

August 3, 2010

ALL AGREEMENT STATES, MICHIGAN

PUBLICATION OF FINAL RULE 10 CFR PART 110, "EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL; UPDATES AND CLARIFICATIONS" (FSME-10-068)

Purpose: To inform Agreement States of publication in the *Federal Register* of a final rule, "Export and Import of Nuclear Equipment and Material; Updates and Clarifications" (July 28, 2010; 75 FR 44072).

Background: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations at 10 CFR Part 110, "Export and Import of Nuclear Equipment and Material," to update, clarify, and correct several provisions in Part 110 to improve NRC's regulatory framework for the export and import of nuclear equipment, material, and radioactive waste. Among other revisions, this final rule clarifies and corrects the regulations addressing the general license for the export of byproduct material, revises the definition of "radioactive waste," and modifies the regulations governing the export and import of Category 1 and Category 2 quantities of radioactive materials listed in Appendix P to 10 CFR Part 110.

Discussion: Specifically, the NRC is amending Part 110 to allow imports of Category 1 and 2 quantities of material listed in Appendix P to Part 110 under a general license. This change is being made in light of enhancements made to the NRC's domestic regulatory framework over the past several years. Imports of radioactive material into the United States under a general license continue to be contingent on the consignee being authorized to receive or possess the material under a general or specific NRC or Agreement State license. Moreover, importers of Category 1 and 2 materials under a general license are still subject to the notification requirements prior to shipment as required by § 110.50. As part of this rulemaking, § 110.50 is revised to require advance notifications of imports to be submitted seven days in advance of shipment. This change permits NRC staff adequate time to verify the information provided in the advance notification. As part of that verification, it may be necessary for NRC staff to contact the relevant Agreement State to confirm that the importer is authorized under an Agreement State license to receive and possess the material proposed to be imported. This confirmation is similar to the review currently done as part of the specific licensing review.

This final rule also revises the definition of "radioactive waste" to facilitate the licensing process for exports and imports of radioactive waste and improve the efficiency and consistency of licensing actions. The revised definition links the specific license requirement for the export and import of radioactive waste to those materials that require a specific license in accordance with NRC's domestic regulations. The revisions are designed, in part, to align export and import licensing criteria with domestic regulations that are implemented by the NRC and the Agreement States. With regard to imports of radioactive waste, the regulations are clarified to indicate that the NRC consults, as applicable, with the state where the facility is located and the low-level waste compact commission to determine that an appropriate facility has agreed to accept and is authorized to possess the waste for management and disposal.

If you have any questions regarding this correspondence, please contact me at 301-415-3340, or the individual named below.

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Enclosure:
Federal Register notice

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