

# Cumulative Effects of Regulation

Osiris Siurano-Perez

Project Manager

Division of Fuel Management

Office of Nuclear Material Safety and Safeguards

# Agenda

Time	Topic	Organization Lead
<p><b>Morning Session</b> 8:30 AM – 11:30 AM</p> <p><b>Break</b> 9:45 AM – 10:00 AM</p> <p><b>Lunch</b> 11:30 AM – 12:30 PM</p> <p><b>Afternoon Session</b> 12:30 PM – 2:00 PM</p> <p><b>Public Questions/Comments</b> 2:00 PM – 2:30 PM</p> <p><b>Adjourn</b> 2:30 PM</p>	Opening Remarks	Andrea Kock, Director Division of Fuel Management, NMSS Janet Schlueter, NEI
	Integrated Schedule and Regulatory Activity Updates	
	Integrated Schedule	Osiris Siurano
	10 CFR Part 61 Low Level Waste Disposal	Martha Barillas, June Cai
	10 CFR Part 73 Enhanced Security for Special Nuclear Material	Edward Lohr, Kevin Ramsey
	Enhanced Weapons Rulemaking	Robert Beall, Kevin Ramsey
	10 CFR Part 73 Cyber Security At Fuel Facilities	Edward Lohr, James Downs
	ANS 57.11 Integrated Safety Analysis	April Smith
	Smarter Licensing	Donnie Harrison
	Smarter Inspections	Jonathan Marciano
	New Topics	
	Non-Fee Billable Work	Kevin Ramsey
	Process for Handling Regulatory Relief Requests	Jacob Zimmerman, James Downs
	Unplanned Contamination Events: Status and Path Forward	Kevin Ramsey
	NMSS Prioritization Efforts Regarding Annual Fee Expenditures	Jacob Zimmerman, Kevin Ramsey
	NRC Fuel Cycle Activities for Accident Tolerant Fuel and Advanced Reactor Fuel	Marilyn Diaz, J. Rubenstone
	Closing Remarks	Andrea Kock

# Opening Remarks

Andrea Kock, Director  
Division of Fuel Management  
Office of Nuclear Material Safety and Safeguards

# Opening Remarks

- Progress in last year
  - Smarter licensing
    - Charter approved April 26, 2019
    - Final report (with recommendations) to be issued in April 2020
  - Smarter inspection
    - Final report issued March 18, 2020
  - Issuance of Honeywell 40 year renewal
- Expectations - meeting outcomes
  - Continue making progress on additional long standing issues
    - Reporting of unplanned contamination events
- Continued engagement
  - Information sharing
  - Response to COVID-19
- Agency support
  - Improved efficiency of regulatory relief requests reviews
  - Developed process for handling relief requests

# Cumulative Effects of Regulation

## Integrated Schedule

# Integrated Schedule

- Updated April 10, 2020
- Regulatory activities
  - List remains unchanged
- Public website
  - Integrated Schedule
    - <https://www.nrc.gov/materials/fuel-cycle-fac/regs-guides-comm.html#cumeffects>
  - Supplement to Schedule
    - <https://www.nrc.gov/docs/ML2000/ML20009C803.pdf>

# Integrated Schedule

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**Contact:**  
Osiris Siurano-Perez  
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301-415-7827

# 10 CFR Part 61 Proposed Rule Low-Level Radioactive Waste Disposal

Martha Barillas

Division of Rulemaking, Environmental, and Financial Support  
Office of Nuclear Material Safety and Safeguards

June Cai

Division of Rulemaking, Environmental, and Financial Support  
Office of Nuclear Material Safety and Safeguards



# 10 CFR Part 61 Proposed Rule

## Low-Level Radioactive Waste Disposal

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Regulatory Activity	Revised	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec												
Part 61 - LLW Disposal POC: Gary Comfort	12/19/2019												↴																																				
Part 61 - LLW Disposal POC: Martha Barillas	04/10/2020												↴																																				

