

safety regulation by the States and other Federal agencies.

The new regulations in Part 110 do not affect existing or future NRC regulations in other parts of this chapter which may relate to matters covered by this rule.

The Commission notes that violation of regulations issued under sections 161b, 161i, or 161o of the Atomic Energy Act of 1954 may subject a person to criminal sanctions under section 223 of the Atomic Energy Act. The regulations in Part 110 that are not issued under §§ 161b, 161i, or 161o of the Atomic Energy Act of 1954 for the purposes of section 223 of the Act are listed in § 110.67 of Part 110, as amended by this final rule. The following regulations amended by this final rule are not listed in § 110.67: §§ 110.19, 110.20, 110.21, 110.22, 110.23, and 110.27. Violation of these sections may subject a person to criminal sanctions under section 223 of the Atomic Energy Act.

#### **Environmental Impact: Categorical Exclusion**

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

#### **Paperwork Reduction Act Statement**

This final rule amends information collection requirements subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These paperwork requirements were approved by the Office of Management and Budget, approval numbers 3150-0036 and 3150-0027.

The public reporting burden for this collection of information is estimated to average 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch (T-6F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0036 and 3150-0027), Office of Management and Budget, Washington, DC 20503.

#### **Regulatory Analysis**

NRC regulations provide strong regulatory control over the export of strategic nuclear material from a national security (nonproliferation) standpoint, but they have traditionally provided much less control over non-strategic materials. Many non-strategic imports and exports qualify for general licenses without specific review or approval by the NRC. (Domestic regulations in the United States and abroad, and international transportation regulations, have provided the primary regulatory controls for health and safety and environmental protection purposes.) In recent years, national and worldwide concerns about radioactive waste disposal practices have brought attention to the limited focus of the NRC's import and export regulations and the fact that certain types and quantities of radioactive materials, including LLW, may be imported or exported without specific authorization by the NRC and without NRC's knowledge.

The IAEA Code of Practice on the International Transboundary Movement of Radioactive Waste, which was approved by the IAEA General Conference in 1990 with strong U.S. Government support, provides that international shipments of radioactive wastes should take place only with the prior notification and consent of the sending, receiving and transit countries. The Code also provides that no receiving country should permit the receipt of radioactive waste for management or disposal unless it has the administrative and technical capacity and regulatory structure to manage and dispose of such waste in a manner consistent with international safety standards. This final rule is intended to conform U.S. regulations with these international guidelines. The final rule amends the Part 110 general license provisions applicable to the export and import of special nuclear, source, and byproduct materials to state specifically that general licenses do not provide authority to import or export radioactive waste, as defined by Part 110. Instead, persons desiring to import or export radioactive waste may do so only upon issuance of a specific license by the NRC. Persons desiring to export incidental radioactive material (i.e., radioactive material not otherwise subject to specific licensing under Part 110 that is contained in or a contaminant of any non-hazardous, non-radioactive material that is exported or imported for recycling or resource recovery of the non-radioactive component) are required to file an NRC

Form 7 if the total amount of the shipment containing the incidental radioactive material exceeds 100 kilograms, thus providing information about the proposed export, but the NRC will not issue a specific license for such exports. Instead, the material may continue to be shipped under general license. Imports of incidental radioactive material continue to be subject to general licensing under Part 110, but they do not require any filing of information with the NRC under Part 110.

The rule impacts persons interested in exporting radioactive waste from, or importing radioactive waste into, the United States, and those exporting or importing incidental radioactive material (i.e., radioactive material not subject to specific licensing under Part 110 combined with non-hazardous, non-radioactive material exported or imported for recycling or resource recovery). The rule is necessary to satisfy the U.S. Government's commitment to the Code of Practice. There are no alternatives other than rulemaking for achieving the stated objective. (Alternatives to the changes made by this final rule were discussed in the ANPR published in February 1990 and the proposed rule published in April 1992.) We expect that there will be few exports and imports per year that will be covered by the new requirements established by the rule. (There should actually be little, if any, effect on those importing incidental radioactive material.) The agency also believes that, outside of having to pay a licensing fee, this regulation will have a minimal impact on the affected exporters and importers, since they should have ready access to most of the information required to be submitted to the NRC.

The NRC has considered the resource implications for the agency in developing this final rule, and based on analogous NRC experience under Part 110, it is estimated that a typical waste export or import licensing case resulting from this final rule will require 40 to 50 NRC staff hours for review and processing. It is estimated that the cost associated with such review and processing will, on the average, be approximately \$5,000 per case, though a few cases (particularly the first license applications received) may cost as much as \$10,000. The total annual cost to the NRC is expected to be approximately \$50,000, which would be offset by the collection of application fees.

To the NRC's knowledge, there is no appreciable U.S. import or export traffic in radioactive waste. A possible exception is the widely accepted