



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 4, 2023

MEMORANDUM TO: Shana R. Helton, Director
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

THRU: Samantha C. Lav, Chief
Fuel Facility Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

A handwritten signature in blue ink, appearing to be "S. Lav".

Signed by Lav, Samantha
on 12/04/23

FROM: Joseph Rudd, Project Manager
Fuel Facility Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

A handwritten signature in blue ink, appearing to be "J. Rudd".

Signed by Rudd, Joseph
on 12/04/23

SUBJECT: SUMMARY OF NOVEMBER 8, 2023, FUEL FACILITY STAKEHOLDER
PUBLIC MEETING

The staff of the U.S. Nuclear Regulatory Commission (NRC) conducted a hybrid meeting (in-person and virtual via Microsoft Teams) with representatives of the Nuclear Energy Institute (NEI), fuel facility industry, and members of the public on November 8, 2023. The purpose of this observation meeting (formerly category 2) was to discuss the status of several regulatory issues involving the fuel facility industry. Topics discussed during the meeting included the resolution of action items from the May 3, 2023, fuel facility stakeholder meeting; updates to the integrated schedule and its supplement; budget updates and process, licensing process improvements, construction oversight program status, rulemakings impacting the fuel facility community, security reporting requirements, and transportation of enriched uranium hexafluoride.

The public meeting notice with the agenda topics and the meeting presentations are available in the Agencywide Documents Access and Management System (ADAMS) under Accession Numbers, [ML23304A053](#) and [ML23304A027](#) respectively. No regulatory decisions or commitments were made during the meeting.

CONTACT: Joseph Rudd, NMSS/DFM
301-415-5039

The activities started with the NRC staff providing an overview of the meeting's category, purpose and logistics. Opening remarks were provided by Shana Helton, Director of the Division of Fuel Management (DFM), and Janet Schlueter, Senior Advisor, Fuel and Low-Level Waste, NEI followed.

After the opening remarks, the NRC staff provided an update on the resolution of the action items resulting from the spring 2023 Fuel Facility Stakeholders Public Meeting. The action items included the following:

Action Item 1:

Make NRC meeting presentation materials public at least one week prior to the scheduled meeting date.

The DFM has taken steps for planning and conducting the bi-annual fuel facility stakeholders meeting to facilitate issuing the meeting presentation materials to the public at least 7 days prior to the meeting.

This action item is an ongoing periodic action.

Action Item 2:

Maintain a current and up to date integrated schedule of regulatory activities chart on the NRC public website.

The NRC website (<https://www.nrc.gov/materials/fuel-cycle-fac/regs-guides-comm.html#cumeffects>) is updated at least twice a year prior to each stakeholder meeting and as needed when new items are added.

This action item is an ongoing periodic action.

Action Item 3:

The NRC will consider removing ANS 57.11 - Integrated Safety Assessment Standard from the integrated schedule chart.

The item has been removed from the integrated schedule chart.

This action item is closed.

Action Item 4:

The NRC will consider including a discussion of the use of effort factor matrix in the NRC fee formulation in the next Fuel Facility Stakeholder Meeting or as a separate public meeting.

Additional discussion on budget formulation is needed prior to having a discussion on effort factors.

This action item will remain open.

Action Item 5:

The NRC will consider conducting a workshop in the summer of 2023 on revisions to Inspection Procedures for construction and major modifications.

The NRC had a Construction Oversight Workshop on August 15, 2023, during which revisions to Inspection Procedures were discussed.

This action item is closed.

Action Item 6:

The NRC will consider an appropriate forum for providing greater clarity on the bifurcation of licensing applications.

The NRC will solicit feedback from the stakeholders on whether clarification is still needed.

This action item will remain open.

Integrated Schedule Chart and Supplement Updates

The NRC staff provided updates made between May 2023 and October 2023 to the rulemaking and regulatory activities impacting the fuel cycle industry listed on the integrated schedule of the regulatory activities chart. The integrated schedule supplement was also updated with changes from May to October. A detailed summary of the changes to the chart is provided under ADAMS Accession Number [ML23303A175](#). The NRC staff posted the updated integrated schedule and updated supplement on the NRC public website site at <https://www.nrc.gov/materials/fuel-cycle-fac/regs-guides-comm.html#cumeffects>.

The industry and NRC staff discussed removing Smarter Licensing Actions as all activities other than the NUREG-1520 revision have been accomplished and only tracking the NUREG-1520 revision moving forward.

