

Supplement to Fuel Cycle Program Integrated Schedule

~~July 16~~October 21, 2020

This supplement provides a public version of the purpose, brief overview, and background documentation available for the regulatory activities being tracked on the Fuel Cycle Cumulative Effects of Regulation Integrated Schedule. Links to the background documents have been included where possible.

Table of Contents

RULEMAKINGS	2
Part 61 Proposed Rule: Low-Level Radioactive Waste Disposal	2
Part 73 - Enhanced Security for SNM	3
Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Rulemaking	4
Part 73 - Cyber Security	6
NON-RULEMAKINGS	8
ANS 57.11 - Integrated Safety Assessment Standard	8
Regulatory Information Conference	9
Development of a Smarter Fuel Cycle Licensing Program	10
Smarter Fuel Cycle Inspection Program	12

RULEMAKINGS

Part 61 Proposed Rule: Low-Level Radioactive Waste Disposal	
Key Contact	Martha Barillas <u>George Tartal</u> (301-415- 2760016).
Purpose	Rulemaking for a site-specific analysis or performance assessment for the disposal of depleted uranium and other long-lived isotopes in a near-surface disposal facility.
Key Information	<ul style="list-style-type: none"> • Proposed rule (80 FR 16082) and related guidance (80 FR 15930) were published in the <i>Federal Register</i> for public comment on March 26, 2015. The comment period originally ended on July 24, 2015. It was reopened (80 FR 51964) on August 27, 2015 and closed on September 21, 2015. • The final rule package was submitted to the Commission on September 15, 2016. • The Commission issued an SRM on September 8, 2017, directing the staff to issue a supplemental rule for comment. • The staff is currently considering options for moving forward with this and the GTCC rulemaking and make its recommendations to the Commission – expected to be submitted in the summer of 2020 timeframe.
Related Documents	<ul style="list-style-type: none"> • http://www.regulations.gov/#!docketDetail;D=NRC-2011-0012. • http://www.nrc.gov/about-nrc/regulatory/rulemaking/potential-rulemaking/potential-part61-revision.html. • http://www.nrc.gov/about-nrc/regulatory/rulemaking/potential-rulemaking/uw-streams.html. • Technical basis for proposed rule dated April 28, 2011 (ML111040419). • Preliminary proposed rule language dated May 2011 (ML111150205). • COMWDM-11-0002/COMGA-11-0002 - Revision to 10 CFR Part 61 dated November 3, 2011 (ML113070543). • SRM-COMWDM-11-0002/COMGEA-11-0002 - Revision to 10 CFR Part 61 dated January 19, 2012 (ML120190360). • Draft 10 CFR Part 61 proposed rule package (SECY-13-0075) dated July 18, 2013 (ML13128A160). • Staff requirements memorandum – SECY-13-0075 – proposed rule: Low-Level Radioactive Waste Disposal (10 CFR Part 61) (RIN 3150-A192) dated February 12, 2014 (ML14043A371). • Draft 10 CFR Part 61 final rule package (SECY-16-0106) dated September 15, 2016 (ML16188A290). • SRM to SECY-16-0106 (ML17251B147) dated September 8, 2017. • Transcript of Low-level Radioactive Waste Program Public Meeting (ML18088B087) and presentation (ML18088B012) dated March 23, 2018.
Meeting Information	<ul style="list-style-type: none"> • Expected to occur 30 to 60 days after publication of the proposed rule.

