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ELECTRONIC DELIVERY

April 21, 2023

Director, Office of Nuclear Material Safety and Safeguards
U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

- References:
- 1) Docket No. 70-7027
 - 2) TRISO-X letter from Jennifer Wheeler to Director, Office of Nuclear Material Safety and Safeguards, "TRISO-X Fuel Fabrication Facility License Application Submittal," dated April 5, 2022
 - 3) TRISO-X letter from Jennifer Wheeler to Director, Office of Nuclear Material Safety and Safeguards, "TRISO-X Fuel Fabrication Facility Environmental Report Submittal," dated September 23, 2022
 - 4) NRC letter from Senior Project Manager, Office of Nuclear Material Safety and Safeguards, to Jennifer Wheeler, "Acceptance of the TRISO-X, LLC License Application for a Fuel Fabrication Facility," dated November 18, 2022
 - 5) TRISO-X letter from Jennifer Wheeler to Director, Office of Nuclear Material Safety and Safeguards, "Submittal of Revision 2 of the TRISO-X Fuel Fabrication Facility Physical Security Plan," dated April 21, 2023

Subject: Request for an Exemption Pursuant to 10 CFR 73.5 from the Requirements of Specified Portions of 10 CFR 73.67(d) and (e) for Physical Security of the Proposed TRISO-X Fuel Fabrication Facility

Pursuant to Title 10, Code of Federal Regulations, Part 73.5 (10 CFR 73.5), TRISO-X, LLC (TRISO-X) hereby submits a request for an exemption from the requirements in 10 CFR 73.67(d) and portions of 10 CFR 73.67(e) in order to apply the requirements of 10 CFR 73.67(f) and portions of 10 CFR 73.67(g) as described in detail below.

10 CFR 73.67(d) provides the fixed site requirements and **10 CFR 73.67(e)** provides in-transit requirements for special nuclear material of moderate strategic significance. Special nuclear material of moderate strategic significance per 10 CFR 73.2, Definitions, is sometimes referred to as a Category II quantity of material.

10 CFR 73.67(f) provides the fixed site requirements and **10 CFR 73.67(g)** provides in-transit requirements for special nuclear material of low strategic significance. Special nuclear material of low strategic significance per 10 CFR 73.2, Definitions, is sometimes referred to as a Category III quantity of material.

TRISO-X is requesting an exemption from requirements stated in 10 CFR 73.67(d) and 73.67(e) (1), (2), (3), (4), and (7), and to apply instead the requirements of 10 CFR 73.67(f) and 10 CFR 73.67(g)(1), (2), and (3), specifically to the following circumstances: 1) onsite storage of finished fuel pebble products isolated in trailers awaiting transport and 2) the transport of the finished fuel pebble products to the licensed reactor site. This provision is also requested to be used for any required fresh fuel returns from the licensed reactor site to TRISO-X fuel fabrication facility, for which TRISO-X has agreed to contract for the shipment and provide security. See the Attachment for a crosswalk that presents the requirements of 10 CFR 73.67(d) and (e) versus those from 10 CFR 73.67(f) and (g) as noted above.

The basis for this exemption request is provided below.

Background

On November 15, 2021, the bipartisan Infrastructure Investment and Jobs Act was signed into law, providing more than \$62 billion for the U.S. Department of Energy (DOE) to support innovation as a critical component for meeting climate change goals of reaching 100% carbon-free electricity by 2035 and a net-zero-carbon economy by 2050. Within the Act's funding for DOE, the Advanced Reactor Demonstration Program (ARDP) is fully funded for \$2.5 billion to help domestic private industry demonstrate two U.S. advanced nuclear reactor designs through cost-shared partnerships with industry by 2028. In October 2020, DOE selected X-energy under ARDP to deliver a commercial TRISO fuel fabrication facility and a four-module version of its Xe-100 high temperature gas-cooled reactor by 2027.

