

Updates to the Guidance on Foreign Obligation Reporting Requirements

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Industry's Plan to Deploy Higher Enrichments

- Advanced LWR Fuels with LEU+
 - U.S. enrichment facility licensed for >5wt.%
 - Fuel fabricator regulatory engagement
 - Utility pre-submittal meetings for a >5 wt.% LTA LAR
 - Transportation packages for UF₆ >5 wt.%
- Category II Fuel Cycle Facility Applicants
- Advanced Reactor Demonstration Program and other DOE Risk Reduction Awardees utilizing HALEU up to 20 wt.%

Current Regulatory Framework Needs Updating

- Regulatory limits on 5 wt.% enrichments
 - 10 CFR 50.68 and 10 CFR 71.55
 - SRM-SECY-21-0109 – initiate rulemaking
- Category II MC&A
 - NUREG-2159
- Category II Security
 - Being addressed on a case-by-case basis
 - Staff considering options for a potential rulemaking
- NUREG-BR-0006/0007
 - An exchange of obligated material from one material type to another OR any obligation swap for material greater than 5 wt.% is not allowed unless the USG provides prior written approval

Challenges Created with NUREG-BR-0006/0007

- Blending of “E1” and LEU+/HALEU “E2” material will become a common daily practice at commercial facilities
- Pre-approval represents a significant and unnecessary burden to industry and government that would impede commerce
- The language to require pre-approval for any obligation swap greater than 5 wt.% is additionally problematic
- We appreciate the near-term option of a one-time blanket approval for the life of the facility
 - Must accommodate enrichments up to 20%
 - Regulatory exceptions are not an ideal long-term solution

Long-Term Solution

- Revise the definition of “E1”, and eliminate “E2” quantities
 - Revise “E1” to greater than natural but less than 20 wt.% and eliminate the “E2” definition
- No indications that this revision would conflict with regulations or international treaties
- This change does not diminish the level of security and MC&A controls required to be in place
- Minimal impact and cost
 - Largest volume of reporting is associated with nuclear fuel commerce
 - System coding change easily edit records from “E2” to “E1”
 - Training for NMMSS users
- Can coincide with the next planned NUREG update