

**ACTION:** Notice of emergency action.

**SUMMARY:** The U.S. Department of Energy (DOE) is issuing this notice of emergency action regarding its authorization of national security provisions related to a recent U.S. mission to assist the Libyan government in reducing its inventories of proliferation-sensitive nuclear materials. On January 27, 2004, a U.S.-led team of policy and technical experts successfully extracted from Libya some of its nuclear materials. In order to expedite the removal of these materials from the site, the National Nuclear Security Administration (NNSA) Administrator invoked the national security provisions of 49 CFR 173.7(b) and exempted the transport from DOE Order 461.1, Packaging and Transfer of Materials of National Security Interest, thereby allowing the shipment of items by air to the McGhee Tyson Airport at Knoxville, TN and from there to the Y-12 National Security Complex at Oak Ridge, TN by land transport. The shipment included four cylinders of uranium hexafluoride (UF<sub>6</sub>) of varying enrichment levels.

DOE would normally prepare an Environmental Assessment or Environmental Impact Statement analyzing this shipment pursuant to its National Environmental Policy Act (NEPA) implementing regulations (10 CFR part 1021). However, due to the urgent and classified nature of the actions required to perform this mission, DOE consulted with the Council on Environmental Quality about alternative arrangements with regard to NEPA compliance for its authorization of national security provisions pursuant to the Council NEPA regulation at 40 CFR 1506.11. This notice is issued pursuant to the requirements of 10 CFR 1021.343.

**FOR FURTHER INFORMATION CONTACT:** For further information on these activities or other information related to this notice, contact: William O'Connor, NNSA, Office of Safeguards (NA-243), 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4867.

For information on the DOE National Environmental Policy Act (NEPA) process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4600, or leave a message at (800) 472-2756.

**SUPPLEMENTARY INFORMATION:** On December 19, 2003, in a decision announced by the United States, the United Kingdom, and Libya, the Libyan government agreed to disclose all its

weapons of mass destruction and related programs and to open the country to international weapons inspectors to oversee their elimination. In order to assist Libya in the reduction of its proliferation-sensitive materials, the United States, United Kingdom and the International Atomic Energy Agency (IAEA) sent a team of policy and technical experts to Libya. On January 27, 2004, this team, with the full cooperation of the Libyan government, successfully extracted 55,000 pounds of nuclear material and other sensitive equipment from Libya. This shipment included four cylinders of uranium hexafluoride (UF<sub>6</sub>) that required a National Security Exemption under DOE Order 461.1, Packaging and Transfer of Materials of National Security Interest, because the containers were not certified under 49 CFR 173.7(b). The equipment and materials were airlifted out of Libya and brought to the McGhee Tyson Airport in Knoxville, TN. The nuclear cargo then was transported to the Y-12 National Security Complex in Oak Ridge, TN for International Atomic Energy Agency (IAEA) inspection and to prepare cylinders for transport to their final destination.

This material was moved as part of a Presidential directed mission. There was insufficient time between the President's directive and the expected movement of the material to conduct an environmental review; hence, the need for alternative arrangements with regard to NEPA compliance. The NNSA Administrator was provided with a classified environmental review contained in an Appendix to a draft Environmental Impact Statement which bounded the accident scenarios. Following review, the NNSA Administrator invoked the national security provisions of 49 CFR 173.7(b) and exempted this transport from DOE Order 461.1, thereby allowing shipment of these items by air to the McGhee Tyson Airport and from there to their destination by land transport.

The Council on Environmental Quality (CEQ) and the Environmental Protection Agency were briefed in advance of the mission. CEQ found the NNSA's request for alternative arrangements was appropriately limited to the actions necessary to address the immediate impacts and risks associated with this emergency. Based on the briefing that DOE personnel provided, and their commitment to outreach to EPA and appropriate First Responders, CEQ concluded that the NNSA's assessment of the environmental impact of the proposed action, including incorporation of an existing classified

analysis of a similar scenario, provided sufficient alternative arrangements for NEPA compliance. The CEQ also was briefed following the completion of the mission.