Part of the licensing process for the TRISO-X facility is the development and implementation of a Physical Security Plan (PSP) for a Category II Nuclear Facility as required by 10 CFR Part 73.67. This plan utilizes concepts found in the 2015 Regulatory Basis Document (ADAMS Accession Number ML14321A007) that was issued by NRC to support a rulemaking activity for enhanced security of special nuclear material (SNM). In particular, the concepts were derived from information in Section 4 and Attachments 7, 8, 14, and 15. Analysis performed according to the Regulatory Basis document demonstrates the finished fuel pebble product is highly dilute and warrants lesser protection as Category III material. The detail of this analysis is Safeguards Information and is located within Revision 2 of the TRISO-X Facility PSP submitted to the NRC for review and approval under separate cover (Reference 5).

The 2015 Regulatory Basis states that SNM is highly dilute if the weight-percent U-235 of an object containing SNM is less than 1%. The weight-percent U-235 of each TRISO-X finished fuel pebble is 0.54%, approximately twice as dilute as the threshold identified in the guidance. In addition, it is not credible to remove and transport pebbles outside of the process building if they are not contained in shipping containers. There are two shipping containers currently under

consideration: the VP-55 and the VP-110 (or similar container). The VP-55 has a tare weight of 177 kg and the VP-110 has a tare weight of 567 kg. Considering each shipping container as an item, the weight percent U-235 for a full VP-55 would be 0.16%, approximately six times as dilute as the threshold identified in the guidance. For a full VP-110, it would be 0.17%, approximately six times as dilute as the threshold identified in the guidance. In Section 3.2 of the Regulatory Basis which discusses risk insights, it states “Clearly, because of their greater bulk and weight (and assuming equal levels of protection), diluted SNM are more difficult to steal and easier to recover.” As such, it identifies the level of dilution as the key factor associated with attractiveness of the SNM for theft. The Regulatory Basis suggests that dilution should apply only to SNM that cannot be mechanically separated from the matrix or other materials. In the case of pebbles, the adversary theft is complicated by the fact that the shipping containers are integral to the SNM for the adversary to successfully remove large quantities of the pebbles and the associated SNM from the facility. As such, the pebbles and their shipping containers meet the intent of the condition “not mechanically separable.” Given the guidance in the 2015 Regulatory Basis, the finished fuel pebbles would be highly dilute.

As such, it is risk-informed to protect the finished fuel pebble products outside of the process building as Category III material. The exemption as requested would not apply to the finished fuel pebbles in the process building, as they could be included in a roll-up scenario with more attractive material to achieve a goal quantity. Refer to the PSP for further details.

10 CFR 73.5 Evaluation

Regulatory Requirements

- 10 CFR Part 73.5, Specific Exemptions states *The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.*

Authorized by Law

The exemption request is to allow 1) onsite storage of finished fuel pebble products isolated in trailers awaiting transport and 2) the transport of the finished fuel pebble products to the licensed reactor to be secured as Category III instead of Category II special nuclear material as per the regulatory exemptions in this request. This request is based on the 2015 Regulatory Basis issued by the NRC that states that SNM is highly dilute if the weight-percent U-235 of an object containing SNM is less than 1%. The weight-percent U-235 of each TRISO-X finished fuel pebble is 0.54%, approximately twice as dilute as the threshold identified in the guidance. Category III security requirements are more appropriate than Category II requirements for special nuclear material with this dilution in the situations discussed above. In addition, it is not credible to remove and transport pebbles outside of the process building if they are not contained in shipping containers.

TRISO-X has determined that an exemption from the security requirements, as contained in this exemption request, will not result in a violation of the Atomic Energy Act of 1954, as amended, other laws, or the Commissions' regulations. Therefore, the exemption is authorized by law.

Will Not Endanger Life or Property or the Common Defense and Security

The exemption request relates to the onsite temporary storage of finished fuel pebble products in a controlled manner prior to transport over the public highways packaged and secured in full compliance with Department of Transportation (DOT) requirements and the transport of finished fuel pebble products to a licensed reactor. This would not endanger life or property and does not: (a) impact the probabilities of evaluated accidents; (b) affect margins of safety; (c) affect effectiveness of programs contained in licensing documents; (d) increase effluents; (e) increase occupational radiological exposures; or (f) impact operations or decommissioning activities.

