

Abstract for

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Uranium Bearing Material Processed for Source Material Content: Radioactive Waste or Not?

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The Nuclear Regulatory Commission (NRC) has export/import authority over nuclear material including radioactive waste. Often jurisdictional guidance is requested and with technical analysis, a decision is rendered to an interested applicant or member of the public. In the last several years, the NRC received requests from tribal nations requesting the NRC to use its authority under 10 C.F.R. §2.202 to order conventional uranium recovery facilities, not to import radioactive materials into the United States without a specific import license. The reasoning – the processing of uranium bearing materials for its source material content constitutes a recycling process generating radioactive material for disposal. The NRC has long recognized that processing uranium-bearing feed material for its uranium content is a legitimate nuclear fuel cycle activity regardless of motivation, profit, or market-oriented factors, as referenced in “In the Matter of International Uranium (USA) Corporation, CLI-00-1, 51 NRC 9 (2000)”. This precedent demonstrates that uranium bearing material can be processed for its source material content and has long been regulated and treated under both domestic and import regulations as alternate feed material within the nuclear fuel cycle and not as radioactive waste.