

**ENVIRONMENTAL ASSESSMENT AND FINDING
OF NO SIGNIFICANT IMPACT FOR THE
FINAL RULE AMENDING 10 CFR PART 40**

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

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I. THE FINAL RULE ACTION

This final rule amends the U.S. Nuclear Regulatory Commission's (NRC or the Commission) regulations in Title 10 of the *Code of Federal Regulations* Part 40 to implement Article 8 in the "2010 Agreement between the Government of Australia and the Government of the United States of America Concerning Peaceful Uses of Nuclear Energy" (the Agreement).

II. THE NEED FOR THE FINAL RULE

The Agreement prohibits the United States from using nuclear material imported from Australia to produce tritium for use in a nuclear explosive device, or for any other "military purpose" as defined in the Agreement. The Agreement's definition of military purpose states that it includes "depleted uranium munitions, and other direct military non-nuclear applications, as mutually determined by the Parties." The amendments in this final rule help enable the U.S. Government to meet its Agreement obligations with the Government of Australia.

III. ENVIRONMENTAL IMPACTS OF THE FINAL RULE

The amendments to restrict the use of nuclear material imported from Australia are not expected to have any measurable or identifiable impact on the environment. The rule will not result in changes to any licensee's processes or manufacturing procedures and, therefore, will not affect or alter any release of effluents to the environment. The amendments are thus not expected to cause any significant environmental impact.

IV. ENVIRONMENTAL JUSTICE

The NRC has committed to complying with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, dated February 11, 1994. The NRC uses the following working definition of "environmental justice:" the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or educational level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. No significant environmental impacts have been identified, and the NRC has determined that there are no disproportionate, high, or adverse impacts on minority and low-income populations. Consequently, further evaluation of environmental justice concerns, as outlined in Executive Order 12898, is not warranted.

V. ALTERNATIVE USE OF RESOURCES

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

VI. AGENCIES AND PERSONS CONTACTED

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment.

VII. FINDING OF NO SIGNIFICANT IMPACT

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that the amendments are not a major Federal action significantly affecting the quality of the human environment, and therefore, an environmental impact statement is not required. The amendments restrict the use of nuclear material imported from Australia, and are not expected to have any measurable or identifiable impact on the environment.

The determination of this environmental assessment is that there will be no significant impact to the public from this action. The NRC has also determined that there are no disproportionate, high, or adverse impacts on minority and low-income populations.