<b>Key Information</b>	<ul style="list-style-type: none"> <li>The staff is currently considering options for moving forward with this and the Greater Than Class C Waste rulemaking and make its recommendations to the Commission.</li> </ul>
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>Draft 10 CFR Part 61 proposed rule package (SECY-13-0075) dated July 18, 2013 (<a href="#">ML13128A160</a>).</li> <li>Staff requirements memorandum – SECY-13-0075 – proposed rule: Low-Level Radioactive Waste Disposal (10 CFR Part 61) (RIN 3150-A192) dated February 12, 2014 (<a href="#">ML14043A371</a>).</li> <li>Draft 10 CFR Part 61 final rule package (SECY-16-0106) dated September 15, 2016 (<a href="#">ML16188A290</a>).</li> <li>SRM to SECY-16-0106 (<a href="#">ML17251B147</a>) dated September 8, 2017.</li> <li>Transcript of Low-level Radioactive Waste Program Public Meeting (<a href="#">ML18088B087</a>) and presentation (<a href="#">ML18088B012</a>) dated March 23, 2018.</li> </ul>
<b>Meeting Information</b>	<ul style="list-style-type: none"> <li>Expected to occur 30 to 60 days after publication of the proposed rule.</li> </ul>

**Contact:**  
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# Enhanced Security for Special Nuclear Material

Edward Lohr

Division of Rulemaking, Environmental, and Financial Support  
Office of Nuclear Material Safety and Safeguards

Kevin Ramsey

Division of Fuel Management  
Office of Nuclear Material Safety and Safeguards

# Enhanced Security for Special Nuclear Material

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<i>Regulatory Activity</i>	<i>Revised</i>	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec												
<b>Part 73-Enhanced Security for SNM</b> POC: Ed Lohr/Kevin Ramsey	<b>12/19/2019</b>	↓	To Commission											↓																																			
<b>Part 73-Enhanced Security for SNM</b> POC: Ed Lohr/Kevin Ramsey	<b>04/10/2020</b>	↓	To Commission											↓																								↓											

<b>Key Information</b>	<ul style="list-style-type: none"> <li>• Staff provided recommendations to discontinue the rulemaking to the Commission in SECY-19-0095 (released to the public on October 17, 2019).</li> </ul>
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• SECY-19-0095 - “Discontinuation of Rulemaking - Enhanced Security of Special Nuclear Material,” released to the public on October 17, 2019.</li> </ul>
<b>Meeting Information</b>	<ul style="list-style-type: none"> <li>• None Scheduled.</li> </ul>

**Contact:**  
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**Contact:**  
Kevin Ramsey  
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# Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Rulemaking

Robert Beall

Division of Rulemaking, Environmental, and Financial Support  
Office of Nuclear Material Safety and Safeguards

Kevin Ramsey

Division of Fuel Management  
Office of Nuclear Material Safety and Safeguards

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

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<b>Key Information</b>	<ul style="list-style-type: none"> <li>On May 22, 2018, the draft final rule, <i>Federal Register</i> Notice, Environmental Assessment, and a history of the rulemaking were sent to the Commission.</li> <li>On February 4, 2020, the staff sent a supplemental Commission Paper to the Commission that revises the draft final rule and supporting document.</li> </ul>
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>Supplemental Commission revising the draft final rule and supporting documents (ML16264A000).</li> <li>NEI (Bill Pitesa) comments on rulemaking dated August 22, 2018 (ML18236A763).</li> </ul>
<b>Meeting Information</b>	<ul style="list-style-type: none"> <li>None scheduled.</li> </ul>

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**Contact:**  
Kevin Ramsey  
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# 10 CFR Part 73 Cyber Security

Edward Lohr

Division of Rulemaking, Environmental, and Financial Support  
Office of Nuclear Material Safety and Safeguards

James Downs

Division of Fuel Management  
Office of Nuclear Material Safety and Safeguards

# 10 CFR Part 73 Cyber Security

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Regulatory Activity	Revised	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Part 73-Cyber Security Rulemaking POC: Gary Comfort/James Downs	12/19/2019	↓																																															
Part 73-Cyber Security Rulemaking POC: Ed Lohr/James Downs	04/10/2020	↓																																															