Fee and Budget Discussion

The NRC staff presented the fiscal year (FY) 2023 and 2024 Congressional Budget Justifications and a summary of the changes between the 2 fiscal years. The NRC staff also described the activities in the advanced reactor business line that would support fuel facilities in FY 2024.

The NRC staff presented a timeline of the steps that will be taken to develop the FY 2026 budget and resulting fee rule. The NRC staff explained the planning process, required reviews, and points where the budget can be adjusted during formulation and execution to account for fact of life changes. The industry was informed of the timeframe by which the NRC needs to know of schedule changes that affect the budget formulation for a given budget cycle.

The industry discussed its interest in having another public meeting before the next public stakeholders meeting in spring 2024 to brainstorm ideas on how to improve flexibility in the NRC's budgeting and annual fee recovery programs.

Licensing Process Improvements

The NRC staff presented slides on the activities completed as a result of the implementation of the Smarter Fuel Cycle Licensing Program. The NRC staff highlighted the critical role that pre-application engagement with the applicant and routine communication with applicants and licensees early in the review process have in achieving efficient review results. The NRC staff also presented the TRISO-X public project dashboard and discussed plans to implement similar dashboards for other new facility applications and major licensing actions. The dashboard was well received by the industry.

New Requirements for Environmental Reviews

The NRC staff described new requirements that resulted from amendments to the National Environmental Policy Act through the 2023 Fiscal Responsibility Act, including time and page limits for the issuance of Environmental Assessments and Environmental Impact Statements. The analysis and implementation of the requirements is ongoing, but the NRC has implemented a number of early engagement strategies and streamlining processes to meet the new requirements.

Construction Inspection Oversight Program

The NRC staff provided a status of the construction inspection program. The NRC staff informed the attendees that they are incorporating lessons learned from construction projects and continually improving and further risk-informing inspection procedures (IPs) and processes. Specifically, the NRC is updating Inspection Manual Chapters (IMCs) 2600 and 2694 and IPs in the existing 88100 series to be more scalable and flexible to cover a larger variety of types of construction; provide clear inspection guidance for construction activities for new applicants/licenses and if needed, for major modifications for existing licensees; and provide improved clarity for fee billing related to fuel facility construction and major modification inspections. The updates to the IMCs and IPs will also cover Category II facilities that are not currently addressed. Industry raised concerns with not being provided drafts of the updated IMCs and IPs and requested a public meeting prior to their finalization or issuance. The staff reiterated that draft IMC and IPs are not final agency documents and as such, are not publicly available, but that public meeting slides will be made available prior to the next meeting and will include revised sections to foster additional dialogue.

The NRC staff also discussed the conditions under which structures or components would need to be items relied on for safety (IROFS) for protection from natural phenomena hazards (NPH). The NRC staff reiterated that the focus was on applying appropriate configuration controls (management measures) to ensure that any changes to the structure or internal components classified as IROFS would not impact their ability to meet the required loads associated with NPH.

The industry expressed interest in holding an additional public meeting to discuss the updates to the IMCs and IPs. The staff discussed options for upcoming public meetings and priorities for discussion topics.

Reporting Requirements for 10 CFR Part 73, Part 95, and 32 CFR 117

The NRC staff presented changes and clarifications to reporting requirements in Title 10 of the *Code of Federal Regulations*, (CFR) Part 73, 10 CFR Part 95 and 32 CFR Part 117. The topics

presented included loss, compromise or suspected compromise of classified matter, classification actions, reporting requirements for clearance holders, classified information nondisclosure agreements and updates to draft regulatory guides (DGs) supporting the Enhanced Weapons Rule. DG-5080, DG-5081 and DG-5082 have been published in the *Federal Register* and have open public comment periods until December 11, 2023 and December 14, 2023 which should be submitted through regulations.gov.

The NRC staff is developing an Enforcement Guidance Memorandum (EGM) that will be issued prior to the compliance date of January 8, 2024 for the 10 CFR 73, 95 and 32 CFR 117 regulations. The EGM will provide NRC inspectors with discretionary tools due to the unresolved issues regarding implementation of the regulations, updates to the DGs, and backlog of exemption requests that may not be reviewed prior to the compliance date.

The implementation of the Controlled Unclassified Information program remains on hold.

Industry expressed frustration with the complexity of compliance with the regulations and lack of finalization of guidance documents prior to implementation.

