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Subject: NRC staff Note to File - TRISO-X Plans for Construction During the Application Review Process
Date: Monday, April 17, 2023 10:45:54 AM

This Note to File records the U.S. Nuclear Regulatory Commission (NRC) staff's discussions with TRISO-X, LLC (TRISO-X) staff regarding their plans for pre-construction and construction activities related to their application to operate the TRISO-X high assay low enriched uranium fuel fabrication facility located in Oak Ridge, Tennessee.

TRISO-X submitted their Safety and Safeguards Analysis report to the NRC on April 5, 2022 (Agencywide Documents Access and Management System Accession No. ML22101A200) and the Environmental Report on September 23, 2022 (Accession No. ML22266A269). TRISO-X has stated their intent to begin pre-construction and construction activities, consistent with the definitions in Title 10 *Code of Federal Regulations* 70.4, "Definitions," prior to the NRC staff licensing decisions. TRISO-X stated they plan to begin pre-construction in July 2023 (target) and construction in January 2024 (target). The NRC and TRISO-X staff agree that construction prior to the licensing decision is allowed under 10 CFR 70.21(f) (9-months after submittal of the complete application, i.e., September 23, 2022) and 10 CFR 70.23(a)(7) (construction during the application review can be grounds for the NRC's denial of the license, but is not prohibited). Therefore, construction prior to licensing is considered construction at-risk. The NRC staff will conduct construction inspection activities to support the NRC staff's final determinations regarding compliance with the regulations and license commitments to ensure adequate protection of safety, security and the environment.

Sincerely,

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