Part 73 - Enhanced Security for SNM	
Key Contact	Edward Lohr (301-415-0253) and Kevin Ramsey (301-415-7506).
Purpose	Codify the post 9/11 security orders within Title 10 of the <i>Code of Federal Regulations</i> (10 CFR) Part 73 that govern the security for special nuclear material at fixed sites.
Key Information	<ul style="list-style-type: none"> • Make generically applicable security requirements similar to those imposed by security orders issued following the terrorist attacks of September 11, 2001. • Improve consistency and clarity. • Use a risk-informed and performance-based structure. • In April 2016, the Commission directed the NRC staff to suspend efforts on the Enhanced Security of SNM rulemaking. In August 2018, the Commission directed the staff to resume rulemaking with the exclusive scope of codifying the post 9/11 security orders. • The NRC published the draft regulatory basis on March 1, 2019, for public comment with a closing date of April 19, 2019. • Twelve comments were received from the public on the draft regulatory basis. • Staff provided recommendations to discontinue the rulemaking to the Commission in SECY-19-0095 (released to the public on October 17, 2019).
Related Documents	<ul style="list-style-type: none"> • "Security-Related Rulemaking to Update 10 CFR Parts 73 and 26" http://www.nrc.gov/security/domestic/phys-protect/reg-initiatives/10cfr73.html. • SRM-SECY-09-0123 – "Material Categorization and Future Fuel Cycle Facility Security-Related Rulemaking," dated July 8, 2010 (ML101890711). • SRM-COMSECY-05-0058 – "Schedule and Resources for Security Rulemakings," dated November 16, 2005. • Part 73: Final Regulatory Basis (ML14321A007). The notice was published on April 22, 2015. • Scope reduced to codifying post-9/11 security orders. See SRM-COMKLS-18-003. • Drafted Revised Regulatory Basis was published in the <i>Federal Register</i> (84 FR 6980) on March 1, 2019 for public comment. Comment period closed April 19, 2019. • SECY-19-0095 – "Discontinuation of Rulemaking - Enhanced Security of Special Nuclear Material," released to the public on Oct 17, 2019.
Meeting Information	<ul style="list-style-type: none"> • None scheduled.

Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Rulemaking

Key Contact	Robert Beal Martha Barillas (301-415- 3874 2760) and Kevin Ramsey (301-415-7506).
Purpose	This rulemaking will: (1) implement NRC's authority under the new section 161A of the Atomic Energy Act of 1954 (AEA), as amended, for access to enhanced weapons and associated firearms background checks; (2) modify physical security event notifications; add requirements for reporting suspicious activities at power reactor facilities, reactor Independent Spent Fuel Storage Installations, and Category I strategic special nuclear materials facilities.
Key Information	<ul style="list-style-type: none"> • These proposed regulations are consistent with the provisions of the Firearms Guidelines the NRC published under section 161A with the approval of the U.S. Attorney General on June 25, 2014 (79 FR 36100). • The final rule was sent to the Commission in May 2018. • On May 30, 2019, the staff conducted a public meeting to discuss the proposed draft final rule text with the public and stakeholders. (ML19140A097) • On February 4, 2020, the staff sent a supplemental Commission paper to the Commission that revises the draft final rule and supporting documents (ML16264A000).

<p style="text-align: center;">Related Documents</p>	<ul style="list-style-type: none"> • Proposed rule in the <i>Federal Register</i> (71 FR 62664), to implement the Firearms Guidelines as part of the larger proposed power reactor security rule. • SRM-SECY-10-0085, “Proposed Rule: Enhanced Weapons, Firearms Background Checks and Security Event Notifications (RIN: 3150-AI49),” dated October 19, 2010 (ML102920342). • The NRC published the proposed enhanced weapons rule in the <i>Federal Register</i> (76 FR 6200) for public comment on February 3, 2011. • The NRC published the first supplemental proposed rule (78 FR 2214) to add at reactor independent spent fuel storage installation facilities as a class of designated facilities under Title 10 of the <i>Code of Federal Regulations</i> (10 CFR) 73.18(c), that would be eligible to apply for Section 161A authority. • SRM SECY-12-0125, dated November 21, 2012 (ML12326A653), the Commission directed the NRC staff to revise the Firearms Guidelines accordingly and to publish a supplemental proposed enhanced weapons rule for public comment. • On June 25, 2014, the NRC published the revised Firearms Guidelines in the <i>Federal Register</i> (79 FR 36100). • On September 22, 2015, the NRC published a second supplemental proposed rule (80 FR 57106), to conform the rulemaking with the 2014 Firearms Guidelines, which is in accordance with the Commission’s direction in SRM-SECY-12-0125. • On May 22, 2018, the draft final rule, <i>Federal Register</i> Notice (FRN), Environmental Assessment, and a history of the rulemaking were sent to the Commission (ML16264A000). • NEI (Bill Pitesa) August 22, 2018, comments on the rulemaking (ML18236A763). • NEI letter, “Enhanced Weapons Rulemaking,” dated May 8, 2010 (ML20132A234) • NRC response to NEI letter, “Enhanced Weapons Rulemaking,” dated July 10, 2020 (ML20154K720)
<p style="text-align: center;">Meeting Information</p>	<ul style="list-style-type: none"> • None scheduled.