<b>Key Information</b>	<ul style="list-style-type: none"> <li>The staff is awaiting Commission direction which is anticipated to follow related rulemaking applicable to reactors.</li> </ul>
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>Updated Preliminary Draft Proposed Rule Language and Related Draft Regulatory Guide (<a href="#">ML16273A130</a>) to support the November 2, 2016, (ACRS) sub-committee briefing.</li> <li>Updated Draft Regulatory Guide (<a href="#">ML17031A018</a>) to support February 23, 2017, ACRS sub-committee briefing.</li> <li>The NRC staff prepared a draft regulatory guide, "Cyber Security Programs for Nuclear Fuel Cycle Facilities," (DG-5062) (<a href="#">ML17145A340</a>).</li> <li>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 (<a href="#">ML17018A218</a>).</li> </ul>
<b>Meeting Information</b>	<ul style="list-style-type: none"> <li>None scheduled.</li> </ul> <p>(Note: Additional public meetings will be conducted, as needed).</p>

**Contact:**  
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**Contact:**  
James Downs  
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# American National Standard 57.11 Integrated Safety Analysis

April Smith  
Division of Fuel Management  
Office of Nuclear Material Safety and Safeguards



# American National Standard 57.11

## Integrated Safety Analysis

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ANS 57.11 (ISA) POC: April Smith	12/19/2019																																																																				
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<b>Key Information</b>	<ul style="list-style-type: none"> <li>The working group is resolving comments from the subcommittee.</li> </ul>
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>www2.ans.org (search ANS 57.11)  <a href="http://www2.ans.org/standards/committees/nfsc/calendar/files/ans-57-11pins(2)-fornfscapproval.doc">http://www2.ans.org/standards/committees/nfsc/calendar/files/ans-57-11pins(2)-fornfscapproval.doc</a>.</li> </ul>
<b>Meeting Information</b>	<ul style="list-style-type: none"> <li>None scheduled.</li> </ul>

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# Development of Smarter Fuel Cycle Licensing Program

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Office of Nuclear Material Safety and Safeguards

# Development of Smarter Fuel Cycle Licensing Program

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<b>Key Information</b>	<ul style="list-style-type: none"> <li>On March 13, 2019, the staff introduced the initiative at the NRC Regulatory Information Conference.</li> <li>The staff created a working group to lead and execute this effort.</li> <li>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.</li> <li>On April 26, 2019, the final working group charter was approved.</li> <li>This phase of the working group project was completed at the end of March 2020 and the final report (with recommendations) issued in early May 2020.</li> <li>An integrated implementation plan to address the thirty-seven individual recommendations is under development and will be issued by the end of May 2020.</li> </ul>
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>NRC meeting summary for September 25, 2019, Cumulative Effects of Regulation public meeting (ML19274D398).</li> <li>NRC public meeting presentation dated November 15, 2019 (ML19318F609).</li> </ul>

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# Development of Smarter Fuel Cycle Licensing Program (cont.)

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Smarter Licensing Charter POC: Donnie Harrison	04/10/2020																																																	

<b>Related Documents</b>	<ul style="list-style-type: none"> <li>• NRC meeting summary for November 15, 2019, public meeting (ML19338C823).</li> <li>• NRC internal memo "Working Group Recommendations for Building a Smarter Fuel Cycle Licensing Program - Final Draft Report," February 25, 2020 (ML20056C852).</li> <li>• NRC Meeting Notice: Meeting to provide an overview of the draft reports for Building a Smarter Fuel Cycle Licensing and Oversight Program (ML20052E707).</li> <li>• NRC public meeting presentation dated March 5, 2020 (ML20065H300).</li> <li>• NEI Letter, "<a href="#">Industry Comments on Near Final Fuel Cycle Smarter Program Working Group Reports Post March 5, 2020 NRC Public Meeting</a>," March 17, 2020 (ML20097E050).</li> <li>• NRC internal memo "Working Group Recommendations for Building a Smarter Fuel Cycle Licensing Program – Final Report," to be issued in April 2020.</li> </ul>
<b>Meeting Information</b>	<ul style="list-style-type: none"> <li>• Next stakeholder engagement during CER meeting on April 22, 2020.</li> </ul>

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# Development of Smarter Fuel Cycle Inspection Program

Jonathan Marcano  
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Office of Nuclear Material Safety and Safeguards

