



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

January 2, 2025

Andrew Holland, Chief Executive Officer  
Fusion Industry Association  
800 Maine Ave SW  
Suite 223  
Washington, DC 20024

SUBJECT: FUSION INDUSTRY ASSOCIATION LETTER RE: U.S. NUCLEAR  
REGULATORY COMMISSION STAFF'S PRELIMINARY PROPOSED  
DEFINITION OF PARTICLE ACCELERATOR

Dear Andrew Holland:

Thank you for your letter dated September 13, 2024, providing the Fusion Industry Association's views on the latest preliminary proposed definition of "particle accelerator" presented by the U.S. Nuclear Regulatory Commission (NRC) staff during the August 14, 2024, public meeting (Agencywide Documents Access and Management System (ADAMS) Accession No. ML24207A028). We appreciate your thorough review and detailed comments on this material. Since receiving your letter, the NRC staff has provided to the Commission for its consideration the draft proposed rule in SECY-24-0085, "Proposed Rule: Regulatory Framework for Fusion Machines (3150-AL00; NRC-2023-0071)," dated December 11, 2024 ([ML24019A064](#)), which also contains a discussion on this topic.

As your letter notes, the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act) revised the definition in section 11 of the Atomic Energy Act of 1954 (AEA) for "byproduct material" and added a new definition for "fusion machine." The draft proposed rule, and Enclosure 5 of SECY-24-0085, provide the NRC staffs' assessment of the options it considered for incorporating the ADVANCE Act provisions on definitions, while achieving the objectives of the limited-scope rulemaking directed by the Commission. While the staff's recommendation does not directly match the approach your letter advocates, your views and the other views the staff collected helped inform staff's documents and recommendation.

If the Commission approves a proposed rule, it will be published in the *Federal Register* for comment. We encourage you to provide comments on the proposed rule especially to indicate any impacts you perceive from the approach provided or related issues. Specific information about the rulemaking can be found at <https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/active/ruledetails.html?id=2185> and at <https://www.regulations.gov> under Docket ID [NRC-2023-0071](#). Your letter will be posted to this docket.

A. Holland

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If you have any questions or need additional information, please contact the rulemaking project manager, Dennis Andrukat at [Dennis.Andrukat@nrc.gov](mailto:Dennis.Andrukat@nrc.gov) or 301-415-3561.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Lubinski', written in a cursive style.

Signed by Lubinski, John  
on 01/02/25

John Lubinski, Director  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: FUSION INDUSTRY ASSOCIATION LETTER RE: U.S. NUCLEAR REGULATORY COMMISSION STAFF'S PRELIMINARY PROPOSED DEFINITION OF PARTICLE ACCELERATOR

DATED: January 2, 2025

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