Transportation of Enriched Uranium Hexafluoride

The NRC staff discussed the DN30-X certificate issued on March 27, 2023 ([ML23083B977](#)) for the transportation of uranium hexafluoride (UF₆) enriched in ²³⁵U up to 20 weight percent, but these have not been updated in the American National Standards Institute, Inc. N14.1, "Uranium Hexafluoride – Packagings for Transport" which is referenced by the U.S. Department of Transportation (DOT) regulations. Shipments of UF₆ enriched in excess of 5 weight percent, including return trips to the enrichment facility, will need special permits from the DOT issued to the shipper.

Summary of Meeting's Discussions

Following the completion of the discussions of the agenda items, the NRC staff provided a summary of the discussions held during the day. The NRC staff continued the meeting with closing remarks by Shana Helton, Director, DFM, and Janet Schlueter, Senior Advisor, Fuel and Low-Level Waste, NEI.

Adjourn

Neither the NRC staff, the NEI, industry, nor members of the public raised further questions or comments, and the meeting was adjourned at 4:00 p.m. The NRC staff plans to conduct its next fuel facility stakeholder meeting during the spring of 2023.

Action Items

The following action items resulted from the discussions during the meeting:

1. The NRC will continue making meeting materials available to the public at least 7 days in advance of the meeting.
2. The NRC will continue to maintain an up to date integrated schedule of regulatory activities chart on its [public webpage](#).

3. The NRC will host a meeting prior to the spring 2024 public stakeholder meeting to brainstorm ideas for improvements or modifications to the existing NRC fee and budgeting structure.
4. The NRC will host a meeting to discuss updates to the IMCs 2600 and 2694 and IPs in the new 88200 series, Category II baseline.
5. The NRC will implement a method to communicate the date of the most recent update to the TRISO-X dashboard.
6. If requested by the industry, the NRC will host a meeting to further discuss structures as IROFS.

Enclosure:
List of Attendees

LIST OF ATTENDEES

November 8, 2023, FUEL FACILITY STAKEHOLDERS PUBLIC MEETING

| Name | Affiliation |
|-----------------------|--|
| Aida Rivera | U.S. Nuclear Regulatory Commission |
| Alexandra Terres | U.S. Nuclear Regulatory Commission |
| Amanda Spalding | Westinghouse |
| Andrea Jennetta | S&P Global Platts |
| Andrew Carrera | U.S. Nuclear Regulatory Commission |
| Angela L Wright | Member of the public |
| Anthony Masters | U.S. Nuclear Regulatory Commission |
| Anthony Ponko | U.S. Nuclear Regulatory Commission |
| Ashley Morris | U.S. Nuclear Regulatory Commission |
| Becca Lagios | U.S. Nuclear Regulatory Commission |
| Benjamin Karmiol | U.S. Nuclear Regulatory Commission |
| Bernard A Kaufhold | Member of the public |
| Bernie White | U.S. Nuclear Regulatory Commission |
| Billy Blaney | U.S. Nuclear Regulatory Commission |
| Cameron Ubben | U.S. Nuclear Regulatory Commission |
| Caylee Kenny | U.S. Nuclear Regulatory Commission |
| Chad Oelstrom | U.S. Nuclear Regulatory Commission |
| Charlotte Shields | NEI |
| Chris Schwarz | URENCO USA |
| Christine Galster | U.S. Nuclear Regulatory Commission |
| Christopher P. Chwasz | U.S. Nuclear Regulatory Commission |
| Cynthia Taylor | U.S. Nuclear Regulatory Commission |
| Damaris Marcano | U.S. Nuclear Regulatory Commission |
| Diana Woodyatt | U.S. Nuclear Regulatory Commission |
| Daniel Ashworth | BWXT Nuclear Operations Group, Inc. – Lynchburg (BWXT NOG-L) |
| Daniel Watts | Centrus Energy Corporation |
| Dave Spangler | BWXT NOG-L |
| David Tiktinsky | Boston Government Services |
| Edward Madden | U.S. Nuclear Regulatory Commission |
| Edwin Lyman | Union of Concerned Scientists |
| Emma Duncan | U.S. Nuclear Regulatory Commission |
| George Tartal | U.S. Nuclear Regulatory Commission |
| Gregg Goff | U.S. Nuclear Regulatory Commission |
| Holly Harvey | URENCO USA |
| Irene Wu | U.S. Nuclear Regulatory Commission |
| Ivonne Couret | U.S. Nuclear Regulatory Commission |
| James Firth | U.S. Nuclear Regulatory Commission |
| Janet Schlueter | NEI |
| Jennifer Wheeler | TRISO-X |
| Jenny Tobin | U.S. Nuclear Regulatory Commission |

