

Discussion on Options for Follow-On Enhanced Weapons Rulemaking

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Public Meeting With Industry and Stakeholders

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Meeting Category and Public Participation

This is an Information Meeting with Question-and-Answer session. Attendees will have an opportunity to ask questions of the NRC staff. The NRC is seeking industry perspectives but is not actively soliciting comments towards regulatory decisions in this meeting.

Meeting Purpose

- The NRC staff will discuss options for a follow-on Enhanced Weapons Rule (EWR) implementing Section 161A of the Atomic Energy Act of 1954.
- The NRC staff is seeking industry perspectives on these options.

Enhanced Weapons Rulemaking

On March 14, 2023, the NRC issued a final EWR ([88 FR 15864](#)) designating classes of facilities and activities eligible for enhanced weapons authority, including power reactors and Category I special nuclear material (SNM) fuel cycle facilities (FCFs), waste storage facilities, and transportation of spent nuclear fuel (SNF).

Discussion

Table 1: Follow-on EWR – Potential Eligible Classes of Facilities and Activities

Facility/Activity Type	Facilities/Activities
Reactor Facilities	Test reactors; special nuclear material (SNM) production, breeder, and fast-burner reactors; and research reactors
Production Facilities	Production of SNM (Pu, HEU, or U233) or alternate nuclear material from spent nuclear fuel reprocessing
Uranium Enrichment Facilities	Gas centrifuge or laser excitation technologies
Fuel Fabrication Facilities	Category II or III quantities of Pu, HEU, or U233; Category II or III quantities of LEU
Waste Facilities	SNF hot cells under § 73.50 and SNF isotope separation
Transportation Activities	Category I, II, or III quantities of Pu, HEU, or U233; high-level radioactive waste

Discussion (cont.)

- The staff is seeking updated Commission direction before conducting the follow-on EWR effort.
- Since issuing the proposed EWR in 2011, the staff has received no indication of interest in obtaining Sect. 161A authority by licensees or applicants other than those in the classes of facilities and activities already specified as eligible in the final EWR under 10 CFR 73.15(c).
- Under Sect. 161A, the Commission can designate by order additional classes of facilities and activities as eligible to apply for Sect. 161A authority.

Rulemaking Options

The NRC staff identified two potential options to be considered in a paper to the Commission:

1. Continue the follow-on EWR, as previously directed.
2. Discontinue the follow-on EWR and issue orders on a case-by-case basis.

Next Steps

- The staff will develop an options paper for the Commission's consideration of a follow-on enhanced weapons rulemaking.
- The staff plans to submit the paper to the Commission in the 4th quarter of CY 2025.

Questions & Feedback

The NRC is seeking feedback from industry on interest in applying for Section 161A authority.

Closing

- The NRC appreciates the views and feedback expressed during this meeting.
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