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TAKING TITLE TO U.S.-ORIGIN FOREIGN RESEARCH REACTOR SPENT NUCLEAR FUEL



NATIONAL NUCLEAR SECURITY ADMINISTRATION
Office of Defense Nuclear Nonproliferation

TAKING TITLE TO U.S.-ORIGIN FOREIGN RESEARCH REACTOR SPENT NUCLEAR FUEL

1. **PURPOSE.** To establish a process and criteria for the NNSA Administrator to determine when DOE takes title to U.S.-origin foreign research reactor spent nuclear fuel from countries of any income at a location other than the U.S. port of entry.
2. **CANCELLATIONS.** None.
3. **BACKGROUND.** On June 26, 2008, the Secretary approved a policy change allowing DOE to take title to U.S.-origin foreign research reactor spent nuclear fuel from countries of any income at a location other than the U.S. port of entry, to be determined on a case-by-case basis, on the condition that “the NNSA Administrator establishes a process to retain for himself or herself the authority being delegated.” This policy change was published in the Federal Register on August 25, 2008 (73 FR 50004). The authority delegated by the Secretary placed with the NNSA Administrator the decision of whether DOE takes title to spent nuclear fuel outside the United States, and, by extension, whether DOE extends Price Anderson Act nuclear indemnity coverage in cases where it takes title outside the United States. On December 9, 2008, the NNSA Administrator approved a memo submitted by NA-21, the Office of Global Threat Reduction, proposing the process and criteria, detailed below, for the NNSA Administrator to determine when DOE shall take title in such cases.
4. **APPLICABILITY.** The provisions of this BOP apply to U.S.-origin foreign research reactor spent nuclear fuel transported under the Office of Global Threat Reduction.
5. **REQUIREMENTS.** The process for obtaining the NNSA Administrator’s approval to take title to foreign research reactor spent nuclear fuel outside the United States will originate in NA-21, the Office of Global Threat Reduction, which is responsible for working with foreign reactor operators, governments, and international organizations to plan and execute the shipments. In cases where NA-21 determines that DOE taking title is necessary to a shipment’s successful execution, NA-21 will submit a request to the NNSA Administrator through the Deputy Administrator for Defense Nonproliferation in memorandum form. NA-21 will submit a request when one or more of the following criteria has been met:
 - a. A foreign research reactor has provided sufficient justification that nuclear liability insurance is either unavailable or unaffordable.
 - b. NA-21 would like to incentivize a foreign research reactor from a high-income economy country to participate in a joint shipment with material from another reactor.

- c. NA-21 identifies a scenario where it believes it is in the best interest of the U.S. government to take title outside the United States for a reason other than those listed above.

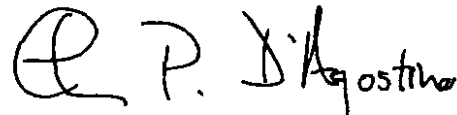
The decision on whether or not to take title shall rest only with the NNSA Administrator. Each memorandum will explain to the NNSA Administrator the circumstances of the shipment and provide sufficient justification based on one or more of the three criteria for why DOE taking title to foreign research reactor spent nuclear fuel outside the United States is essential to a shipment's successful execution and achievement of nonproliferation objectives.

6. REFERENCES.

Revised Record of Decision for the Environmental Impact Statement on a Proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel (73 FR 5004; August 25, 2008)

7. CONTACT. Office of FSU and Asian Threat Reduction, NA-21, (202) 586-1474.

BY ORDER OF THE ADMINISTRATOR:



THOMAS P. D'AGOSTINO
Administrator