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|--------------------------|------------------------------------|
| Jill Shepherd | U.S. Nuclear Regulatory Commission |
| Jo Jacobs | U.S. Nuclear Regulatory Commission |
| Jonathan Marciano Lozada | U.S. Nuclear Regulatory Commission |
| Jonathan Rowley | U.S. Nuclear Regulatory Commission |
| Joseph Grice | U.S. Nuclear Regulatory Commission |
| Joseph Rudd | U.S. Nuclear Regulatory Commission |
| Juan Lopez | U.S. Nuclear Regulatory Commission |
| Kati Austgen | NEI |
| Kelly Sullivan | U.S. Nuclear Regulatory Commission |
| Kimberly Hobbs | Member of the public |
| Larry Harris | U.S. Nuclear Regulatory Commission |
| Laura Dudes | U.S. Nuclear Regulatory Commission |
| Linda Howell | U.S. Nuclear Regulatory Commission |
| Lindsey Cooke | U.S. Nuclear Regulatory Commission |
| Lisa Dimmick | U.S. Nuclear Regulatory Commission |
| Marty Karr | Centrus Energy Group |
| Mary H Miller | U.S. Nuclear Regulatory Commission |
| Matt Bartlett | U.S. Nuclear Regulatory Commission |
| Matthew Doyle | U.S. Nuclear Regulatory Commission |
| Meg Day | U.S. Nuclear Regulatory Commission |
| Michael Greenleaf | U.S. Nuclear Regulatory Commission |
| Michelle Romano | U.S. Nuclear Regulatory Commission |
| Mike Call | U.S. Nuclear Regulatory Commission |
| Nicholas Peterka | U.S. Nuclear Regulatory Commission |
| Nicole Coovert | U.S. Nuclear Regulatory Commission |
| Noel Pitoniak | U.S. Nuclear Regulatory Commission |
| Omar R. Lopez Santiago | U.S. Nuclear Regulatory Commission |
| Osiris Siurano-Perez | U.S. Nuclear Regulatory Commission |
| Patrick Koch | U.S. Nuclear Regulatory Commission |
| Phil Brochman | U.S. Nuclear Regulatory Commission |
| Robert Link | NEI Consultant |
| Robert Mathis | U.S. Nuclear Regulatory Commission |
| Robert Sanders | Honeywell |
| Rodnika Murphy | U.S. Nuclear Regulatory Commission |
| Ryan Ruppert | U.S. Nuclear Regulatory Commission |
| Samantha Lav | U.S. Nuclear Regulatory Commission |
| Samuel Bazian | U.S. Nuclear Regulatory Commission |
| Scott Murray | Global Nuclear Fuel - Americas |
| Sean Patterson | Honeywell |
| Shana Helton | U.S. Nuclear Regulatory Commission |
| Stacy Imboden | U.S. Nuclear Regulatory Commission |
| Stephen Poy | U.S. Nuclear Regulatory Commission |
| Stephen Subosits | Westinghouse |
| Steve Koenick | U.S. Nuclear Regulatory Commission |
| Suzanne Dennis | U.S. Nuclear Regulatory Commission |
| Tanya Mensah | U.S. Nuclear Regulatory Commission |

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|---------------------|------------------------------------|
| Thomas Vukovinsky | U.S. Nuclear Regulatory Commission |
| Tim Tate | Framatome Inc. |
| Timothy Polich | RoPower |
| Timothy Sippel | U.S. Nuclear Regulatory Commission |
| Todd Shewmaker | U.S. Nuclear Regulatory Commission |
| Tom Boyce | U.S. Nuclear Regulatory Commission |
| Tom Holly | Nuclear Fuel Services |
| Tony Brown | NEI |
| Yawar Faraz | U.S. Nuclear Regulatory Commission |
| Yaira Diaz Sanabria | U.S. Nuclear Regulatory Commission |

SUMMARY OF NOVEMBER 8, 2023, FUEL FACILITY STAKEHOLDER PUBLIC MEETING DATE
December 4, 2023

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- SHelton, NMSS/DFM

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|--------|-----------------|-------------------|----------------------|----------------|
| OFFICE | NMSS | NMSS/DFM/FFLB | NSIR/DPR | NMSS/DFM/FFLB |
| NAME | JRudd <i>JR</i> | JRowley <i>JR</i> | JGoodridge <i>JG</i> | SLav <i>SL</i> |
| DATE | Nov 30, 2023 | Nov 30, 2023 | Dec 1, 2023 | Dec 4, 2023 |
| OFFICE | NMSS | | | |
| NAME | JRudd <i>JR</i> | | | |
| DATE | Dec 4, 2023 | | | |

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