

BUSINESS OPERATING PROCEDURE

**BOP -
461.120.001A**

Approved: 2-6-17

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



**NATIONAL NUCLEAR SECURITY ADMINISTRATION
Office of Defense Nuclear Nonproliferation**

**CONTROLLED DOCUMENT
AVAILABLE ON-LINE AT:**

<https://nnsaportal.energy.gov/intranet/na-mb/na-mb-20/pages/nnsa-policy.aspx>

**OFFICE OF PRIMARY INTEREST (OPI):
Office of Nuclear Materials Removal**

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2-6-17

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

1. **PURPOSE.** To establish a process and criteria for use by the Administrator to determine when Department of Energy (DOE) takes title to United States (U.S.)-origin foreign research reactor spent nuclear fuel (FRR SNF) from a foreign country at a location other than a U.S. port of entry.
2. **CANCELLATIONS.** BOP-20.001, *Taking Title to U.S.-Origin Foreign Research Reactor Spent Nuclear Fuel*, dated 2-5-09.
3. **APPLICABILITY.**
 - a. **Federal.** The provisions of this BOP apply to FRR SNF transported under Material Management and Minimization's (NA-23) Office of Nuclear Material Removal.
 - b. **Contractor.** Does not apply to contractors.
 - c. **Equivalencies/Exemptions.** None.
4. **SUMMARY OF CHANGES.** In January 2015, the Office of Defense Nuclear Nonproliferation (DNN) reorganized transferring this program from the Office of Global Threat Reduction (NA-21) to the Office of Material Management and Minimization (NA-23), requiring a revision to the office nomenclature. Other changes included updating the BOP's format by adding sections for Responsibilities and Summary of Changes and the subsections under Applicability.
5. **BACKGROUND.** In 1996, DOE issued policy to accept FRR SNF at U.S. ports of entry. A few months later, the policy was expanded to allow acceptance on a case-by-case basis outside U.S. ports of entry from other than high income economy countries.

In 2008, the Secretary further delegated to the Administrator authority to decide where the U.S. takes title to FRR SNF and to extend Price-Anderson nuclear indemnity coverage to any country returning nuclear material regardless of income status. These authorities were delegated on the condition that a procedure be established to implement them and that the delegated authorities be retained by the Administrator. This BOP was created to codify the Secretary's conditional delegation.
6. **REQUIREMENTS.**
 - a. A request for the Administrator to approve taking title to FRR SNF outside the U.S. must be made in cases where DOE taking title to the material is necessary to a shipment's successful execution.
 - b. The request must be made in memorandum form addressing one or more of the following criteria:

- (1) A foreign research reactor owner has provided sufficient justification that nuclear liability insurance is either unavailable or unaffordable.
 - (2) To incentivize a foreign research reactor owner from a high-income economy country to participate in a joint shipment with material from another reactor.
 - (3) It is in the best interest of the Government to take title outside the U.S. for a reason other than those listed above.
- c. The request must also explain the circumstances and provide sufficient justification for why taking title to FRR SNF outside the U.S. is essential to the successful execution of the shipment and achieving the nonproliferation objectives of the agency.

7. RESPONSIBILITIES.

a. Administrator:

- (1) Guarantees taking title to FRR SNF is in the best interest of the U.S. and that it meets the requirements of the *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 50004, issued 8-25-08).
- (2) Approves taking title to FRR SNF outside the U.S.

b. Deputy Administrator for Defense Nuclear Nonproliferation:

- (1) Prepares memorandum requesting title acceptance of FRR SNF outside of U.S.
- (2) Oversees implementation of title acceptance of FRR SNF outside of U.S.

c. Office of Nuclear Material Removals (NA-232):

- (1) Interacts with foreign countries participating in FRR SNF program.
- (2) Advises Deputy Administrator for Defense Nuclear Nonproliferation on need to take title to FRR SNF outside the U.S. and identifies location.
- (3) Implements title acceptance in foreign country.

8. REFERENCES.

- a. Revised Record of Decision, *Environmental Impact Statement on a Proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel* (73 FR 50004; August 25, 2008).
- b. Memorandum for the Secretary, *Approve change in DOE policy for taking title to foreign research reactor spent nuclear fuel*, dated 6-19-08.

9. ACRONYMS. None.

10. DEFINITIONS. None.

11. CONTACT. Office of Nuclear Material Removals, NA-232, 202-586-6104.

BY ORDER OF THE ADMINISTRATOR:



David Huizenga
Acting Deputy Administrator
Defense Nuclear Nonproliferation