

ENVIRONMENTAL ASSESSMENT AND FINDING OF
NO SIGNIFICANT IMPACT
FOR THE
DIRECT FINAL RULE
AMENDING 10 CFR PARTS 30, 37, 73, AND 150
Safeguards Information-Modified Handling Categorization
Change for Materials Facilities

Office of Federal and State Materials and Environmental Management Programs
U.S. Nuclear Regulatory Commission
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Proposed Action

The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to remove the Safeguards Information – Modified Handling (SGI-M) designation of the security-related information for panoramic and underwater irradiator licensees that possess more than 370 Terabequerels (TBq) (10,000 curies (Ci)) of radioactive material (large irradiators), manufacturer and distributors (M&D), and licensees that transport category 1 quantities of radioactive material. The security-related information for these facilities will no longer be protected as SGI-M. The information will be protected under the information protection requirements that apply to other materials licensees that possess category 1 and category 2 quantities of radioactive material set forth in Part 37 of Title 10 of the *Code of Federal Regulations* (10 CFR), “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material.” The rulemaking will also result in the removal of the SGI-M designation of the security-related information for the transportation of irradiated reactor fuel that weighs 100 grams or less in net weight of irradiated fuel.

Need for the Proposed Action

The security requirements in 10 CFR Part 37 are the same for all licensees. These security requirements do not contain any of the information from the security orders that were designated as SGI-M. The SGI-M timeframes that were in the orders are replaced in the 10 CFR Part 37 rule by terms such as prompt, immediate, and without delay. Therefore, disclosure of a licensee's response times will not compromise other licensees' security-related information because the response time (i.e., immediate) designated in the rule is already public knowledge.

Currently, itinerary information for the transportation of category 1 quantities of material is designated as SGI-M under 10 CFR Part 73. Licensees are required to coordinate this information with states through which the shipment will pass. Shipment information is shared on a need-to-know basis for preplanning, coordination, and advance notification purposes and is not designated as SGI-M; however, once the shipment information is received, it must be handled as SGI-M. If the SGI-M designation for these licensees is revised, the licensees will be able to communicate freely with the States and transportation companies possessing a need-to-know and will not need to deal with the inconsistency in transmitting the shipment information as non-SGI-M.

The security orders for the transportation of category 1 quantities of material, large irradiator licensees, and M&D licensees were issued under NRC's common defense and security authority. The new Part 37 rulemaking (10 CFR Part 37) security requirements, however, were issued under the NRC's authority to protect the public health and safety. The security requirements for protection of security-related information for large irradiators, M&Ds, and licensees that transport category 1 quantities of radioactive material will now be set forth in the new 10 CFR Part 37. The NRC has determined that the information protection requirements set forth in the new rule are adequate to protect the security information associated with large

irradiators, M&Ds, and licensees that transport category 1 quantities of radioactive material. Therefore, once the SGI-M rule is effective, the security information requirements associated with these licensees is no longer required to be handled as SGI-M. Furthermore, this will ensure that all the information security requirements are consistent across all areas that are regulated under public health and safety.

Protection of information at a level less than SGI-M would allow licensees to communicate more easily with regulators regarding implementation of the 10 CFR Part 37 requirements, but still require licensees to limit access to security plans and implementing procedures. For example, licensees would be required to limit access to the plans to those employees who need access to perform a job function. Licensees will also be required to store their security plans in locked cabinets while not in use, but could use normal lines of communication with the NRC or an Agreement State to discuss security questions or concerns. This approach achieves meaningful information protection without unduly burdening licensees' and regulators' ability to achieve effective implementation of the 10 CFR Part 37 requirements.

If the security-related information for these facilities remains designated as SGI-M, the NRC will be responsible for inspection and enforcement of the SGI-M programs at those facilities regulated by an Agreement State. This can result in confusion for licensees. Results of many aspects of the security inspections would be SGI-M and could not be discussed in an open environment. Because some security-related information at these facilities would be SGI-M and some would not be, licensees will need to maintain two systems to protect security-related information, which needlessly increases the burden on the licensee.

Environmental Impact

This environmental assessment focuses on those aspects of the SGI-M program designation change rulemaking where there is a potential for the requirements to affect the environment. This proposed action will remove the SGI-M categorization of the security-related information for large irradiators; M&D licensees; and licensees that transport byproduct material, source material, or special nuclear material in category 1 quantities. The proposed action will also result in the transportation security-related information for small quantities of irradiated fuel being re-categorized as non-SGI-M. The rule will impact 112 licensees. The rule only impacts information protection requirements. The NRC has concluded that there will be no significant radiological environmental impacts associated with implementation of the rule requirements.

The requirements will not result in changes to the systems in affected licensees' facilities that function to limit the release of radiological effluents. All systems associated with limiting the releases of offsite radiological effluents will, therefore, continue to be able to perform their functions, and as a result, there are no significant radiological effluent impacts. The standards and requirements applicable to radiological releases and effluents are not affected by the rulemaking and continue to apply.

The principal effect of this action is to revise the governing regulations pertaining to the protection of security-related information. None of the revisions affect current occupational exposure requirements; consequently, the NRC has concluded that this action has no impact on occupational exposure.

The proposed action does not significantly increase the probability or consequences of accidents, nor result in changes being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure.

With regard to potential nonradiological impacts, implementation of the rule requirements does not have a significant impact on the environment. Facility footprints should not change due to the proposed action. No construction of new structures is required to meet the requirements in the rule. In addition, the requirements do not affect any historic site and do not affect nonradiological plant effluents. Consequently, there are no significant non-radiological plant effluents. Therefore, there is no significant non-radiological environmental impact associated with this rule.

Accordingly, the NRC concludes that there is no significant environmental impact associated with the rulemaking action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered not taking the action (i.e., the no-action alternative). Not revising the regulations results in no change in current environmental impacts since the requirements will result in no significant environmental impact. Therefore, taking no action results in no net change to the environmental impact. However, the no-action alternative would leave the existing information protection requirements intact, and as such, impose unnecessary burden on the 112 affected licensees.

Alternative Use of Resources

There are no irreversible commitments of resources determined in this assessment.

Agencies and Persons Consulted

A copy of the draft *Federal Register* notice was provided to the Agreement States so they could have an early opportunity for review.

Finding of No Significant Impact

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR Part 51, the NRC has determined that this rule is not a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required for this rulemaking. The amendments are procedural in nature and will have no significant impact on the environment. The determination of this environmental assessment is that there will be no significant impact to the public from this action.

Documents related to this rulemaking, including any comments received by the NRC, may be examined at the NRC's Public Document Room, Room O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.