# Development of Smarter Fuel Cycle Inspection Program

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<b>Key Information</b>	<ul style="list-style-type: none"> <li>On March 18, 2020, the working group issued its final report (see below).</li> </ul>
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>September 25, 2019, Summary of Meeting to Discuss Fuel Cycle Regulatory Activities and Cumulative Effects of Regulation <a href="https://www.nrc.gov/docs/ML1927/ML19274D398.pdf">https://www.nrc.gov/docs/ML1927/ML19274D398.pdf</a>.</li> <li>October 17, 2019, Meeting with URENCO USA On Specific Recommendations For Building A Smarter Fuel Cycle Inspection Program <a href="https://www.nrc.gov/docs/ML1930/ML19303D270.html">https://www.nrc.gov/docs/ML1930/ML19303D270.html</a>.</li> <li>November 15, 2019, Public Meeting: Building a Smarter Fuel Licensing and Oversight Program <a href="https://www.nrc.gov/pmns/mtg?do=details&amp;Code=20191230">https://www.nrc.gov/pmns/mtg?do=details&amp;Code=20191230</a>.</li> </ul>

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# Development of Smarter Fuel Cycle Inspection Program (cont.)

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Regulatory Activity	Revised	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Febr	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	
Smarter Inspection Charter POC: Jonathan Marcano	12/19/2019																																																	
Smarter Inspection Charter POC: Jonathan Marcano	04/10/2020																																																	

<b>Related Documents</b>	<ul style="list-style-type: none"> <li>March 5, 2020, Meeting Notice: Meeting to provide an overview of the draft reports for Building a Smarter Fuel Cycle Licensing and Oversight Program <a href="https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20052E707">https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20052E707</a>.</li> <li>NEI Letter, "<a href="#">Industry Comments on Near Final Fuel Cycle Smarter Program Working Group Reports Post March 5, 2020 NRC Public Meeting</a>," March 17, 2020 (ML20097E050).</li> <li>Working Group Report: "Proposed Recommendations for Building a Smarter Fuel Cycle Inspection Program," dated March 18, 2020 (ADAMS Accession No. ML20073G659).</li> </ul>
<b>Meeting Information</b>	<ul style="list-style-type: none"> <li>None scheduled.</li> </ul>

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# Cumulative Effects of Regulation

For more information visit

<http://www.nrc.gov/materials/fuel-cycle-fac/regs-guides-comm.html#cumeffects>



# Cumulative Effects of Regulation

## New Topics

# Efforts to Improve Tracking and Oversight of Non-Billable Work in the Fuel Facilities Business Line

Kevin Ramsey

Division of Fuel Management

Office of Nuclear Material Safety and Safeguards

# Efforts to Improve Tracking and Oversight of Non-Billable Work in the Fuel Facilities Business Line

<b>Background</b>	<ul style="list-style-type: none"><li>• During public meetings in 2018, licensees learned that only a quarter of budgeted resources are recovered from direct services such as licensing actions and inspections. The majority of budgeted resources were expended on non-billable services recovered through annual fees.</li><li>• When licensees asked what services their annual fees funded, NRC was challenged to provide a detailed list of the non-billable projects and their associated costs.</li></ul>
<b>Meeting Information</b>	<ul style="list-style-type: none"><li>• On November 5, 2018, a memorandum was issued directing DFM staff to begin opening Enterprise Project Identifiers (EPIDs) for non-billable projects.</li><li>• In December 2018, staff were tasked with performing a self-assessment on non-billable (NB) work in the Fuel Facilities Business Line.</li><li>• On April 15, 2019, a self-assessment report was issued with several recommendations to improve the tracking and oversight of NB resources.</li><li>• Currently, reports of non-billable charges are reviewed each quarter by DFM management for progress on opening EPIDs and tracking NB work.</li><li>• Developing computer tracking system for NB projects. This effort is ongoing.</li><li>• Partner Offices briefed and provided guidance for NB projects.</li></ul>

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# Process for Handling Regulatory Relief Requests

Jacob Zimmerman  
Division of Fuel Management  
Office of Nuclear Material Safety and Safeguards

James Downs  
Division of Fuel Management  
Office of Nuclear Material Safety and Safeguards

# Process for Handling Regulatory Relief Requests

- Staff developed internal guidance for handling regulatory relief requests
- Temporary Staff Guidance
  - Fuel Facility Regulatory Relief Requests Related to COVID-19