The expedited removal of these materials from Libya was consistent with national security goals related to the consolidation, storage, and disposition of potential weapons-usable materials and supports the nonproliferation policies of the United States. Granting this national security exemption supported the expedited removal of the material consistent with the nonproliferation goals of the Department of Energy and the President of the United States.

The Y-12 Site Office ensured that the following conditions were met: First responders at McGhee Tyson Airport were notified of the timing and nature of the shipment. The shipment was escorted by personnel specifically designated by or under the authority of the Department of Energy.

The materials arrived at Y-12 without incident and accordingly without any environmental consequences and will be stored there pending IAEA inspection and shipment to the Portsmouth Gaseous Diffusion Plant, Piketon, OH.

Issued in Washington, DC, on February 27, 2004.

**Henry K. Garson,**

*Associate General Counsel, National Nuclear Security Administration.*

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6649-1]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 4, 2003 (68 FR 16511).

#### Draft EISs

ERP No. D-FHW-F40420-MI Rating EC2, I-75 from M-102 to M-59 Proposed Widening, Reconstruction and Transportation Improvements, Funding,

NPDES Permit and U.S. Army COE Section 404 Permit, Oakland County, MI.

Summary: EPA has environmental concerns with the proposed project and recommends additional clarification regarding the two build alternatives (general purpose lane and high occupancy vehicle lane), indirect and cumulative impact analyses, and the use of native vegetation in the project area.

ERP No. D-FHW-L40221-00 Rating EC2, WA-35 Columbia River Crossing, Existing Bridge Replacement across the Columbia River between Hood River, Hood River, OR and White Salmon, WA.

Summary: EPA has environmental concerns with the proposed project related to air toxics, invasive species, rare plant surveys, and intersection design at the project's northern terminus. EPA also requests additional clarification of tribal coordination and environmental justice issues.

ERP No. DS-NIH-J81012-MT Rating EC2, Rocky Mountain Laboratories' (RML) Integrated Research Facility, Construction and Operation, Housing Biosafety Level (BSL)-2, BSL-3 and BSL-4 Laboratories, Analyzation of Associated Potential Impacts, Ravalli County, MT.

Summary: EPA expressed environmental concerns regarding: potential infections of facility staff; adequacy of backflow prevention devices on the water supply and the liquid waste decontamination procedures. EPA recommended the final EIS include development of a comprehensive risk notification and communication program for the local community.

#### Final EISs

ERP No. F-NRC-C06014-NY Generic EIS—License Renewal for R.E. Ginna Nuclear Power Plant, Supplement 14, NUREG-1437, Implementation, Wayne County, NY.

Summary: No formal comment letter was sent to the preparing agency.

Dated: March 2, 2004.

#### Ken Mittelholtz,

*Environmental Protection Specialist, Office of Federal Activities.*

[FR Doc. 04-5014 Filed 3-4-04; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6648-9]

### Environmental Impacts Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/> Weekly receipt of Environmental Impact Statements Filed 2/23/2004 Through 2/27/2004 Pursuant to 40 CFR 1506.9.

EIS No. 040088, Draft EIS, FHW, NE, South Omaha Veterans Memorial Bridge Improvements, Across the Missouri River for Highway US-275 between the Cities of Omaha, Nebraska and Council Bluffs, Iowa, NPDES and US Army COE Section 404 Permit, NE and IA, Comment Period Ends: 4/19/2004, Contact: Edward Kosola (402) 437-5973.

