



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

June 2, 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 read "Samantha C. Lav".

Signed by Lav, Samantha
on 06/02/23

FROM: Jonathan G. Rowley, 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 read "Jonathan G. Rowley".

Signed by Rowley, Jonathan
on 06/02/23

SUBJECT: SUMMARY OF MAY 3, 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 May 3, 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 October 19, 2022, fuel facility stakeholder meeting; updates to the integrated schedule and its supplement; budget and fees; construction considerations; continued progress on the Smarter Licensing and Smarter Inspection programs; rulemakings impacting the fuel facility community; and fuel cycle industry observations.

The public meeting notice with the agenda topics, the meeting presentations, the fuel cycle integrated schedule, and its supplement are available in the Agencywide Documents Access

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and Management System (ADAMS) under Accession Numbers: [ML23116A205](#), [ML23116A189](#), [ML23116A190](#), [ML23114A140](#), [ML23114A141](#), and [ML23114A142](#), respectively. No regulatory decisions or commitments were made during the meeting.

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 October 2022 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.

NRC 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>) was last updated on May 1, 2023.

This action item is an ongoing periodic action. The integrated schedule is updated at least twice per year.

Action Item 3:

The NRC will consider linking the publicly available Division Instructions on the public webpage.

The four publicly available Division Instructions were linked on the Fuel Cycle Facility Regulations Guidance, Communications, and Fuel Facility Stakeholders Meetings webpage (<https://www.nrc.gov/materials/fuel-cycle-fac/regs-guides-comm.html#cumeffects>).

This action item is closed.

Action Item 4:

There is continued interest in having discussions on the NRC fee billing.

Fee billing was on the agenda for the May 3, 2023, stakeholders meeting.

This action item is closed.

Action Item 5:

Industry and NRC to consider leveraging the capabilities of the BOX file sharing platform to enhance licensing review related communications.

Industry and NRC are evaluating extent of the use of BOX.

This action item will remain open.

Action Item 6:

The NRC staff will consider including Integrated Low-Level Waste Disposal Rulemaking and Enhanced Weapons Rulemaking on the agenda for the Spring 2023 meeting.

Separate, individual meetings are being arranged to discuss those rulemakings. Therefore, these items were not included on the agenda for the Spring 2023 stakeholders meeting.

This action item is closed.

Action Item 7:

Interest was expressed in future public discussions on fuel facility license renewal process.

NRC staff continues to evaluate the need for additional public meetings on this topic.

This action item will remain open.

Action Item 8:

Interest was expressed in having a presentation on Web-Based Licensing during a future stakeholders meeting.

NRC staff continues to evaluate the request.

This action item will remain open.

Action Item 9:

Interest was expressed in future public discussions regarding NUREG-2212 prior to its issuance.

A public meeting on NUREG-2212 "Standard Review Plan for Applications for 10 CFR 6 Part 70 Licenses for Possession and Use of Special 7 Nuclear Materials of Critical Mass But Not Subject to 8 the Requirements in 10 CFR Part 70, Subpart H" was held on January 18, 2023 ([ML23018A017](#)).

This action item is closed.

Integrated Schedule Chart and Supplement Updates

The NRC staff provided updates made between October 2022 and May 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 October to May. A detailed summary of the changes to the chart is provided under ADAMS Accession Number [ML23114A142](#). 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 ANS 57.11 - Integrated Safety Assessment Standard from the integrated schedule chart since NRC is no longer supporting its development.

Fiscal Year 2023 Fee Rule and Fiscal Year Congressional Budget Justification

The NRC staff presented a generic timeline of the actions that were taken to generate the fiscal year (FY) 2023 budget and fee. The attendees were informed of the schedule for the FY 2023 Fee Rule, which is scheduled to be published in the summer of 2023. The NRC staff explained the drivers for the FY 2023 budget and how the budget impacts fees. The NRC staff expressed how important accurate scheduling information is in the ability to accurately budget. The industry was informed of the timeframe by which the NRC needs to know of schedule changes in order to affect the budget formulation for a given budget cycle.

