



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 30, 2017

Mr. Glenn Roberts  
UniTech Services Group, Inc.  
Suite 202  
138 Longmeadow Road  
Longmeadow, MA 01106

Dear Mr. Roberts:

In October 2016, the U.S. Nuclear Regulatory Commission (NRC) received a specific import license application—IW034—from UniTech. In its import license application, UniTech stated that it seeks to import 10,000 metric tons of byproduct material from Canada in the form of radioactive-contaminated tools, metals, and other solid materials, along with incremental amounts of special nuclear material (less than fifteen grams per shipment). Once imported, UniTech plans to sort and repackage this radioactive material, recover and recycle those materials that can be released for unrestricted use, and then export back to Canada any remaining radioactive material, so that “no materials imported under this license shall be transferred to any land disposal facility subject to 10 CFR Part 61.”

By an e-mail dated December 20, 2016, UniTech provided follow-up information clarifying UniTech’s plans were limited to characterizing and processing “waste materials as appropriate based on their physical and radiological conditions.” That e-mail reaffirmed that “all materials that would require transfer to a land disposal facility subject to 10 CFR Part 61 shall be returned to Canada under the associated export license XW023.” UniTech also stated its view that it needed a specific license to import the radioactive materials, and it requested that the U.S. Nuclear Regulatory Commission (NRC) provide written confirmation to the contrary if UniTech’s view was not correct.

Based on the information that UniTech has provided in its application—and confirmed in its follow-up e-mail—UniTech does not need a specific import license to bring this material into the United States (U.S.). Rather, this proposed import is authorized under the general import license regulation set forth in 10 C.F.R. § 110.27. By regulation, section 110.27 allows issuance of a general license to any person to import byproduct, source, or special nuclear material if the U.S. consignee is authorized to receive and possess the material. In this case, UniTech is the U.S. consignee, and it is already authorized to receive and possess this material under its existing Tennessee radioactive material license.

Section 110.27 contains two exceptions to the general import license, neither of which is applicable here. Specifically, section 110.27(b) provides that the general license does not authorize the import of more than 100 kilograms per shipment of source and/or special nuclear material. Since UniTech will only be importing less than fifteen grams of special nuclear material per shipment, this exception does not apply. In addition, section 110.27(c) provides that the general license does not authorize the import of radioactive waste. “Radioactive waste” is a defined term in the Commission’s regulations (at 10 C.F.R. § 110.2) for the purposes of import and export licensing, and it is defined as:

[A]ny material that contains or is contaminated with source, byproduct, or special nuclear material that by its possession would require a specific radioactive material license in accordance with this Chapter and is imported or exported for the purposes of disposal in a land disposal facility as defined in 10 CFR part 61, a disposal area as defined in Appendix A to 10 CFR part 40, or an equivalent facility; or recycling, waste treatment or other waste management process that generates radioactive material for disposal in a land disposal facility as defined in 10 CFR part 61, a disposal area as defined in Appendix A to 10 CFR part 40, or an equivalent facility.

If the imported material falls within this regulatory definition of "radioactive waste," then any of six listed "exclusions" to the definition may apply. The Commission adopted its existing definition of radioactive waste in a final rule issued in 2010 after public notice and comment pursuant to the Administrative Procedure Act.<sup>1</sup>

In its December e-mail, UniTech posits that none of the six "exclusions" to the definition of "radioactive waste" in 10 C.F.R. § 110.2 would likely apply to this proposed import. But UniTech's application, confirmed by its December e-mail, makes clear that 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. Therefore, the radioactive materials that UniTech plans to import into the United States would not, at the threshold, qualify as "radioactive waste" under the definition in 10 C.F.R. §110.2. As a result, the six exclusions to that definition do not need to be considered.

This letter provides UniTech with written confirmation that none of the requested activities require a specific import license under the Commission's regulations. Accordingly, we are returning UniTech's specific import license application (IW034) without action.

Sincerely,



David L. Skeen, Deputy Director  
Office of International Programs

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<sup>1</sup> Export and Import of Nuclear Equipment and Material; Updates and Clarifications, 75 Fed. Reg. 44072 (July 28, 2010). The NRC's definition of "radioactive waste" in the import/export context was substantially revised in this rulemaking.