



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

September 4, 2024

SECRETARY

IN RESPONSE, PLEASE
REFER TO: M240904

MEMORANDUM FOR: Mirela Gavrilas, PhD
Executive Director for Operations

FROM: Carrie M. Safford, Secretary

SUBJECT: STAFF REQUIREMENTS – AFFIRMATION SESSION, 1:45 P.M.,
WEDNESDAY, SEPTEMBER 4, 2024, VIA PUBLIC
TELECONFERENCE

I. SECY-19-0062 – FINAL RULE: NON-POWER PRODUCTION OR UTILIZATION
FACILITY LICENSE RENEWAL (RIN 3150-AI96, NRC-2011-0087)

The Commission approved a final rule which amends the NRC's regulations that govern the license renewal process for non-power reactors and certain other production or utilization facilities collectively referred to as NPUFs with the enclosed changes. The final rule: (1) eliminates license terms for facilities, other than testing facilities, licensed under 10 CFR 50.21(a) or (c); (2) defines the license renewal process for NPUFs (including testing facilities) licensed under 10 CFR 50.22 and testing facilities licensed under 10 CFR 50.21(c); (3) requires all NPUF licensees to submit to the NRC an updated final safety analysis report (FSAR) and subsequent FSAR updates at intervals not to exceed 5 years; and (4) provides an accident dose criterion of 1 rem total effective dose equivalent for NPUFs other than testing facilities. The Commission has also certified, under the Regulatory Flexibility Act, that this rule will not have significant economic impact on a substantial number of small entities.

Following incorporation of these changes, the *Federal Register* notice should be reviewed by the Regulatory Analysis and Rulemaking Support Branch in the Office of Nuclear Material Safety and Safeguards and forwarded to the Office of the Secretary for signature and publication.

The staff should provide a copy of the revised notice to the Commission ten business days prior to its transmittal to the Office of the Federal Register for publication.

SECY-21-0037, NUREG-1409, "Backfitting Guidelines," Revision 1, is returned to the staff. The staff should update NUREG-1409 to clarify the applicability of § 50.109 to commercial non-power production or utilization facilities through an interpretive rule process. The staff should revise the backfitting analysis portion of the draft *Federal Register* notice for this rulemaking to reflect that as an ongoing effort in a policy neutral way.

The staff should evaluate its processes to ensure the Commission is fully and currently informed on matters before it for decision.

Enclosure: Edits to the *Federal Register* notice

cc: Chair Hanson
Commissioner Wright
Commissioner Caputo
Commissioner Crowell
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