The proposed exemption also will not have an impact on common defense and security since the exemption is based upon the analysis contained within the TRISO-X PSP which utilized the published 2015 Regulatory Basis for the Enhanced Security and SNM Rulemaking to demonstrate the finished fuel pebble product is highly dilute and warrants lesser protection as Category III material.

Based on the security risks of the dilute finished fuel pebble product in the situations requested in the exemption, it is consistent with NRC's principles of good regulation that security requirements for the material are consistent with the security risks of the material. Overprotecting the material during temporary storage and transport is not needed to protect the common defense and security.

Granting this exemption will not endanger life or property or the common defense and security.

Otherwise In the Public Interest

The purpose of the TRISO-X fuel fabrication facility is to produce TRISO-based particle fuel products to support a variety of advanced reactors being considered and planned by the energy and chemical sectors, the Department of Defense, and the National Aeronautics and Space Administration. Advanced reactors are being designed to provide clean, reliable energy and provide a viable alternative to the aging, economically challenged, existing nuclear and fossil reactor fleets.

According to the January 2021 Strategic Vision report published by the DOE Office of Nuclear Energy (DOE NE), the U.S. fleet of nuclear power plants supplies approximately 20 percent of the electricity generated in the United States, while avoiding millions of tons of carbon dioxide emissions each year. Nuclear power is the largest source of clean, carbon-free energy and the most reliable, operating at a capacity factor of more than 93 percent. Four of the five goals cited in the DOE NE Strategic Vision report include enabling continued operation of existing U.S. nuclear reactors, enabling deployment of advanced nuclear reactors, developing advanced nuclear fuel cycles to include addressing gaps in the domestic nuclear fuel supply chain, and maintaining U.S. leadership in nuclear energy technology.

Also in the DOE NE Strategic Vision report, one of the performance indicators cited is to demonstrate two U.S. advanced reactor designs through cost-shared partnerships with industry by

2028. The ARDP, managed by DOE NE, is designed to help domestic private industry demonstrate advanced nuclear reactors in the U.S. These advanced nuclear energy systems hold great potential to lower emissions, create new jobs, and build a strong economy. In 2020 under the ARDP, the DOE selected X-energy to deliver a commercial TRISO fuel fabrication facility and a four-module version of its Xe-100 high temperature gas-cooled reactor by 2027.

Additionally, as part of the bipartisan Infrastructure Investment and Jobs Act that was signed into law in November 2021, the ADRP was fully funded to help domestic private industry demonstrate two U.S. advanced nuclear reactor designs through cost-shared partnerships with industry.

The production of TRISO fuel, which DOE has called “the most robust fuel on Earth,” will contribute substantially to the fuel supply chain, making the U.S. a global leader in safe, reliable, and economically feasible nuclear energy, as discussed on a DOE NE web page (<https://www.energy.gov/ne/articles/triso-particles-most-robust-nuclear-fuel-earth>). The granting of the proposed exemption to allow a risk-informed, cost-effective safeguards strategy will support the TRISO-X facility schedule goal of bringing its fuel fabrication facility online in 2025, contributing to the development of domestic nuclear fuel providers and ultimately toward improving the overall economic outlook for the U.S. nuclear power industry.

Based on the nature of the dilute finished fuel pebble product, security requirements for the material should be consistent with the security risks of the material. The exemption request is also consistent with NRC’s policies of good regulation by risk informing security requirements. Overprotecting the material during temporary storage and transport, when it is not needed based on a risk informed evaluation, may lead to unnecessary public concerns.

Therefore, granting of the exemption is in the public interest.

Environmental Evaluation

The granting of the proposed exemption will not have a significant effect on the quality of the human environment as this involves procedural matters pertaining to the administrative measures required which are related solely to safeguards matters. The requested exemptions do not impact the Environmental Report for the TRISO-X Fuel Fabrication Facility that was submitted on September 23, 2022 (Reference 3), or the Environmental Impact Statement being prepared by NRC.