# Status of Exemptions from Reporting Unplanned Contamination Events

Kevin Ramsey

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# Status of Exemptions from Reporting Unplanned Contamination Events

<b>Background</b>	<p>Applications Received:</p> <ul style="list-style-type: none"><li>• Letter dated January 9, 2019, from GNFA (ML19009A271).</li><li>• Letter dated April 24, 2019, from BWXT (ML19120A285).</li><li>• Letter dated May 15, 2019, from NFS (ML19154A368).</li></ul>
<b>Meeting Information</b>	<ul style="list-style-type: none"><li>• Granting the exemption would reduce the level of transparency to the public of unplanned contamination events. An estimate of the resources saved is needed to make a finding that a reduced level of transparency is justified.</li><li>• A request for additional information was issued to each applicant in March 2020.</li><li>• GNFA response was received April 16, 2020 – currently under review.</li><li>• NFS and BWXT requested more time to respond.</li></ul>

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# NMSS Prioritization Efforts Regarding Annual Fee Expenditures

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# NMSS Prioritization Efforts Regarding Annual Fee Expenditures

## Non-Billable Projects Currently Working

- Smarter Licensing
- Smarter Inspection
- Tracking and Oversight of Non-Billable Work
- DFM Workload Management Tool
- Accident Tolerant Fuel Support
- Advance Reactor Support
- Quarterly Barasso Report
- Draft Guidance – Licensing Greater Than Critical Mass Facilities
- DFM Guidance Consolidation
- COVID-19 Regulatory Relief Working Group

# NRC Fuel Cycle Activities for Accident Tolerant Fuel and Advanced Reactor Fuel

Marylin Diaz

Division of Fuel Management

Office of Nuclear Material Safety and Safeguards

James Rubenstone

Division of Fuel Management

Office of Nuclear Material Safety and Safeguards

# NRC Fuel Cycle Activities for Accident Tolerant Fuel and Advanced Reactor Fuel

- NRC staff continues to assess regulatory framework to identify challenges and/or data needs
  - NRC Regulations in 10 CFR Part 70 are adequate for conducting reviews of licensing actions associated with new technologies for enrichment and fabrication of fuel at higher enrichments (HALEU 5%-20%  $U_{235}$ )
- NRC staff continues to improve its processes and conducting risk informed and efficient reviews.
- Applicants are encouraged to engage early to ensure a common understanding of the implications of these advanced fuels.

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# NRC Fuel Cycle Activities for Accident Tolerant Fuel and Advanced Reactor Fuel (cont.)

- **Accident Tolerant Fuel**

- NRC Letter to NEI regarding accident tolerant fuels (ML19235A261) identify timeline for NRC reviews to support industry's 2023 ATF goal.
- NRC is conducting research on criticality benchmarking data for higher enrichments and ATF cladding material properties to gain efficiencies in our reviews.
- NRC is efficiently reviewing licensing actions to allow enrichments above 5wt%U-235.

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# NRC Fuel Cycle Activities for Accident Tolerant Fuel and Advanced Reactor Fuel (cont.)

- **Advanced Reactor Fuel**

- Physical Security Requirements for Category II facility will be evaluated on a case by case basis.
- We are conducting technical evaluations to assess necessary updates for the guidance
  - Updating NRC guidance for material control and accounting for Category II fuel cycle facilities.
  - Completed report on possible material control and accounting approaches for a pebble bed reactor (ADAMS Accession No. ML20112F355)

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# NRC Fuel Cycle Activities for Accident Tolerant Fuel and Advanced Reactor Fuel (cont.)

- **Advanced Reactor Fuel**

- Technical reports addressing safety hazards will help staff risk inform their reviews.
  - Hazards Associated with Molten Salt Reactor Fuel Processing Operations Presentation (ORNL, 2019)
  - Metal Fuel Fabrication Safety and Hazards Presentation (PNNL, 2019)
  - Review of Hazards for Molten Salt Reactor Fuel Processing Operations (ORNL, 2019)
  - Metal Fuel Fabrication Safety and Hazards Final Report (PNNL, 2019)

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# Closing Remarks

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