



## **POLICY ISSUE** **(Information)**

April 2, 2026

SECY-26-0046

**FOR:** The Commissioners

**FROM:** Michael F. King  
Executive Director for Operations

**SUBJECT:** UPDATE ON ACTIVITIES IN RESPONSE TO SRM-SECY-23-0055,  
"OPTIONS FOR LICENSING EMERGING TECHNOLOGIES USED  
FOR REMEDIATION OF MINE WASTE"

**PURPOSE:**

This paper informs the Commission of the U.S. Nuclear Regulatory Commission (NRC) staff's current activities related to implementing SRM-SECY-23-0055, "Options for Licensing Emerging Technologies Used for Remediation of Mine Waste," (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML24269A245](#)). In SRM-SECY-23-0055, the Commission approved the licensing of emerging technologies for the remediation of abandoned uranium mine (AUM) waste under the source material framework via a service provider license. Part of this approach included revising the definition of "ore" found in regulatory guidance. Based on the successful approval of the DISA Technologies (DISA) license request (ADAMS Accession No. [ML25226A188](#)), the licensing insights gained from that review, and significant stakeholder feedback, the staff has determined that a revision to guidance is not now needed and could be an impediment for some licensees and Agreement States. Separately, the staff is evaluating whether a revision, to exclude AUM waste remediation from the definition of uranium milling in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 40, should be considered as part of the larger Executive Order (EO) 14300, "Ordering the Reform of the Nuclear Regulatory Commission," dated May 23, 2025.

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## BACKGROUND

As discussed in SECY-23-0055 ([ML23121A271](#)), the technologies used in AUM waste remediation are similar to those used in uranium milling, as they both involve the extraction of uranium or thorium in source material concentrations. “Uranium milling” is defined in 10 CFR 40.4 as “any activity that results in the production of byproduct material.” The Atomic Energy Act (AEA) defines byproduct material in Section 11e(2) as the “tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed for its source material content.”

While the term “ore” is not defined in the AEA or NRC regulations, NRC guidance defines ore as “natural or native matter that may be mined and treated for the extraction of any of its constituents or any other matter from which source material is extracted in a licensed uranium or thorium mill.”

In SECY-23-0055, the staff identified multiple options for licensing emerging uranium mine waste remediation technologies. In SRM-SECY-23-0055, the Commission directed the staff to “license emerging technologies for remediation of mine waste under the source material framework via a service provider license.” The Commission also directed the staff to engage the public on the change in the definition of “ore . . . using notice and comment opportunities in the guidance revision process.”

## DISCUSSION:

### *Guidance Revision Effort*

To implement the Commission’s direction in SRM-SECY-23-0055, staff chartered a joint NRC and Agreement State working group<sup>1</sup> to develop an updated definition of “ore.” Through outreach meetings with Tribal Nations, Agreement States, and the public,<sup>2</sup> the working group developed working definitions and identified several challenges with a proposed change to the definition of ore in guidance, particularly regarding Agreement State compatibility and existing uranium milling operations. For example, representatives from an Agreement State licensee indicated that they are authorized to accept material from abandoned uranium mines under the current definition of “ore” for milling. A change to the definition of “ore” could disrupt ongoing operations associated with AUM remediation and introduce regulatory uncertainty, potentially necessitating additional, otherwise unnecessary licensing actions.

Furthermore, Agreement States noted during working group discussions that non-binding changes to NRC guidance would not support changes to their own regulatory frameworks codified in state statutes or regulations ([ML25262A139](#)). One Agreement State working group member suggested that the NRC consider explicitly excluding AUM waste as “ore” when evaluating rulemaking under the direction of EO 14300. This approach would distinguish AUM waste remediation from uranium milling and provide a clear regulatory basis for states to align their regulations accordingly.

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<sup>1</sup> The working group included Agreement State members from Colorado, Washington, Utah, and Wyoming.

<sup>2</sup> The working group held a Government-to-Government meeting with Tribal Nations on February 25, 2025, a Government-to-Government meeting with the Agreement States on February 26, 2025, and a public meeting on February 27, 2025 ([ML25086A026](#)).

*Licensing Insights*

The staff is not aware of any AUM remediation proposals other than from DISA. On September 30, 2025, the NRC successfully issued a service provider license to DISA under the source material framework in 10 CFR Part 40. The staff's decision and rationale were documented in its Safety Evaluation Report ([ML25226A192](#)).

Mindful that any guidance would not be issued prior to its licensing decision, the staff explained in its Safety Evaluation Report the basis for its licensing approach:

The Commission has approved Option 2B [in SRM-SECY-23-0055], which would license emerging technologies used for mine waste remediation under the source material framework in 10 CFR Part 40, via a service provider license. Notably, the Commission directed the NRC staff to perform the license review of AUM waste remediation using the source material rather than the uranium milling framework. As a result of the HPSA process, the extracted "fines concentrates" will contain uranium and thorium (Th) in quantities that meet the source material definition in 10 CFR 40.4 (i.e., containing by weight 0.05% or more of: (i) uranium, (ii) thorium or (iii) any combination thereof). As described in the application, DISA anticipates shipping the fines concentrates to a licensed low-level waste disposal facility or to a uranium mill for further processing. The coarse material stream is not considered byproduct material and may be left onsite, provided that the license termination criteria in 10 CFR Part 20, Subpart E have been met.

In this action, the staff was able to incorporate the Commission's direction in SRM-SECY-23-0055 to facilitate emerging AUM remediation without causing unintended disruptions to ongoing uranium milling and other AUM remediation efforts through changes to longstanding guidance relied on for other purposes.

**CONCLUSION:**

Given that no further AUM waste remediation applications are expected at this time and based upon insights gained from stakeholder outreach and the DISA licensing process, the NRC staff determined that revising the definition of "ore" in agency guidance is unnecessary and could result in unintended regulatory and operational consequences.

The NRC staff will:

- Maintain the current definition of "ore" in NRC guidance without modification, while ensuring that an approach consistent with the Commission's direction in SRM-SECY-23-0055 is available for emerging AUM remediation technologies.
- Evaluate the inclusion of a definition for AUM waste remediation in regulation under the direction in EO 14300 to enhance regulatory clarity and facilitate alignment with Agreement State programs.

This approach reflects a balanced consideration of regulatory efficiency, stakeholder feedback, and the need for clarity in licensing emerging remediation technologies through efficient regulation and enables the safe use of AUM remediation technology. This approach is also consistent with the direction in the Accelerating Deployment of Versatile, Advanced Nuclear for

Clean Energy Act of 2024 (ADVANCE Act). Specifically, the ADVANCE Act, Section 501, mandated that the NRC's "licensing and regulation of the civilian use of radioactive materials and nuclear energy be conducted in a manner that is efficient and does not unnecessarily limit (1) the civilian use of radioactive materials and deployment of nuclear energy; or (2) the benefits of civilian use of radioactive materials and nuclear energy technology to society."

COORDINATION:

The Office of the General Counsel reviewed this paper and has no legal objection.

A handwritten signature in black ink, appearing to read 'M. King', with a stylized flourish at the end.

Michael F. King  
Executive Director  
for Operations

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