The proposed exemption request meets the criteria in 10 CFR 51.22(c)(12) for a licensing action that is categorically excluded from an environmental assessment because the granting of this exemption relates solely to safeguards matters (i.e., protection against sabotage or loss or diversion of special nuclear material) or issuance of an approval of a safeguards plan submitted under parts 70, and 73 of this chapter, and this action does not involve any significant construction impacts. This exemption request involves procedural and administrative matters regarding a modification to systems used for security of Special Nuclear Material.

Conclusion

TRISO-X is requesting an exemption from requirements stated in 10 CFR 73.67(d) and 10 CFR 73.67(e)(1), (2), (3), (4), and (7), (i.e. SNM of Moderate Strategic Significance, or Category II) and to apply instead the requirements of 10 CFR 73.67(f) and 10 CFR 73.67(g)(1), (2), and (3)

(i.e., SNM of Low Strategic Significance, or Category III), specifically to the onsite storage of finished fuel pebble products isolated in trailers awaiting transport, and for the shipment of finished fuel pebble products to licensed reactor sites. This exemption is also requested to apply to any required fresh fuel returns to the TRISO-X Fuel Fabrication Facility, where TRISO-X is responsible for transport and associated security.

This approach is consistent with the approach outlined in 10 CFR 73.67(b)(2) whereas TRISO-X has demonstrated that in this specific circumstance, finished fuel pebble products packaged in DOT compliant packaging, the SNM present is highly dilute and the appropriate level for security controls is the same as for special nuclear material of low strategic significance. Approval of this proposed exemption is warranted since it “will not endanger life or property or the common defense and security and are otherwise in the public interest” per 10 CFR 73.5 as evaluated above.

TRISO-X requests that the NRC perform a review and approval of this exemption request concurrent with the review of Revision 2 of the PSP (Reference 5). If NRC determines that there is sufficient basis to approve this request, License Application Chapter 1 will be updated to add the exemption prior issuance of the Safety Evaluation Report.

If there are questions or if additional information is required, please contact my staff member Gerard Couture, Safeguards Manager at (803) 216-4649 or gcouture@triso-x.com or me at (865) 850-0893 or jwheeler@triso-x.com.

Sincerely,



Jennifer K. Wheeler, P.E.
Vice President, Regulatory Affairs

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Attachment: Crosswalk for 10 CFR 73.67(d) and (e) versus 10 CFR 73.67(f) and (g)

Copy: Mr. Matthew Bartlett, US NRC, NMSS
Mr. Tim Harris, US NRC, NSIR
TRISO-X Regulatory Records File

Attachment

Crosswalk for 10 CFR 73.67(d) and (e) versus 10 CFR 73.67(f) and (g)

Exemption from requirement	Requested after exemption
<p>Requirement from 73.67(d)</p> <p>(d) Fixed site requirements for special nuclear material of moderate strategic significance. Each licensee who possesses, stores, or uses quantities and types of special nuclear material of moderate strategic significance at a fixed site or contiguous sites, except as allowed by paragraph (b)(2) of this section and except those who are licensed to operate a nuclear power reactor pursuant to part 50, shall:</p> <p>(1) Use the material only within a controlled access area which is illuminated sufficiently to allow detection and surveillance of unauthorized penetration or activities,</p> <p>(2) Store the material only within a controlled access area such as a vault-type room or approved security cabinet or their equivalent which is illuminated sufficiently to allow detection and surveillance of unauthorized penetration or activities,</p> <p>(3) Monitor with an intrusion alarm or other device or procedures the controlled access areas to detect unauthorized penetration or activities,</p> <p>(4) Conduct screening prior to granting an individual unescorted access to the controlled access area where the material is used or stored, in order to obtain information on which to base a decision to permit such access,</p> <p>(5) Develop and maintain a controlled badging and lock system to identify and limit access to the controlled access areas to authorized individuals,</p> <p>(6) Limit access to the controlled access areas to authorized or escorted individuals who require such access in order to perform their duties,</p>	<p>Requirement from 73.67(f)</p> <p>(f) Fixed site requirements for special nuclear material of low strategic significance. Each licensee who possesses, stores, or uses special nuclear material of low strategic significance at a fixed site or contiguous sites, except those who are licensed to operate a nuclear power reactor pursuant to part 50, shall:</p> <p>(1) Store or use the material only within a controlled access area,</p> <p>(2) Monitor with an intrusion alarm or other device or procedures the controlled access areas to detect unauthorized penetrations or activities,</p> <p>(3) Assure that a watchman or offsite response force will respond to all unauthorized penetrations or activities, and</p> <p>(4) Establish and maintain response procedures for dealing with threats of thefts or thefts of this material. The licensee shall retain a copy of the current response procedures as a record for three years after the close of period for which the licensee possesses the special nuclear material under each license for which the procedures were established. Copies of superseded material must be retained for three years after each change.</p>