Part 73 - Cyber Security	
Key Contact	Ed Lohr (301-415-0253) and James Downs (301-415-7744).
Purpose	The Commission directed the U.S. Nuclear Regulatory Commission (NRC) staff to proceed with a proposed rulemaking to implement cyber security into Part 73 for certain fuel cycle facilities. The Commission directed the rulemaking to be a high priority, expedited rulemaking that uses a graded, consequence based regulatory approach and is informed by industry's voluntary efforts.
Key Information	<ul style="list-style-type: none"> • The NRC staff published SECY-14-0147, "Cyber Security for Fuel Cycle Facilities," in December 2014, which proposed three options to implement cyber security. These options included orders, rulemaking, or continuation of voluntary initiatives. • The Commission provided SRM-SECY-14-0147, "Staff Requirements – SECY-14-0147 – Cyber Security for Fuel Cycle Facilities" in March 2015, which directed the NRC staff to proceed with rulemaking. • The NRC published the Regulatory Basis and Comment Resolution document for the cyber security proposed rulemaking on March 3, 2016 (ML15355A461). • The NRC staff provided draft proposed rule language (ML16131A115) for discussion at a public meeting on May 19, 2016. • The NRC staff provided Revised Preliminary Draft Proposed Rule Language and Related Draft Regulatory Guide (ML16221A078) for discussion at a public meeting on August 25, 2016. • The NRC developed updated versions of the Revised Preliminary Draft Proposed Rule Language and Related Draft Regulatory Guide (ML16273A130) to address stakeholder comments. These updates were made publicly available to support a presentation to the Advisory Committee on Reactor Safeguards (ACRS) sub-committee on November 2, 2016. • An update to the Draft Regulatory Guide (ML17031A018) was made publicly available to support a presentation to the ACRS sub-committee on February 23, 2017. • The draft proposed rule package due date to the Commission was extended to September 30, 2017. This is to accommodate the Committee to Review Generic Requirements (CRGR) review. • The staff briefed the full ACRS committee on June 8, 2017 on the draft proposed rule package (ML17145A325). • The Cyber Security Rulemaking Working Group briefed the Committee to Review Generic Requirements (CRGR) on June 27 and July 12, 2017. The CRGR endorsed the Proposed Rule and Draft Regulatory Guide with comments via letter dated August 2, 2017 (ML17200A101). • The proposed rule package was provided to the Office of the Executive Director for Operations (OEDO) on September 7, 2017. • The proposed rule package was submitted to the Commission on October 4, 2017, as SECY-17-0099 (ML17018A218). The proposed rule package consists of the Commission paper, <i>Federal Register</i> notice (FRN), Draft Regulatory Analysis, Draft Backfit Analysis, and Draft Environmental Assessment. • The staff is awaiting Commission direction which is anticipated to follow related rulemaking applicable to reactors.

