

**Official Use Only - Sensitive Internal Information**

**APPROVED FOR PUBLICATION**

The Commission has delegated to the EDO (10 CFR 1.32(c)) the authority to develop and promulgate rules as defined in the APA (5 U.S.C. 551(4)), subject to the limitations specified in NRC Management Directive 9.17, "Organization and Functions, Office of the Executive Director for Operations," paragraphs 0213, 038, 039, and 0310.

The attached final rule entitled "Implementation of the Nuclear Export and Import Provisions of the Energy Policy Act of 2005" amends 10 CFR Part 110, "Export and Import of Nuclear Equipment and Material." No public comments are being sought because the rule changes incorporate statutory mandates into Part 110 and do not constitute Commission discretionary decisions. The effect of this final rule will be to facilitate exports to specified countries of high-enriched uranium for medical isotope production in reactors that are either utilizing low-enriched uranium (LEU) fuel or have agreed to convert to the use of LEU fuel. In addition, the final rule will amend the definition of byproduct material to include radium-226, accelerator-produced and naturally occurring radioactive material subject to the NRC export and import controls, and will require specific licenses for exports and imports of radium-226 that meet the thresholds of the IAEA Code of Conduct.

This final rule does not constitute a significant question of policy, nor does it amend the regulations contained in 10 CFR Parts 7,8,9, Subpart C, concerning matters of policy. I therefore find that this final rule is within the scope of my rulemaking authority and am proceeding to issue it.

April 4, 2006  
Date

/RA/  
Luis A. Reyes,  
Executive Director for Operations.