Exemption from requirement	Requested after exemption
<p>(7) Assure that all visitors to the controlled access areas are under the constant escort of an individual who has been authorized access to the area,</p> <p>(8) Establish a security organization or modify the current security organization to consist of at least one watchman per shift able to assess and respond to any unauthorized penetrations or activities in the controlled access areas,</p> <p>(9) Provide a communication capability between the security organization and appropriate response force,</p> <p>(10) Search on a random basis vehicles and packages leaving the controlled access areas, and</p> <p>(11) Establish and maintain written response procedures for dealing with threats of thefts or thefts of these materials. The licensee shall retain a copy of the response procedures as a record for the period during which the licensee possesses the appropriate type and quantity of special nuclear material requiring this record under each license for which the original procedures were developed and, for three years thereafter. Copies of superseded material must be retained for three years after each change.</p>	
<p>Requirement from 73.67(e)(1)</p> <p><i>(e) In-transit requirements for special nuclear material of moderate strategic significance.</i></p> <p>(1) Each licensee who transports, exports or delivers to a carrier for transport special nuclear material of moderate strategic significance shall:</p> <p>(i) Provide advance notification to the receiver of any planned shipments specifying the mode of transport, estimated time of arrival, location of the nuclear material transfer point, name of carrier and transport identification,</p> <p>(ii) Receive confirmation from the receiver prior to the commencement of the planned shipment that the receiver will be ready to accept the</p>	<p>Requirement from 73.67(g)(1)</p> <p><i>(g) In-transit requirements for special nuclear material of low strategic significance.</i></p> <p>(1) Each licensee who transports or who delivers to a carrier for transport special nuclear material of low strategic significance shall:</p> <p>(i) Provide advance notification to the receiver of any planned shipments specifying the mode of transport, estimated time of arrival, location of the nuclear material transfer point, name of carrier and transport identification,</p> <p>(ii) Receive confirmation from the receiver prior to commencement of the planned shipment that the receiver will be ready to accept the shipment</p>

Exemption from requirement	Requested after exemption
<p>shipment at the planned time and location and acknowledges the specified mode of transport,</p> <p>(iii) Check the integrity of the container and locks or seals prior to shipment, and</p> <p>(iv) Arrange for the in-transit physical protection of the materials in accordance with the requirements of § 73.67(e)(3) unless the receiver is a licensee and has agreed in writing to arrange for the in-transit physical protection.</p>	<p>at the planned time and location and acknowledges the specified mode of transport,</p> <p>(iii) Transport the material in a tamper indicating sealed container,</p> <p>(iv) Check the integrity of the containers and seals prior to shipment, and</p> <p>(v) Arrange for the in-transit physical protection of the material in accordance with the requirements of § 73.67(g)(3) of this part, unless the receiver is a licensee and has agreed in writing to arrange for the in-transit physical protection.</p>
<p>Requirement from 73.67(e)(2)</p> <p><i>(e) In-transit requirements for special nuclear material of moderate strategic significance.</i></p> <p>(2) Each licensee who receives special nuclear material of moderate strategic significance shall:</p> <p>(i) Check the integrity of the containers and seals upon receipt of the shipment,</p> <p>(ii) Notify the shipper of receipt of the material as required in § 74.15 of this chapter, and</p> <p>(iii) Arrange for the in-transit physical protection of the material in accordance with the requirements of § 73.67(e)(3) unless the shipper is a licensee and has agreed in writing to arrange for the in-transit physical protection.</p>	<p>Requirement from 73.67(g)(2) – same requirements as 73.67(e)(2), included in exemption request to align section cross-references within 73.67(g)</p> <p><i>(g) In-transit requirements for special nuclear material of low strategic significance.</i></p> <p>(2) Each licensee who receives quantities and types of special nuclear material of low strategic significance shall:</p> <p>(i) Check the integrity of the containers and seals upon receipt of the shipment,</p> <p>(ii) Notify the shipper of receipt of the material as required in § 74.15 of this chapter, and</p> <p>(iii) Arrange for the in-transit physical protection of the material in accordance with the requirements of § 73.67(g)(3) of this part, unless the shipper is a licensee and has agreed in writing to arrange for the in-transit physical protection.</p>
<p>Requirement from 73.67(e)(3)</p> <p><i>(e) In-transit requirements for special nuclear material of moderate strategic significance.</i></p> <p>(3) Each licensee who arranges for the in-transit physical protection of special nuclear material of moderate strategic significance, or who takes delivery of this material free on board (f.o.b.) the</p>	<p>Requirement from 73.67(g)(3)</p> <p><i>(g) In-transit requirements for special nuclear material of low strategic significance.</i></p> <p>(3) Each licensee, either shipper or receiver, who arranges for the physical protection of special nuclear material of low strategic significance while in transit or who takes delivery of such</p>

