to the applicant so they can start building.

I agree 100 percent with you, this is a huge gap. It is national security for the United States, and NRC will do its part by not being an impediment to getting the fuel cycle up and running on the front end.

Senator KELLY. All right. Thank you, gentlemen.

Senator CAPITO. Thank you.

Senator Markey?

Senator MARKEY. Thank you, Madam Chair.

The Nuclear Regulatory Commission is being asked to monitor more facilities, regulate more types of technologies, defend against more types of threats in the immediate years to come. This budget gives the Agency less resources, less capacity, less staff time, to ensure a growing fleet is operated safely.

The Agency is putting out dozens of rulemakings and will have to review dozens of license applications for new and restarted reactors. While you shrink the Agency's budget, a loss on top of the existing departure of one in ten NRC employees over the last year and a half, you are shrinking your ability to conduct oversight over the nuclear fleet and your own Agency.

The budget cuts the Office of Inspector General by 24 percent, and the Operating Reactors Program by nearly one-tenth. Your reactor oversight process changes cut inspection hours, inspection hours, by nearly a half. Those cuts put a big leash on both internal and external watchdogs.

Now, one of those major changes of the NRC's reactor oversight process overhauls how the Agency conducts security evaluations. For three decades, these force-on-force exercises have made sure that nuclear facilities are ready to prevent and to mitigate and to respond to security threats that could lead to widespread disasters.

Force-on-force inspections we are strengthened in the aftermath of 9/11. In 2005, I wrote the provision of the Energy Policy Act that ordered inspections to be "conducted by the Commission" and for those inspections to be "free of any conflict of interest to ensure integrity." That is the law. I wrote that law.

In the recent reactor oversight process rewrite, the NRC moved to phaseout its role in these inspections by the end of next year. Instead, it is going to replace the process entirely with one where plant operators design and perform force-on-force inspections on themselves. That is what we corrected in 2005.

Commissioner Marzano, in your vote, you expressed concerns that the new force-on-force procedures would be in violation of the Atomic Energy Act. Do you think self-conducted inspections could introduce potential conflicts of interest?

Mr. MARZANO. Thank you for the question, Senator, and your leadership in that provision.

Yes, in our analysis of the proposal, we did see a challenge with conflict of interest specifically in moving to a licensee-led framework.

Senator MARKEY. Could you speak up a little, please?

Mr. MARZANO. We did see a conflict of interest issue in the licensee-led framework. I think in the context of performance of the exercises themselves, I think that it is potentially possible that licensees could perform and execute their own force-on-force exercises.

However, the law is the law, and that is where we saw the issue.

Can that conflict of interest be managed, is the question now. I think that there needs to be some legal analysis and some work done with how we would manage the conflict of interest in a licensee-led framework. It is possible, but again I think some more legal analysis and understanding of the provision is needed to execute that.

Senator MARKEY. It is the law. Letting licensees design and run their own inspections is like letting a student write and take and then revise their own exam, and then giving them their own grade. It is a take-home exam.

Of course, that then creates a real danger. That is why we had to write the law in the first place, because of the fundamental conflict of interest that existed. Especially as we are now engaging in new conflicts around the world, terrorism threats arising, we know that nuclear power plants have always been at the top of the list of the terrorist targets around the world. We can see that in Ukraine, we can see it around the world, but we also know it from our own information-gathering after 9/11, which is why the great interest in it.

Nuclear power plants are at the top of the terrorist target list, and you are reducing the safety, reducing the protections, letting the power plants, letting shareholders decide how much safety is there rather than letting independent inspectors guarantee that the public is safe in the event of a terrorist attack. That is just plain wrong.

I thank you, Madam Chair, for holding this very important hearing. This is just completely out of line with the NRC's governing statute. Thank you.

Senator CAPITO. Thank you.

Senator Alsobrooks?

Senator ALSOBROOKS. Thank you so much. Good morning. Thank you, Chair Capito and Ranking Member Whitehouse, for holding today's hearing. Thank you as well to each of our witnesses for being here.

The Nuclear Regulatory Commission is essential to Maryland's energy sector. In fact, overseeing Calvert Cliffs Nuclear Power Plant is really important, because it supplies close to 40 percent of our State's electricity.

The NRC's headquarters are also in Rockville, Maryland, and for both of these reasons, it is important to me that the NRC is adequately staffed and funded. In Fiscal Year 2025 and 2026, the NRC has experienced the highest attrition rates in 20 years. Overall, attrition is expected to fall between 14 and 15 percent for this fiscal year, compared to approximately 8 percent historical average in no prior years above 10 percent before Fiscal Year 2025.

Chairman Nieh, the first question is for you. Beyond salary competition with the private sector, which we know is an issue, what are the primary reasons you would say employees are leaving NRC and to what extent are these departures driven by uncertainty?

Mr. NIEH. Thank you for the question, Senator. I think from the limited data that I have looked at since being in the role, and we do exit interviews, obviously, you pointed out one aspect of it, which is the private sector. Other things that I have heard as reasons for people leaving we are work-life balance issues, the long commutes and things like that, and trying to find companies that offer full-time telework and to improve their work-life flexibilities and things of that nature. I have heard that.

