

July 14, 2006

MEMORANDUM TO: Stephen Dembek, Chief  
Export Controls and International Organizations  
Office of International Programs  
US Nuclear Regulatory Commission

FROM: John J. Hayes, Sr. Health Physicist  
Export Controls and International Organizations  
Office of International Programs  
US Nuclear Regulatory Commission

SUBJECT: MEETING SUMMARY

On June 13, 2006, a public meeting was held at the NRC offices in Rockville, MD. The purpose of the meeting was to share with interested parties the NRC's views on the importation and exportation requirements associated with re-useable protective clothing. The NRC is aware that NRC licensees may be holding varying views as to the requirements associated with the NRC's import/export regulations. Because of these differences, licensees may be implementing these regulations in a dissimilar fashion which results in an inconsistent application of the NRC's regulations.

The NRC is aware that their present view of import/export regulations may be seen as a change from past NRC positions. Therefore, the intent of the public meeting was to articulate in a public forum the NRC's position. It was contemplated that such a meeting might result in a clearer understanding of the basis for the NRC's view. In addition, the meeting would also establish a dialogue between the NRC and interested parties who might not share the NRC's view but have insights and perspectives that prompt additional assessments of the regulations.

A concerted effort was made to identify entities that might be involved or interested in importing or exporting re-useable protective clothing or those who have some association with those that do. The meeting notice was placed on the NRC's website. Entities known to be importers or exporters of re-useable protective clothing or who had made application for a specific import license were contacted by telephone and email. Similarly, those State Agencies or the NRC Regions responsible for the permit or license which allows a given facility to launder the re-useable protective clothing were also contacted. Other potentially interested parties were contacted. They included the Executive Director of the Southeast Regional Compact, an individual who commented on the Federal Register Notice involving an import application for a specific license and the Chairperson of the Organization of Agreement States. The NRC established an 800 number phone line for those who wished to participate via telephone.

Those who participated in the meeting in Rockville included representatives from UniTech Services Group, Inc. (UniTech) and Eastern Technologies, Inc. (ETI). These two entities have either imported re-useable protective clothing or have requested a specific license to import or

export such clothing. A number of entities participated via telephone. A listing of attendees who were present at the Rockville location is provided in Attachment 1. A list of those who participated via telephone is provided as Attachment 2. Attachment 3 was the agenda for the meeting.

The NRC's presentation: (a) provided the background and a general overview of 10 CFR 110 regulations governing exports and imports including the definitions of radioactive waste and incidental radioactive material (IRM) and (b) discussed general versus specific NRC import/export licenses.

At the meeting the NRC presented its assessment of radioactively contaminated protective clothing and the import/export licensing requirements associated with it. The NRC's assessment was:

- since the clothing is processed first to remove the radioactive component as part of the resource recovery process, under Part 110, the contaminants cannot be considered as IRM.
- due to the radioactivity that the clothing contains, protective clothing meets the definition of radwaste. Therefore, in accordance with included §110.27(c) a specific license is required.
- if the NRC intended to allow commodities containing small amounts of radwaste into the US under a general license it would have done so. The reason that IRM can be imported under a general license is that it is not considered as radwaste.
- contaminated clothing cannot be re-used until after it is laundered and the radioactive contaminants reduced or removed.

The NRC slides from the meeting can be found at the NRC's website, [www.nrc.gov](http://www.nrc.gov) in the Electronic Reading Room under Adams Documents. The Adams Document Number is ML061870197.

The NRC's presentation was followed by UniTech's remarks. UniTech's points were:

- Contaminated re-useable protective clothing does not meet the definition of radwaste.
- The NRC's position that re-useable protective clothing be considered as radwaste is a change in staff position. Why the change in policy and why now?
- The importation of re-useable protective clothing presents no risk or impact with respect to national security, weapons proliferation, health and safety or theft or diversion considerations.
- A change in the NRC position should not occur without rulemaking and a public comment period.

- Laundry is not and has never been considered radioactive waste. To classify it as such would be inconsistent with the manner in which it is treated in the rest of the NRC's regulations.
- None of UniTech's nor ETI's facilities possess a provision in their license which allows them to process or to possess waste. The classification of re-useable protective clothing as radwaste would require the facility's license to be modified to include the ability to process or possess waste. This would be done by either the agreement state which issued the license or the NRC, if it issued the license.
- The classification of re-useable protective clothing as radwaste would require a specific license to import such clothing and would create uncertainty concerning the classification of identical clothing originating from domestic sources.
- The classification of re-useable protective clothing as radwaste would require changes in agreement state requirements for the processing facilities.
- The classification of re-useable protective clothing as radwaste would have license fee implications if the laundry facility was considered a waste processor.
- Contaminated laundry is not treated as waste for transportation purposes.
- The importation of re-useable protective clothing into the U.S. is likely to be limited to Canada and Mexico. It is unlikely that imports will come from outside North America.

ETI was offered the opportunity to present their remarks and they indicated that they were in basic agreement with the points made by UniTech.

An the conclusion of the meeting, an opportunity for those participating via telephone to provide any comments was provided. The State of Massachusetts representative indicated that if re-useable protective clothing was classified as waste, then the UniTech facility located within Massachusetts would be required to modify UniTech's license to allow them to process and possess waste. The representative from Energy Solutions indicated that Energy Solutions was in agreement with UniTech in that radioactive waste is material which has no further use. He also indicated that their Tennessee facility was predicated on the premise that material which could be reused was not radwaste and if there was to be a change in the NRC's position, there should be rulemaking. A representative from the Radioactive Materials Program of the State of Georgia asked UniTech, "If re-useable protective clothing were imported into the U.S. and the clothing could not be cleaned and the entity which exported the material would not or could not accept the return of the material, how would the clothing be classified?" UniTech indicated that it would then be classified as radwaste.

Attachments: 1. List of Rockville, Md Attendees (Attachment 1)  
 2. Telephone Participants (Attachment 2)  
 3. Meeting Agenda (Attachment 3)

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cc: w/att: See list

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Dated: July 7, 2006

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JWhitten (RIV)

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THarris

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GFehst

**Rockville MD Participants in Meeting with UniTech Services & Eastern Technologies  
Regarding Import/Export License Requirements for Launderable Protective Clothing**

**June 13, 2006**

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FORTHCOMING MEETING WITH UNITECH SERVICES GROUP, INC. AND EASTERN TECHNOLOGIES INCORPORATED REGARDING IMPORT/EXPORT LICENSE REQUIREMENTS FOR LAUNDERABLE PROTECTIVE CLOTHING AND OTHER SIMILAR MATERIAL

June 13, 2006

AGENDA

- Opening Remarks
- Background
- Staff Presentation on Import/Export Licensing Requirements for Radioactively Contaminated Protective Clothing and Other Similar Material
- UniTech Presentation/Remarks
- Eastern Technologies, Inc. Presentation/Remarks
- Additional Discussion
- Opportunity for the public to ask questions\* of the NRC staff
- Conclusion

\* This is a Category 1 Meeting. The public is invited to participate in this meeting by discussing regulatory issues with the NRC at designated points identified on the agenda.