EIS No. 040089, Draft EIS, NSF, AK, Development and Implementation of Surface Traverse Capabilities in Antarctica Comprehensive Environmental Evaluation, AK, Comment Period Ends: 6/3/2004, Contact: Polly A. Penhale 703-292-8033. This document is available on the Internet at: [http://www.nsf.gov/od/opp/antarct/treaty/cees/traverse/traverse\\_ee.pdf](http://www.nsf.gov/od/opp/antarct/treaty/cees/traverse/traverse_ee.pdf)

EIS No. 040090, Draft EIS, NSF, AK, Project IceCube Comprehensive Environmental Evaluation, AK, Comment Period Ends: 6/3/2004, Contact: Polly A. Penhale (703) 292-8033. This document is available on the Internet at: [http://www.nsf.gov/od/opp/antarct/treaty/cees/icecube/icecube\\_ee.pdf](http://www.nsf.gov/od/opp/antarct/treaty/cees/icecube/icecube_ee.pdf)

EIS No. 040091, Final EIS, AFS, VT, Greendale Project, Establishment of the Desired Condition stated in the Green Mountain National Forest Land and Resource Management Plan, Manchester Ranger District, Town of Western, Windsor County, VT, Wait Period Ends: 4/5/2004, Contact: Jay Strand (802) 767-4261.

EIS No. 040092, Final EIS, NRC, SC, Generic EIS—License Renewal of Nuclear Plants, Virgil C. Summer Nuclear Station, Supplement 15, Fairfield County, SC, Wait Period Ends: 4/5/2004, Contact: William Dam (301) 415-4014. This document is available on the Internet: <http://www.nrc.gov/reading-rm/adams.html>

EIS No. 040093, Final EIS, NRC, ID, Idaho Spent Fuel Facility, Construction, Operation and Decommissioning, License Application, Idaho National Engineering and Environmental

Laboratory, Butte County, ID, Wait Period Ends: 4/5/2004, Contact: Mathew Blevins (301) 415-7684.

This document is available on the Internet: <http://www.nrc.gov/reading-rm.html>

EIS No. 040094, Final EIS, AFS, OR, Flagtail Fire Recovery Project, To Address the Differences between Existing and Desired Conditions, Blue Mountain Ranger District, Malheur National Forest, Grant County, OR, Wait Period Ends: 4/5/2004, Contact: Linda Batten (541) 575-3000.

This document is available on the Internet at: <http://www.fs.fed.us/r6/malheur>

EIS No. 040095, Draft EIS, AFS, AZ, Coconino, Kaibab, and Prescott National Forests, Integrated Treatment of Noxious and Invasive Weeds, Implementation, Coconino, Mojave and Yavapai Counties, AZ, Comment Period Ends: 4/19/2004, Contact: Charles Ernst (928) 635-8317.

EIS No. 040096, Draft EIS, DOE, IL, Low Emission Boiler System Proof-of-Concept Project, Construction and Operation of a 91-Megawatt Electric Power Plant, Elkhart, Logan County, IL, Comment Period Ends: 4/19/2004, Contact: Lloyd Lorenzi (412) 386-6159

EIS No. 040097, Final EIS, USN, CA, China Lake Naval Air Weapons Station, Proposed Military Operational Increases and Implementation of Associated Comprehensive Land Use and Integrated Natural Resources Management Plans, Located on the North and South Ranges, Inyo, Kern and San Bernardino Counties, CA, Wait Period Ends: 4/5/2004, Contact: John O'Gara (976) 939-3614.

EIS No. 040098, Draft EIS, FHW, IN, US-31 Improvement from Plymouth to South Bend, Running from Southern Terminus at US-30 to Northern Terminus at US-20, Marshall and St. Joseph Counties, IN, Comment Period Ends: 4/26/2004, Contact: Matt Fuller (317) 226-5234.

EIS No. 040099, Final EIS, FHW, OR, South Medford Interchange Project, Interchange Project, Relocation on 1-5 (Pacific Highway) south of its current location at Barnett Road, Funding, Jackson County, OR, Wait Period Ends: 4/5/2004, Contact: John Gernhauser (503) 399-5749.

EIS No. 040100, Final EIS, COE, SD, NE, IA, MO Missouri River Master Water Control Manual Review and Update, Mainstem Reservoir System, New and Updated Information, Missouri River Basin, SD, NE, IA and MO, Wait