Exemption from requirement	Requested after exemption
<p>point at which it is delivered to a carrier for transport shall:</p> <p>(i) Arrange for telephone or radio communications between the transport and the licensee or its designee: (A) To periodically confirm the status of the shipment (B) for notification of any delays in the scheduled shipment, and (C) to request appropriate local law enforcement agency response in the event of an emergency.</p> <p>(ii) Minimize the time that the material is in transit by reducing the number and duration of nuclear material transfers and by routing the material in the most safe and direct manner,</p> <p>(iii) Conduct screening of all licensee employees involved in the transportation of the material in order to obtain information on which to base a decision to permit them control over the material,</p> <p>(iv) Establish and maintain written response procedures for dealing with threats of thefts or thefts of this material. The licensee shall retain a copy of the current response procedures as a record for three years after the close of period for which the licensee possesses the special nuclear material under each license for which the original procedures were developed and copies of superseded material must be retained for three years after each change.</p> <p>(v) Make arrangements to be notified immediately of the arrival of the shipment at its destination, or of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination, and</p> <p>(vi) Initiate immediately a trace investigation of any shipment that is determined to be lost or unaccounted for after a reasonable time beyond the estimated arrival time.</p> <p>(vii) Notify the NRC Operations Center after the discovery of the loss of the shipment and after</p>	<p>material free on board (f.o.b.) the point at which it is delivered to a carrier for transport shall:</p> <p>(i) Establish and maintain response procedures for dealing with threats or thefts of this material. The licensee shall retain a copy of the current response procedures as a record for three years after the close of period for which the licensee possesses the special nuclear material under each license for which the procedures were established. Copies of superseded material must be retained for three years after each change.</p> <p>(ii) Make arrangements to be notified immediately of the arrival of the shipment at its destination, or of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination, and</p> <p>(iii) Conduct immediately a trace investigation of any shipment that is lost or unaccounted for after the estimated arrival time and notify the NRC Headquarters Operations Center by telephone at the numbers specified in appendix A to this part within 1 hour after the discovery of the loss of the shipment and within 1 hour after recovery of or accounting for such lost shipment in accordance with the provisions of § 73.71 of this part.</p>

