



U.S. Origin Working Draft Branch Technical Position

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NRC Export/Import Authority

- Atomic Energy Act of 1954, as amended
 - Energy Policy Act of 2005
- Export/Import Regulations - 10 CFR Part 110
- IAEA Code of Conduct
 - Amended Part 110 in 2005
 - Added Appendix P

Radioactive Waste – Part 110

- Specific license required if a specific radioactive material license is required to possess the material domestically
- Specific license required if it is exported or imported for:
 - 1) disposal in a land disposal facility defined as defined in 10 CFR Part 61 or in an Appendix A to Part 40 disposal area, or an equivalent facility; or
 - 2) recycling, waste treatment or other waste management process that generates radioactive material for disposal in a land disposal facility defined in Appendix A to Part 40 or an equivalent facility

Exclusion 1 (Amended)

Of U.S. origin and contained in a sealed source, or device containing a sealed source, that is being returned to a manufacturer, distributor or other entity which is authorized to receive and possess the sealed source or the device containing a sealed source.

“Of U.S. origin” was added in response to a comment on the proposed rule to clarify the exclusion

Guidance on term “U.S. origin”

- “U.S. origin sources may include sources with U.S. origin material and sources or devices manufactured, assembled or distributed by a U.S. company from a licensed domestic facility. Disused sources that originated in a country other than the United States would require a specific license if being exported or imported for disposal.”

<http://www.nrc.gov/about-nrc/ip/export-import.html>

Reaction to August 2010 Rulemaking

- NEI submitted a letter to NRC regarding the addition of “U.S. origin”
- The NRC provided a comprehensive response that highlighted the points made in the statements of consideration regarding the clarification

Fact-finding Visit

- In early 2011, OIP staff, accompanied by NRC regional inspector, visited a U.S. source manufacturer and importer/exporter.
 - Perform an import/export records review
- Records showed that approximately 5% of imported sources had potential to be of non-U.S. origin.

ALARA Concern

- Confirmation of U.S. origin requires that licensee staff manipulate the source in a glove-box thereby potentially increasing their annual dosage

Legacy Sources

- As a multinational industry, U.S. companies have acquired foreign source manufacturers thereby assuming liability for the previously manufactured foreign-origin sources
- Commercial contracts contain commitments regarding ultimate disposition of the sources

Key Points in Working Draft BTP

- One-for-One exchange
 - Established customer return U.S. origin sources
- Licensee must export more than they import
- Good faith effort to determine origin
- Export/Import records review

Current Status of BTP

- Published a “draft” Federal Register January 20, 2012
 - Public meeting was held January 24, 2012
 - Five comment letters submitted
- Published a “proposed” BTP (no substantive change) in Federal Register for 60-day public comment period October 22, 2012
 - Eight comment letters submitted

Path Forward

- Formal resolution of comments
- Publication of final BTP in Federal Register

Thank you!
Questions?

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