What I will say is that there are so many dedicated staff at the NRC. I said this at my confirmation hearing, the NRC staff are among the most dedicated people I have ever worked with in 33 years in this industry. They really are there because they believe in what they are doing.

Right now, this moment, that America has and the U.S. NRC is a part of is, we are doing something so meaningful for America. I think a lot of people believe that.

I think with some of the things that we are looking at with recruitment and retention incentives, and we appreciate the foresight you all have in the ADVANCE Act with giving us some of the award authorities, those are the tools that I believe will help us really strengthen our work force going into the future.

Senator ALSOBROOKS. Thank you. For the other commissioners as well, I know that there has been a lot of uncertainty surrounding the reorganization's change to inspection programs, or concerns as well about the Agency's direction and independence.

I wonder whether any of you might be able to also speak to this issue regarding attrition and attention. I agree with you, Chair Nieh, it is not just that the employees at the NRC are committed, we found that sort of commitment throughout government. That is what we find in the quality of people we have been able to attract.

The question really is more about how you regard their morale across the agency. We know that they are excellent. How do you feel that they feel about the environment in which they work?

What would you say about staff morale, and whether you believe that the NRC currently feels empowered to raise technical disagreements or safety concerns through any of the established channels?

Maybe Mr. Chairman, and then—

Mr. NIEH. I will be brief, so my colleagues can answer. I walk around a lot and I talk to people. I sense an enthusiasm and a sense of pride for what they are doing.

Before votes on major issues, I invite the technical staff up to my office to talk me through. I ask them, tell me if you see things differently that what is proposed, and we will talk through the different activities. I will ask them how their management resolve their different perspectives.

I feel fully confident that the NRC staff are not shy. They will share their viewpoints even with a member of the Commission as well. I feel confident in that.

Mr. WEAVER. Good morning.

Senator ALSOBROOKS. Good morning.

Mr. WEAVER. Going through the last year, we had a lot of attrition in that year while I was chair for a number of reasons that have already been talked about this morning. It is important for us to look forward, here. There is a silver lining in what happened, too, because now opportunity for people who had shorter urn times at the Agency than some of the others are now able to step up, and they are stepping up, and they are leaving their legacy, they are starting to make their mark on changes, positive changes for the Agency.

They are going to be the ones, our new hires that are coming on, they are looking to them now to mentor and to train and learn from. There is an excitement among the younger crowd that is coming into the Agency right now and the leaders who are there, in the positions of leadership they are in today. They are actually leaning in and helping guide these people.

Senator ALSOBROOKS. Okay.

Mr. CROWELL. Thank you for the question, Senator. With all due respect to my Commission colleagues, I think the positive culture at the NRC is a little bit more tenuous at this moment in time, given the staff attrition that we have seen. The people that we have lost are the very senior, most experienced folks. Those are not easily replaced by interns and fellows coming into the work force for the first time. It is a challenge.

We have an incredibly hardworking work force, but you can only ask them to do so much. At some point, they are going to be asked to do more than they have ability as one person to do, and then you are going to face issues of burnout. When you do not have teleworking, complementary things that make the work environment more beneficial to folks, it has an impact.

I think when you add on top of that the dynamic that commissioners themselves now have to think a little bit twice about what they say before what they say it for fear of being fired, that resonates down to the staff as well.

Senator ALSOBROOKS. Thank you. My time is expired. Thank you so much.

Senator CAPITO. Thank you.

The Ranking Member wishes to make a quick remark and comment, then we will go ahead and bring it to a close.

Senator WHITEHOUSE. I just would like to make the point that with respect to staffing, it seems to me at least that in some respects you all are the victims of your own success, that the work of the NRC, the regulatory changes Congress has created, and the process that you have gone through that I described in my opening remarks has livened up the nuclear industry to the point where there is now a lot of hiring taking place.

Where better to go for experienced folks than the NRC? Not too long ago, it was really hard to get a job in the nuclear energy industry, because it was pretty moribund. Now that it is not, you have real competition from companies who can pay real money.

I will ask this to you all as a question for the record, so you do not have to answer it now, but I do think it is important for us on the committee to be thinking about what you need to deal with your staffing issues in an environment that is much, much, much more competitive than it used to be.

Put that thought in your heads, wait for my question for the record and then give us your best advice on what needs to be done to solve for that problem.

Senator CAPITO. I agree with Senator Whitehouse. I think that it is an exciting career, and with the energy appetites that we have, and nuclear has become much more a part of the conversation, it does provide a challenge.

With no further questions, I would like to thank the commissioners for being here this afternoon, and all my colleagues for their participation in today's hearing.

Senators who wish to submit written questions for the record have until 5 p.m. on Wednesday, May 27th, to do so. The witnesses' responses to those questions are due back to the committee no later than 5 p.m. on Wednesday, June 10th, and will be submitted for the record.

With that, this hearing is adjourned. Many thanks.

[Whereupon, at 11:22 a.m., the hearing was adjourned.]

○