

October 10, 1991

MEMORANDUM FOR: James R. Shea, Director  
International Programs  
Office of Governmental and Public Affairs

FROM: Samuel J. Chilk, Secretary /S/

SUBJECT: SECY-91-265 - RADIOACTIVE WASTE EXPORTS  
AND IMPORTS

This is to advise you that the Commission (with all Commissioners agreeing) has approved the publication of the proposed rule subject to the following:

1. Several commenters on the ANPR asserted that the NRC was attempting to reduce its regulatory control over imports and exports of radioactive wastes. The preamble to the proposed rule should make it very clear that the proposed amendments to 10 CFR Part 110 are a tightening of NRC's regulations. The supplementary information section of the proposed rule should be revised to clarify: 1) that currently, imports or exports of radioactive waste may take place without authorization by NRC and without NRC's knowledge; and 2) that by amending Part 110 to require specific licensing NRC will be strengthening its controls over waste coming into and leaving the United States.
2. The supplementary information section should also be revised to explicitly acknowledge the role of States and/or State compacts in considering the import of radioactive wastes, and to include a statement that approvals other than NRC's may be necessary for imports.

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SECY NOTE: THIS SRM, SECY-91-265 AND THE VOTE SHEETS OF THE CHAIRMAN AND COMMISSIONERS ROGERS AND CURTISS WILL BE MADE PUBLICLY AVAILABLE WHEN THE FRN IS PUBLISHED.

3. The staff should expand on the type of information required in an application and the criteria that will be used to judge a license application for the import or export of radioactive wastes. At a minimum, it should include information on the volume of wastes, the waste classification, its chemical and physical characteristics, the ultimate disposition of the waste, and whether a disposal site operator has agreed to accept the waste.
4. The preamble does not address the issue of the inconsistency between how the NRC treats domestically-generated nuclear waste and how the NRC treats foreign-generated nuclear waste. The staff should incorporate into the rule a statement that indicates that this regulation is applicable to any imported radioactive waste that results from any foreign nuclear operation that, if operated domestically, would be subject to NRC's licensing jurisdiction.
5. The revision to Section 110.40, Commission Review, only addresses review of exports of radioactive waste. This section should also be amended to include review of imports of radioactive waste.
6. The staff should indicate in Enclosure 3 and in the background to the proposed rule precisely how the general comments from the LLW Compacts were considered by the staff in their development of the proposed rule. Enclosure 3 only summarizes these comments, but provides no NRC responses.
7. Additional editorial comments are attached.

The Federal Register Notice should be revised as noted above, reviewed by the Regulatory Publication Branch, Adm. and returned for signature and publication.

(IP)

(SECY SUSPENSE: 11/8/91)

Attachment:  
As stated

cc: The Chairman  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
OGC  
EDO