<p>Related Documents</p>	<ul style="list-style-type: none"> • June 2012 – SECY-12-0088, “Cyber Security Roadmap” (ML12135A050). • December 2014 – SECY-14-0147, “Cyber Security for Fuel Cycle Facilities” (Non-public). • March 2015 – SRM-SECY-14-0147, “Staff Requirements – SECY-14-0147 – Cyber Security for Fuel Cycle Facilities” (ML15083A175). • Commissioner Baran's Vote on SECY-14-0147 – Cyber Security for Fuel Cycle Facilities (ML15118A921). • Commissioner Ostendorff's Vote on SECY-14-0147 – Cyber Security for Fuel Cycle Facilities (ML15132A632). • August 27, 2015 – “Draft Regulatory Basis - Cyber Security at Fuel Cycle Facilities” (ML15198A019). • September 4, 2015 – “<i>Federal Register</i> Notice for Draft Regulatory Basis for Cyber Security at Fuel Cycle Facilities [Package]” (ML15198A024). • "Documents to Support December 10, 2015, Public Meeting on Cyber Security for Fuel Cycle Facilities [Package]” (ML15344A296). • February 18, 2016, “Summary of Public Meeting to Discuss Fuel Cycle Cyber Security Proposed Rule Concepts” (ML16054A160). • March 17, 2016, “Public Meeting Summary Regarding [Concepts for the] Proposed Cyber Security Rulemaking at Fuel Cycle Facilities” (ML16092A124). • Draft proposed rule text to support the May 19, 2016, public meeting (ML16131A115). • Revised Preliminary Draft Proposed Rule Language and Related Draft Regulatory Guide (ML16221A078) to support the August 25, 2016 Public Meeting. • Updated Preliminary Draft Proposed Rule Language and Related Draft Regulatory Guide (ML16273A130) to support the November 2, 2016, ACRS sub-committee briefing. • Updated Draft Regulatory Guide (ML17031A018) to support February 23, 2017, ACRS sub-committee briefing. • The NRC staff prepared a draft regulatory guide, “Cyber Security Programs for Nuclear Fuel Cycle Facilities,” (DG-5062) (ML17145A340). • SECY-17-0099, submitted October 4, 2017, contains the Commission Paper, <i>Federal Register</i> notice (FRN), Draft Regulatory Analysis, Draft Backfit Analysis, and Draft Environmental Assessment (ML17018A218).
<p>Meeting Information</p>	<ul style="list-style-type: none"> • None scheduled. Additional public meetings will be conducted, as needed.

NON-RULEMAKINGS

ANS 57.11 - Integrated Safety Assessment Standard	
Key Contact	April Smith (301-415-6547).
Purpose	American Nuclear Society (ANS) is developing an integrated safety assessment (ISA) standard that would provide clear guidelines for licensees to perform an ISA and improve the ability to identify those elements which serve as leading indicators of ISA quality.
Key Information	<ul style="list-style-type: none"> • The Nonreactor Nuclear Facilities Consensus Committee voted 9-4 in favor of approving the standard. • <u>The NNFC is searching for a new working group chair.</u> • <u>A proposed path forward by the ANS working group is to issue the standard for trial use only.</u> • The timeline for ANS is controlled by ANS consensus standards process.
Related Documents	<ul style="list-style-type: none"> • www2.ans.org (search ANS 57.11) • (http://www2.ans.org/standards/committees/nfsc/calendar/files/ans-57-11pins(2)-fornfscapproval.doc).
Meeting Information	<ul style="list-style-type: none"> • None scheduled.