Exemption from requirement	Requested after exemption
recovery of or accounting for such lost shipment, in accordance with the provisions of §§ 73.1200 and 73.1205 of this part.	
<p>Requirement from 73.67(e)(4)</p> <p><i>(e) In-transit requirements for special nuclear material of moderate strategic significance.</i></p> <p>(4) Each licensee who arranges the physical protection of strategic special nuclear material in quantities of moderate strategic significance while in transit or who takes delivery of this material free on board (f.o.b.) the point at which it is delivered to a carrier for transport shall comply with the requirements of paragraphs (e)(1), (2), and (3) of this section. The licensee shall retain each record required by paragraphs (e)(1), (2), (3), and (4)(i) and (ii) of this section for three years after close of period licensee possesses special nuclear material under each license that authorizes these licensee activities. Copies of superseded material must be retained for three years after each change. In addition, the licensee shall —</p> <p>(i) Make all shipments of the material either (A) in dedicated transports with no intermediate stops to load or unload other cargo and with no carrier or vehicle transfers or temporary storage in-transit, or (B) under arrangements whereby the custody of the shipment and all custody transfers are acknowledged by signature, and</p> <p>(ii) Maintain the material under lock or under the control of an individual who has acknowledged acceptance of custody of the material by signature.</p>	<p>There is not an equivalent requirement for special nuclear material of low strategic significance (Cat III material).</p>
<p>Requirement from 73.67(e)(5)</p> <p><i>(e) In-transit requirements for special nuclear material of moderate strategic significance.</i></p> <p>(5) Each licensee who exports special nuclear material of moderate strategic significance shall comply with the requirements specified in</p>	<p>No exemption requested at this time. Exports are not currently addressed in the TRISO-X Physical Security Plan.</p>

Exemption from requirement	Requested after exemption
<p>paragraphs (c) and (e)(1), (3), and (4) of this section. The licensee shall retain each record required by these sections for three years after the close of period for which the licensee possesses the special nuclear material under each license that authorizes the licensee to export this material. Copies of superseded material must be retained for three years after each change.</p>	
<p>Requirement from 73.67(e)(6)</p> <p><i>(e) In-transit requirements for special nuclear material of moderate strategic significance.</i></p> <p>(6) Each licensee who imports special nuclear material of moderate strategic significance shall,</p> <p>(i) Comply with the requirements specified in paragraphs (c) and (e)(2), (3), and (4) of this section. The licensee shall retain each record required by these sections for three years after the close of period for which the licensee possesses the special nuclear material under each license that authorizes the licensee to import this material. Copies of superseded material must be retained for three years after each change.</p> <p>(ii) Notify the exporter who delivered the material to a carrier for transport of the arrival of such material.</p>	<p>No exemption requested at this time. Imports are not currently addressed in the TRISO-X Physical Security Plan.</p>
<p>Requirement from 73.67(e)(7)</p> <p><i>(e) In-transit requirements for special nuclear material of moderate strategic significance.</i></p> <p>(7) If, after receiving advance notice pursuant to § 73.72 from a licensee planning to import, export, transport, deliver to a carrier for transport in a single shipment, or take delivery at the point where it is delivered to a carrier, special nuclear material of moderate strategic significance containing in any part strategic special nuclear material, it appears to the Commission that two or more shipments of special nuclear material of moderate strategic</p>	<p>There is not an equivalent requirement for special nuclear material of low strategic significance (Cat III material).</p>

Exemption from requirement	Requested after exemption
<p>significance, constituting in the aggregate an amount equal to or greater than a formula quantity of strategic special nuclear material, may be en route at the same time, the Commission may order one or more of the shippers to delay shipment according to the following provisions:</p> <p>(i) The shipper shall provide to the Commission, upon request, such additional information regarding a planned shipment as the Commission considers pertinent to the decision on whether to delay such shipment.</p> <p>(ii) The receiver of each shipment, or the shipper if the receiver is not a licensee, shall notify the Director, Division of Physical and Cyber Security Policy, Office of Nuclear Security and Incident Response by telephone, no later than 24 hours after arrival of such shipment at its final destination, or after such shipment has left the United States as an export, to confirm the integrity of the shipment at the time of receipt or exit from the United States.</p> <p>(iii) The Commission shall notify the affected shippers no later than two days before the scheduled shipment date that a given shipment is to be delayed.</p> <p>(iv) Shipments of special nuclear material of moderate strategic significance which are protected in accordance with the provisions of §§ 73.20, 73.25, and 73.26 shall not be subject to orders to delay shipment nor considered to constitute a portion of an aggregate formula quantity of strategic special nuclear material for the purposes of determining whether any shipments must be delayed.</p>	