

May 8, 2017

Mr. Joseph J. Green
Counsel to the Metals Industries
Recycling Coalition
Kelley Drye & Warren, LLP
Washington Harbour, Suite 400
3050 K Street, NW
Washington, DC 20007-5108

Dear Mr. Green:

On behalf of the U.S. Nuclear Regulatory Commission's (NRC's) Office of International Programs, I am responding to your March 24, 2017, comment letter, on behalf of your client, the Metals Industries Recycling Coalition, to the NRC's Office of the Secretary.

Your comment letter is in regard to a specific license application for import of Canadian-origin radioactive waste that had been filed by UniTech Services Group, Inc. (UniTech). In your letter, you ask that the period for commenting on UniTech's import application be extended. UniTech's import application, however, is no longer pending at the NRC. By letter dated March 30, 2017,¹ the NRC returned the application to UniTech without action because the proposed import was already authorized under the existing general import license regulation in 10 C.F.R. § 110.27. The NRC's March 30, 2017, letter explained that, because UniTech will not be importing any material for ultimate disposal in any U.S. land disposal facility or area as defined in 10 CFR part 61 or part 40, respectively, the radioactive materials that UniTech proposed to import into the United States would not, at the threshold, qualify as "radioactive waste" requiring a specific import license under the definition in 10 C.F.R. § 110.2. The NRC provided public notice of its return of UniTech's import application, including the March 30th return letter, in a *Federal Register* notice published on April 5, 2017.²

In your letter, you also express concern about potential unrestricted release of the imported material. However, NRC's import authorization is unrelated to requirements for unrestricted release of the imported material. Unrestricted release and other requirements pertaining to the material are governed by domestic regulations in the State of Tennessee (an Agreement State). NRC's import authorization is limited to allowing the material to enter the United States, and "does not authorize any person to receive title to, acquire, receive, possess, deliver, use, transport or transfer" any imported material. See 10 C.F.R. § 110.50(4). Once imported, the

¹ ML17086A272.

² Request for a License to Export Radioactive Waste; UniTech Service Group Inc. 82 Fed. Reg. 16636 (April 5, 2017).

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material is subject to all of the applicable domestic laws and regulations that pertain to comparable U.S.-origin material, including Tennessee's regulations regarding unrestricted release. See *id.*, 10 C.F.R. § 110.50(a).

I hope this information is helpful. Thank you for providing your comments to the NRC. If you have any additional questions, please contact Andrea R. Jones, via e-mail, at andrea.jones2@nrc.gov.

Sincerely,

/RA/

David L. Skeen, Acting Director
Office of International Programs

SUBJECT: LETTER TO JOSEPH J. GREEN DATED MAY 8, 2017

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