Regulatory Information Conference	
Key Contact	Haile Lindsay Rick Jervey (301-415- 06166201).
Purpose	The Regulatory Information Conference (RIC) is a forum that promotes open dialogue to learn valuable information about NRC activities related to the regulation of nuclear power plants, other nuclear facilities, and nuclear safety research. In addition, the RIC offers an environment to interact with nuclear industry leaders and share ideas, perspectives, and experiences on matters related to nuclear safety and regulation.
Key Information	<ul style="list-style-type: none"> • NMSS/DFM staff prepared four sessions to be held at the March 2020 RIC. • Though the NRC RIC 2020 was cancelled, presentations, speaker biographies, and links to other information can be found in the agenda. • Session T3, Probabilistic, Risk-Informed Approaches within the Fuel Cycle Arena. • Session T7, Enhancement to the Oversight Programs. • Session W30, Update on Fuel Cycle, Storage and Transportation Licensing and Regulatory Issues, and • Session TH33, Licensing, Storage and Transportation of Accident Tolerant Fuels and Advanced Non-Light Water Reactor Fuels. • The session descriptions and presentations can be found at the link below. • <u>The RIC is held annually.</u> • <u>Potential topics for the March 2021 RIC:</u> <ul style="list-style-type: none"> - <u>Overview of risk informed initiatives in FF and SF (FF smarter licensing, graded approach, white paper progress)</u> - <u>Preparations for licensing ATF</u> - <u>Preparations for advanced reactor fuels (front and back end)</u> - <u>COVID-19: Agency response and lessons learned</u> - <u>Status of transportation readiness initiative and communications on transportation-</u>
Related Documents	<ul style="list-style-type: none"> • Link to the NRC public website on the RIC: https://www.nrc.gov/public-involve/conference-symposia/ric/.
Meeting Information	<ul style="list-style-type: none"> • The 33rd Annual RIC is scheduled for March 9-11, 2021. • The 34th Annual RIC is scheduled for March 8-10, 2022.

Development of a Smarter Fuel Cycle Licensing Program	
Key Contact	Donnie Harrison (301-415-2470) and Karl Sturzebecher (301-415-8534).
Purpose	Improve the effectiveness and efficiency of the fuel licensing program to be consistent with the NMSS Office Director memorandum and other agency improvement activities (e.g., Risk-informed 2 Decision-Making (RIDM)).
Key Information	<ul style="list-style-type: none"> On March 13, 2019, the staff introduced the initiative at the NRC Regulatory Information Conference. The staff created a working group to lead and execute this effort. On April 2, 2019, the staff held a public meeting to discuss the working group draft charter which contained the working group’s purpose, proposed tasks, and proposed completion schedule. On April 26, 2019, the final working group charter was approved. This phase of the working group project was completed at the end of March 2020 and the final report (with recommendations) issued in April 2020. An integrated implementation plan to address the thirty-seven individual recommendations is under development and will be issued by the end of May 2020.
Related Documents	<ul style="list-style-type: none"> NRC presentation dated April 2, 2019, presented at Cumulative Effects of Regulation public meeting (ML19091A051). NRC meeting summary for April 2, 2019 public meeting (ML19106A349). Nuclear Energy Institute letter dated April 12, 2019 (ML19114A288). URENCO USA letter dated April 24, 2019 (ML19115A349). NRC charter for a smarter licensing program working group dated April 26, 2019 (ML19115A011). NRC public meeting presentation dated May 21, 2019 (ML19135A614). NRC meeting summary for May 21, 2019, public meeting (ML19163A267). NRC public meeting presentation dated August 8, 2019 (ML19199A479). NRC meeting summary for August 8, 2019, public meeting (ML19227A158). NRC meeting summary for September 25, 2019, Cumulative Effects of Regulation public meeting (ML19274D398). NRC public meeting presentation dated November 15, 2019 (ML19318F609). NRC meeting summary for November 15, 2019, public meeting (ML19338C823). NRC internal memo “Working Group Recommendations for Building a Smarter Fuel Cycle Licensing Program – Final Draft Report,” February 25, 2020 (ML20056C852). NRC Meeting Notice: Meeting to provide an overview of the draft reports for Building a Smarter Fuel Cycle Licensing and Oversight Program (ML20052E707). NRC public meeting presentation dated March 5, 2020 (ML20065H300). NEI Letter, "Industry Comments on Near Final Fuel Cycle Smarter Program Working Group Reports Post March 5, 2020 NRC Public Meeting," March 17, 2020 (ML20097E050). “Working Group Recommendations for Building a Smarter Fuel Cycle Licensing Program – Final Report,” was issued on April 30, 2020 (ML20099F354). “Public Version of the Smarter Licensing Action Plan and Project Status,” July 10, 2020 (ML20184A267).