The NRC staff also explained the drivers for the increase in the FY 2024 Congressional Budget Justification (CBJ) and the anticipated major licensing activities.

The industry discussed its interest in having the NRC revisit the effort factors used in the formulation of the budget. The industry proposed that the effort factors could be adjusted annually to move like the budget rather than remain fixed. The industry expressed interest in having a public meeting on the effort factors.

Current and Future Activities Recovered Through Annual Fees

The NRC staff presented slides on the activities recovered through annual fees for FY 2023 that were charged to the fuel facility business line. For each product line, the NRC staff provided examples of activities recovered through fees for service, annual fees, or that are fee exempt. The NRC staff also discussed future work that will be recovered through annual fees in FY 2023 – 2024.

Construction Inspection Program Update for 10 CFR Part 70 Facilities and Smarter Inspection Program Self-Assessment

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 and processes. Specifically, the NRC is updating inspection procedures and developing a prioritization scheme for inspecting items relied on for safety (IROFS) to improve construction inspection effectiveness. The IROFS prioritization tool will produce a ranking of IROFS specific to each facility based on the specific information provided in the integrated safety analysis summary. The NRC staff is also developing guidance on inspecting “at-risk” construction, which will be relevant to many near- to medium-term construction projects.

The NRC staff informed attendees that the self-assessment of the Smarter Inspection Program would be started in 2023, but not completed until 2024 to ensure that 3 full years of inspection data were available for review. The industry expressed interest in providing input to the self-assessment.

The industry expressed interest in participating in a workshop on the inspection procedures for construction and major modifications, which the NRC is planning for this summer.

Controlled Unclassified Information (CUI) Program Implementation Status

The NRC staff discussed the decision to delay its plans to transition to a CUI program on November 1, 2023, and recapped the key milestones achieved and activities undertaken toward CUI implementation to date. The recap included a discussion of the NRC's plans to delay its transition to CUI until the National Security Council's CUI interagency policy committee (IPC) completes an evaluation of CUI policy reforms proposed by Federal departments and agencies. The NRC staff also reiterated some of the fuel cycle industry concerns and challenges that fuel cycle vendors discussed during the January 10, 2023, NRC CUI closed meeting ([ML23019A373](#)). Once further information is available from the CUI-IPC, including a path forward, the NRC staff plans to further assess the impact of CUI-IPC policy reforms on NRC staff and external stakeholders. The NRC staff will continue to keep NRC external stakeholders informed of the status as we learn more regarding the CUI-IPC efforts and outcome.

Smarter Licensing Program

The NRC staff provided an update on the Smarter Licensing Program. The update included a list of accomplishments, examples of program improvements resulting from the near-term and mid-term recommendations, and the status of the long-term recommendations.

The industry provided its observations of the NRC licensing program. The industry shared its experiences and observations with recent licensing actions and license renewal. The industry identified four themes based on its evaluation: (1) need for increased process clarity and predictability, (2) need for increased transparency and predictability, (3) need for increased management communication, and (4) need for routine reviews of major licensing actions.

The industry pointed out recent licensing actions involving the bifurcation of applications and associated exemptions. The industry requested that the NRC consider having a meeting or other interaction on the bifurcation of licensing applications so that the industry can get clarification on the process.

Clarification on Research Information Letter (RIL) 2022-08

The NRC staff introduced RIL 2022-08, "Human Reliability Analysis of See-and-Flee Action using Integrated Human Event Analysis System for Event and Condition Assessment." The NRC staff provided a background of the RIL, the reason for the RIL, and potential use of the RIL within the fuel cycle industry.

Options for a Potential Rulemaking on Security for Special Nuclear Material

The NRC staff provided an overview of the history of SECY-19-0095, “Discontinuation of Rulemaking – Enhanced Security of Special Nuclear Material,” and the options that the staff is developing for Commission consideration on enhanced security of special nuclear material.

