LAW360

Portfolio Media. Inc. | 230 Park Avenue, 7th Floor | New York, NY 10169 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

How Trump's Nuclear EO Has Transformed The NRC

By **Brooke Clark** (June 10, 2026, 3:26 PM EDT)


Brooke Clark

On May 23, 2025, President Donald Trump issued Executive Order No. 14300, directing the most sweeping reform of the U.S. Nuclear Regulatory Commission in a generation.

The order was one of a suite of executive orders aimed at positioning the U.S. to meet the president's ambitious goal of putting 400 gigawatts of nuclear power on the grid by 2050.

A year on, the NRC has demonstrated real change to meet that goal. But to be sure, the NRC was set up for success following congressional direction the year prior, with the passage of the ADVANCE Act in July 2024.

Among other things, the act directed the NRC to update its mission statement to specify that licensing and regulation of radioactive materials and nuclear energy for civilian purposes be "conducted in a manner that is efficient and does not unnecessarily limit ... (1) the civilian use of radioactive materials and deployment of nuclear energy; or (2) the benefits of civilian use of radioactive materials and nuclear energy technology to society."

While the promotion of nuclear power remains reserved to the U.S. Department of Energy as dictated by the Energy Reorganization Act, the NRC implemented Congress' direction by placing a focus on enabling the safe and secure use and deployment of nuclear power through efficient and reliable licensing, oversight and regulation.

Sustained cultural change takes time, but this mindset is reflected in creative proposals to revise the commercial regulatory framework and support timely licensing decisions.

The NRC's first year under Executive Order No. 14300 has been marked by significant organizational, regulatory and licensing reforms aimed at enabling more efficient deployment of nuclear technologies while upholding the NRC's independent safety and security mission.

The agency has advanced a sweeping reorganization, revised key oversight programs and proposed major rulemakings. And it is prepared to implement new licensing frameworks that collectively reflect a significant regulatory shift for the agency.

The NRC's second year under the order will require continued attention to transparency, public confidence in accelerated licensing reviews and the NRC's ability to maintain its reputation as the nation's gold-standard nuclear regulator while pursuing an ambitious modernization agenda.

Executive Order No. 14300, One Year Later

The order called for a major reorganization and a slate of comprehensive rulemakings and activities intended to foster wholesale regulatory reform. At the one-year mark, the NRC has made significant progress toward achieving that goal.

NRC Reorganization

In April, the NRC announced a comprehensive reorganization designed to streamline decision-making and align the agency's priorities with the administration's nuclear deployment goals.[1]

The agency will be generally organized along its business lines: new reactors, operating reactors, nuclear materials and waste. Key changes include the establishment of two new offices.

The Office of Advanced Reactors will "promote the expeditious review of advanced reactor applications to facilitate deployment of innovative technology," while the Office of the Chief Nuclear Inspector will lead implementation of the oversight functions that fall within the agency's operating reactor business line.

Revisions to Oversight Process

The reorganization serves to implement the agency's recent moves to focus its oversight activities on the most safety- and security-significant issues.

Earlier this year, the NRC approved the most substantial revisions to its reactor oversight process since its implementation in 2000. In particular, the commission approved revisions to the baseline inspection program and the inspection finding screening process applicable to the current fleet of large light-water power reactors.

The NRC also approved revisions to the security baseline inspection program, including the force-on-force inspection program. Together, these revisions reflect an approximately 38% reduction in safety inspection resources and 50% reduction in security inspection resources.

As a whole, the revisions form part of an ongoing effort begun in earnest in 2024 following passage of the ADVANCE Act, which directed the NRC, as relevant here, to submit a report to Congress identifying improvements for nuclear reactor and materials oversight and inspection programs.

Shortly thereafter, Section 5(g) of Executive Order No. 14300 directed the NRC to "[r]evise the Reactor Oversight Process ... to reduce unnecessary burdens and be responsive to credible risks."

Review of Regulations

Section 5 called for the NRC to complete a comprehensive review of its regulations by November of this year. In support of that schedule, several major proposals have been issued for comment.

To address the need for a regulatory framework for microreactor and low-consequence designs, a proposal for a new Part 57 would address high-volume licensing and deployment of microreactors and other reactors with similar risk profiles using multiple licensing approaches.

An applicant may take advantage of Part 57 if it satisfies two entry conditions: a fuel-mass limit and a dose-based criterion pertaining to offsite radiological consequences under accident conditions.

The proposed rule allows for a risk-informed, performance-based graded approach in a number of areas to allow for a regulatory approach tailored to the site and reactor type.

Proposed revisions to the reactor licensing regulations in Part 50 would create a pathway to leverage prior DOE or U.S. Department of Defense authorizations of demonstration reactors in the NRC's licensing reviews of commercial reactor facility applications that reference those designs.

If approved, these revisions will establish by regulation an additional means for reactor applicants to demonstrate the safety functions of their reactor designs. Parallel guidance would provide a road map to applicable NRC requirements, ensuring that the NRC performs its statutorily required independent review.

Section 5(a) directs the NRC to replace its milestone schedules with fixed deadlines for requested activities of the commission. Section 5(a) also directs the NRC to establish fixed caps on service fees to enforce those deadlines.

The NRC's fiscal year 2026 proposed fee rule would set fee caps for reactors and materials licensing and other activities, including reactor restart activities and review of topical reports in support of licenses. The caps are intended to drive efficiency and accountability for applicant- and licensee-requested actions.

Revisions to the contested hearing process aim to streamline licensing adjudications to save time and resources for all litigants while ensuring that the agency delivers fair hearings.