Meeting Information	<ul style="list-style-type: none">• None scheduled.
---------------------	---

Smarter Fuel Cycle Inspection Program	
Key Contact	Alayna Pearson, 301-415-3174.
Purpose:	Improve the effectiveness and efficiency of the fuel licensing program to be consistent with the NMSS Office Director memorandum and other agency improvement activities [e.g., Risk-informed 2 Decision-Making (RIDM)].
Key Information	<ul style="list-style-type: none"> • On March 13, 2019, the staff introduced the initiative at the NRC Regulatory Information Conference. • The staff created a working group to lead and execute this effort. • On April 26, 2019, the final working group charter was approved. • On March 18, 2020, the working group issued its final report (see below). • On March 18, 2020 the final decision memorandum was issued (see below). The staff has begun implementation of the recommendations.

Related Documents	<ul style="list-style-type: none"> • Nuclear Energy Institute letter dated April 12, 2019 (ML19114A288). • URENCO USA letter dated April 24, 2019 (ML19115A349). • Charter for a smarter inspection program working group (.ML19074A139). • Meeting summary for May 21, 2019 public meeting (.ML19163A267) • Presentation materials from the June 27, 2019, public meeting where NEI presented recommendations (ML19176A534). • Presentation materials from the August 8, 2019, public meeting to discuss a range of recommendations (ML19199A476 and ML19214A262). • Meeting summary for August 8, 2019, public meeting (ML19227A158). • Presentation materials from the September 12, 2019, public meeting (ML19254A588). • September 25, 2019, Summary of Meeting to Discuss Fuel Cycle Regulatory Activities and Cumulative Effects of Regulation https://www.nrc.gov/docs/ML1927/ML19274D398.pdf • October 17, 2019, Meeting with URENCO USA On Specific Recommendations For Building A Smarter Fuel Cycle Inspection Program https://www.nrc.gov/docs/ML1930/ML19303D270.html • November 15, 2019, Public Meeting: Building a Smarter Fuel Licensing and Oversight Program https://www.nrc.gov/pmns/mtg?do=details&Code=20191230 • March 5, 2020, Meeting Notice: Meeting to provide an overview of the draft reports for Building a Smarter Fuel Cycle Licensing and Oversight Program https://www.nrc.gov/pmns/mtg?do=details&Code=20200165 • NEI Letter, "Industry Comments on Near Final Fuel Cycle Smarter Program Working Group Reports Post March 5, 2020 NRC Public Meeting", March 17, 2020. (ML20097E050) • Working Group Report: "Proposed Recommendations for Building a Smarter Fuel Cycle Inspection Program," dated March 18, 2020 (ML20073G659) • Final decision memorandum, March 18, 2020 (ML20077L247) • NEI Letter, "Follow Up Input to NRC April 22, 2020 Public Meeting and Supplement to NEI's March 17, 2020, letter on Final Working Group Reports on the Smarter Program Inspection and Licensing Program Enhancement Initiative," May 6, 2020 (ML20135G764) • "Response to NEI letter on Smarter Inspection and Licensing Program Enhancement Initiative," June 19, 2020 (ML20148M228) • Implementation Plan (ML20183A242 and ML20189A064) • NEI Letter, "Industry Position Regarding Safety Margin: Dispositioning Degraded or Failed Management Measures Above and Beyond Regulatory Requirements, and Meeting Performance Criteria; Follow Up to May 6, 2020 letter on Smarter Program Inspection Priorities," July 24, 2020 (ML20211L714)
Meeting Information	<ul style="list-style-type: none"> • None scheduled.