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, NEI, industry, nor members of the public raised further questions or comments, and the meeting was adjourned at 4:00p.m. The NRC staff plans to conduct its next fuel facility stakeholder meeting during the fall 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 integrated schedule of regulatory activities chart on its [public webpage](#).
3. The NRC will consider removing ANS 57.11 - Integrated Safety Assessment Standard from the integrated schedule chart.
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.
5. The NRC will consider conducting a workshop in the summer of 2023 on revisions to Inspection Procedures for construction and major modifications.
6. The NRC will consider an appropriate forum for providing greater clarity on the bifurcation of licensing applications.

Enclosure:
List of Attendees

SUBJECT: SUMMARY OF MAY 3, 2023, FUEL FACILITY STAKEHOLDER PUBLIC MEETING

DATE: June 2, 2023

DISTRIBUTION:

RWilliams, DFFI/PB1 THerrera, OEDO/AO
KJamerson, NMSS/DFM HLindsay, NMSS/DFM LWilkins, OCA

**ADAMS Accession Nos.: ML23153A157 (Pkg); ML23153A158 (Summary);
ML23116A205 (Notice); ML23116A190 (Presentation); ML23116A189 (NEI Presentation);
ML23114A140 (Chart); ML23114A141 (Chart Supplement);
ML23114A142 (Chart Summary)**

OFFICE	NMSS/DFM/FFLB/PM	NMSS/DFM/FFLB/BC	NMSS/DFM/FFLB/PM
NAME	JRowley	SLav	JRowley
DATE	06/02/23	06/02/23	06/02/23

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LIST OF ATTENDEES

May 3, 2023, FUEL FACILITY STAKEHOLDERS PUBLIC MEETING

Name	Affiliation
Dave Spangler	BWXT Nuclear Operations Group, Inc. – Lynchburg (BWXT NOG-L)
Daniel Ashworth	BWXT NOG-L
Daniel Watts	Centrus Energy Corp.
Tim Tate	Framatome Inc.
Scott Murray	Global Nuclear Fuel - Americas
Faith Boyington	Guest
Matthew Marzano	Guest
Sean Patterson	Honeywell
Bob Sanders	Honeywell
Janet Schlueter	NEI
Melody Rodriguez	NEI
Robert Link	NEI Consultant
Tom Holly	Nuclear Fuel Services
Danielle Rogers	Nuclear Fuel Services
Jennifer Wheeler	TRISO-X
Jonathan Rowley	U.S. Nuclear Regulatory Commission
Annette Parker-Haynes	U.S. Nuclear Regulatory Commission
James Downs	U.S. Nuclear Regulatory Commission
Matt Bartlett	U.S. Nuclear Regulatory Commission
Stephen Poy	U.S. Nuclear Regulatory Commission
Cynthia Taylor	U.S. Nuclear Regulatory Commission
Carrie Safford	U.S. Nuclear Regulatory Commission
Jill Shepherd	U.S. Nuclear Regulatory Commission
George Tartal	U.S. Nuclear Regulatory Commission
Matthew Learn	U.S. Nuclear Regulatory Commission
Janine Smith	U.S. Nuclear Regulatory Commission
Suzanne Ani	U.S. Nuclear Regulatory Commission
Andrew Carrera	U.S. Nuclear Regulatory Commission
Zee St. Hilaire	U.S. Nuclear Regulatory Commission
Alexis Sotomayor-Rivera	U.S. Nuclear Regulatory Commission
Robert Williams	U.S. Nuclear Regulatory Commission