Finally, revisions to the rules governing byproduct materials licensing propose a number of changes to modernize and streamline materials licensing. Among other things, the NRC proposes to establish a new class of standard general licenses for portable gauges, additional fixed gauges, a subset of diagnostic medical uses, additional analytical instruments and additional in vitro testing.

A general license is a rule-based authorization that allows a person or entity to own, acquire or use certain types of radioactive devices without needing to file an application for their own license. The person or entity operating under a general license must comply with the requirements for labeling, instructions for use, and proper storage or disposition of the device.

The proposed rule also would modernize the regulations governing well-logging devices and industrial radiography equipment.

Additional Reform Proposals

Several additional major reform proposals are anticipated this year, including proposed revisions to the NRC's radiation protection framework, environmental review reform and additional revisions to the traditional reactor licensing framework under Title 10 of the Code of Federal Regulations, Part 50.

Each of these actions represents a heavy lift for the agency. Together, the body of work demonstrates its broad commitment to supporting the nation's nuclear energy goals.

Outside of the Executive Order No. 14300 framework, the NRC in March published a final rule codifying its new regulatory framework for commercial nuclear plants, under the new Title 10, Part 53 framework.[2] The rule establishes a new optional pathway for the licensing of new and existing reactor technologies.

The framework is described as "risk-informed," "performance-based" and "technology-inclusive." In other words, it is less prescriptive than the existing reactor licensing frameworks.

The Part 53 framework is the result of efforts undertaken for years, but direction from Congress was a driving force.

In the Nuclear Energy Innovation and Modernization Act, passed in 2019, Congress directed the NRC to, by 2027, "complete a rulemaking to establish a technology-inclusive, regulatory framework for optional use by commercial advanced nuclear reactor applicants for new reactor license applications."

The new framework is available to any applicant for a commercial nuclear plant, but is particularly suited to non-light-water reactors and other new technologies that will incorporate inherent safety features in design and operation.

Key regulatory approaches in the framework include elimination of prescriptive design criteria, alternative siting criteria, performance-based demonstrations for reactor design or plant operations, more flexible financial qualifications requirements, and the flexibility to load fuel into manufactured reactors at the factory.

On the licensing front, the agency has made significant strides in improving licensing timelines and licensing new technologies, including an advanced reactor construction permit for TerraPower LLC's Kemmerer facility, the Triso-X fuel fabrication facility and a license to pilot a high-pressure slurry ablation technology to remediate abandoned uranium mine waste.

Even if the foundations for many of these efforts were laid in prior years, this is an astonishing body of work to accomplish in a year during which the NRC has lost a significant number of staff — many with decades of specialized experience — and is engaged in only limited, targeted hiring consistent with governmentwide restrictions.

What's more, while these modernization efforts were ongoing, the everyday work of the agency continued unabated — incident response, routine licensing actions, research, and safety and security oversight of the existing fleet.

What Comes Next

What, then, does all of this signal for the next year? Three key challenges remain.

Addressing Reduced Transparency and Tight Timelines in Regulatory Reform

Executive Order No. 14215 requires the NRC to, among other things, submit significant regulatory actions to the Office of Management and Budget's Office of Information and Regulatory Affairs for review.

The NRC's rulemaking process, traditionally largely open to the public view, is now largely deliberative in nature, such that external stakeholders do not have the opportunity to comment on early drafts of rule language or have the benefit of the Commission's voting record on proposed and final rules.

Further, to meet the aggressive schedules required by Executive Order No. 14300, the NRC has kept public comment periods brief and has granted no requests for comment-period extensions to date. The agency's final rules must be robust to withstand scrutiny, and the patchwork of individual rules ultimately must hang together as a cohesive framework.

Ensuring Public Confidence in Licensing

The NRC has shown that it can accelerate licensing timelines and confidently make its independent, statutory safety and security findings.

To combat concerns that compressed review timelines could result in the agency giving short shrift to safety issues, the NRC must hold applicants and licensees to account in submitting complete, high-quality applications that enable a thorough and efficient review.

Moreover, the NRC must continue to show its work — whether it is leveraging DOE or DOD approvals or completing a full review on its own. It has the tools in hand. Public confidence and international credibility will be maintained by continuing to live by its principles of good regulation.[3]

Keeping an Eye on the Oversight Ball

It is frequently — and rightly — said that the NRC is the gold standard regulator. The agency's current emphasis on licensing to help bring power to the grid risks a perception that it is shifting focus away from its important oversight role and eroding the standard.

And this is understandable at first blush. In the reorganization, the Offices of Enforcement and Investigations are no longer stand-alone organizations.

The agency must continue to underscore that oversight remains an essential statutory duty. Its focus on oversight has not been lost, but rather sharpened. And responsibility continues to rest with licensees to maintain a strong nuclear safety culture.

During this tumultuous year, the NRC celebrated the 50th anniversary of its establishment. Change is at once inevitable and difficult. If the NRC can meet these challenges, then it will indeed emerge as a new agency, ready to tackle the next 50 years.

Brooke Clark is a partner at Morgan Lewis & Bockius LLP. She previously served as general counsel at the NRC.

Disclosure: Morgan Lewis was regulatory counsel for TerraPower's Kemmerer facility advanced reactor construction permit.

[1] See https://www.nrc.gov/about-nrc/organization/reorg.

[2] See https://www.federalregister.gov/documents/2026/03/30/2026-06048/risk-informed-technology-inclusive-regulatory-framework-for-advanced-reactors.

[3] See https://www.nrc.gov/about-nrc/values.