

July 16, 2009

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-09-0064 – REGULATION OF
FUSION-BASED POWER GENERATION DEVICES

The Commission has approved the staff's recommended Option 2, under which 1) the Commission asserts, as a general matter, that the NRC has regulatory jurisdiction over commercial fusion energy devices whenever such devices are of significance to the common defense and security, or could affect the health and safety of the public; and 2) the NRC staff will conduct further evaluations of the technical and legal issues associated with the regulation of specific fusion devices and provide status information regarding the development of fusion technology in the quarterly updates on the status of new reactor licensing activities. The staff, however, should wait until commercial deployment of fusion technology is more predictable, by way of successful testing of a fusion technology, before expending significant resources to develop a regulatory framework for fusion technology.

cc: Chairman Jaczko
Commissioner Klein
Commissioner Svinicki
OGC
CFO
OCA
OIP