Yawar Faraz	U.S. Nuclear Regulatory Commission
Eric C. Michel	U.S. Nuclear Regulatory Commission
Kellee Jamerson	U.S. Nuclear Regulatory Commission
Jo Jacobs	U.S. Nuclear Regulatory Commission
James Hammelman	U.S. Nuclear Regulatory Commission
Dave Roth	U.S. Nuclear Regulatory Commission
Anthony Masters	U.S. Nuclear Regulatory Commission
Christian Jacobs	U.S. Nuclear Regulatory Commission
Irene Wu	U.S. Nuclear Regulatory Commission
Latif Hamdan	U.S. Nuclear Regulatory Commission
Samantha Lav	U.S. Nuclear Regulatory Commission
Gregory Trussell	U.S. Nuclear Regulatory Commission
Shana Helton	U.S. Nuclear Regulatory Commission
Natreon Jordan	U.S. Nuclear Regulatory Commission
Loren Howe	U.S. Nuclear Regulatory Commission
Lynn Bates	U.S. Nuclear Regulatory Commission
Anthony Rossi	U.S. Nuclear Regulatory Commission
Daniel Forsyth	U.S. Nuclear Regulatory Commission
Lisa Dimmick	U.S. Nuclear Regulatory Commission
Stewart Schneider	U.S. Nuclear Regulatory Commission
Damaris Marcano	U.S. Nuclear Regulatory Commission
Michael Greenleaf	U.S. Nuclear Regulatory Commission
Thomas Vukovinsky	U.S. Nuclear Regulatory Commission
Osiris Siurano-Perez	U.S. Nuclear Regulatory Commission
Benjamin Karmioli	U.S. Nuclear Regulatory Commission
Ann Dumas	U.S. Nuclear Regulatory Commission
Billy Blaney	U.S. Nuclear Regulatory Commission
Cardelia Maupin	U.S. Nuclear Regulatory Commission
William Allen	U.S. Nuclear Regulatory Commission
Tom Boyce	U.S. Nuclear Regulatory Commission
Jenny Tobin	U.S. Nuclear Regulatory Commission
Chad Oelstrom	U.S. Nuclear Regulatory Commission
James Rubenstone	U.S. Nuclear Regulatory Commission
James Firth	U.S. Nuclear Regulatory Commission
Logan Crevelt	U.S. Nuclear Regulatory Commission
Fred Miller	U.S. Nuclear Regulatory Commission
Edward Madden	U.S. Nuclear Regulatory Commission

Chris Markley	U.S. Nuclear Regulatory Commission
Kelly Sullivan	U.S. Nuclear Regulatory Commission
Justin Raudabaugh	U.S. Nuclear Regulatory Commission
Jeremy Tapp	U.S. Nuclear Regulatory Commission
Marilyn Diaz Maldonado	U.S. Nuclear Regulatory Commission
Joel Rivera Ortiz	U.S. Nuclear Regulatory Commission
Christine Galster	U.S. Nuclear Regulatory Commission
Antonio Mejia	U.S. Nuclear Regulatory Commission
William Shuster	U.S. Nuclear Regulatory Commission
Andres Trejo	U.S. Nuclear Regulatory Commission
Yoira Diaz Sanabria	U.S. Nuclear Regulatory Commission
Briana DeBoer	U.S. Nuclear Regulatory Commission
Jesse Carlson	U.S. Nuclear Regulatory Commission
Patrick Koch	U.S. Nuclear Regulatory Commission
Nicole Cortes	U.S. Nuclear Regulatory Commission
Noel Pitoniak	U.S. Nuclear Regulatory Commission
Glenn Tuttle	U.S. Nuclear Regulatory Commission
Joseph Grice	U.S. Nuclear Regulatory Commission
Jimmy Chang	U.S. Nuclear Regulatory Commission
Tim McCartin	U.S. Nuclear Regulatory Commission
Kenneth Kline	U.S. Nuclear Regulatory Commission
John Grasso	U.S. Nuclear Regulatory Commission
Milton Valentin	U.S. Nuclear Regulatory Commission
Marshall Kohen	U.S. Nuclear Regulatory Commission
Nicholas Peterka	U.S. Nuclear Regulatory Commission
Chris Schwarz	URENCO USA
Stephen Subosits	Westinghouse