

Act (NEPA) of 1969 and the Council on Environmental Quality Regulations (40 CFR, Parts 1500–1508) implementing the procedural provisions of NEPA, the United States Department of the Navy (Navy) gives notice that a draft Supplement to the Programmatic Environmental Assessment (Supplemental PEA) has been prepared to evaluate the environmental impacts associated with implementation of the 2006 Rim of the Pacific (RIMPAC) exercises. RIMPAC 2006 is scheduled to be conducted from about June 26 to July 28, 2006. The United States National Marine Fisheries Service (NMFS), National Atmospheric and Oceanic Administration (NOAA), Department of Commerce, is a cooperating agency in the preparation of this draft Supplemental PEA.

**DATES:** Written comments on the draft EA are requested not later than February 21, 2006. Comments should be specific as possible. Comments should be mailed to: Commander, U.S. Pacific Fleet (N01CE1), 251 Makalapa Drive, Pearl Harbor, HI 96860. For additional information, write to the above address or call Pacific Fleet Environmental Office at 808-474-7836.

**ADDRESSES:** Copies of the Supplemental PEA addressing the proposed action are available by written request to the above address. Copies of the draft Supplemental PEA are also available for public review at the project Web site at <http://www.smdcen.us/rimpac06/>. In addition, the document may be reviewed at the following locations:

1. Wailuku Public Library, 251 High Street, Wailuku, HI 96793 (Maui).
2. Hilo Public Library, 300 Waianae Avenue, Hilo, HI 96720.
3. Hawaii State Library, Hawaii and Pacific Section Document Unit, 478 South King Street, Honolulu, HI 96813 (Oahu).
4. Lihue Public Library, 4344 Hardy Street, Lihue, HI 96766 (Kauai).

**FOR FURTHER INFORMATION CONTACT:** Pacific Fleet Environmental Office at 808-474-7836 or write to Commander, U.S. Pacific Fleet (N01CE1), 251 Makalapa Drive, Pearl Harbor, HI 96860.

**SUPPLEMENTARY INFORMATION:** RIMPAC has been conducted at various locations throughout the State of Hawaii and surrounding ocean areas biennially for the last 36 years. The purpose of RIMPAC is to implement a selected set of exercise activities that are combined into a multinational, sea control/power projection Fleet training exercise in a multi-threat environment. RIMPAC exercises enhance the abilities of a multinational Fleet force to communicate and operate in simulated

hostile scenarios. In 2002, a Programmatic EA (PEA) was prepared in support of the RIMPAC exercises. The PEA identified the Proposed Action as the set of exercises and locations that would be used for RIMPAC activities for the foreseeable future. It identified the maximum usage of ongoing training assets and exercises that could be conducted within a given RIMPAC event and evaluated the impacts on the environment within those bounds. The FONSI for the RIMPAC PEA, signed June 11, 2002, concluded that as long as future RIMPAC exercises did not exceed the evaluated set of activities, the Proposed Action could be implemented without supplemental NEPA documentation. Thus, the scope of each future RIMPAC exercise has been evaluated for any emergent science affecting impact analysis and for consistency with the 2002 RIMPAC PEA and its FONSI.

The 2006 Supplement to the 2002 RIMPAC PEA was prepared to evaluate additional training event locations and to review all proposed RIMPAC 2006 activities to the analysis in the 2002 RIMPAC PEA and a 2004 Supplement to ensure all proposed activities are addressed. The review included an evaluation of: training levels (personnel and equipment) and types of equipment; facilities and procedures for implementing RIMPAC at each installation or range; and changes in the affected environment or environmental sensitivities. In addition, the 2006 Supplemental PEA also includes a description of the Antisubmarine Warfare (ASW) operations, and the ASW acoustic effects modeling completed for RIMPAC 2006.

The only change being proposed is the location for conducting the Non-Combatant Evacuation Operation (NEO) at the Pacific Missile Range Facility (PMRF) and Niihau. No new training events are proposed. The NEO training event locations at PMRF and Niihau, when added to the Proposed Action assessed in the RIMPAC PEA and 2004 Supplement, form the Proposed Action for the purpose of the draft 2006 Supplemental PEA.

Accordingly, the analysis conducted in the draft Supplemental PEA focused on the following resources: terrestrial and marine environments and cultural resources. Specifically, the 2006 Supplemental PEA includes analysis related to mid-frequency active sonar based on application of emergent science. Long-term studies of the quantification and effects of exposure of marine mammal species to acoustic emissions are progressing, and Navy, in coordination with the NMFS, is

incorporating the results into this Supplemental PEA. The Antisubmarine Warfare (ASW) training events being analyzed are not new and have taken place with no significant changes over the previous 19 RIMPAC exercises. However, new scientific information has led to the ability to quantitatively identify harassment levels, as defined in the Marine Mammal Protection Act (MMPA), through the use of newly derived threshold criteria metrics. Additionally, scientific advances in effects-analysis modeling of sound on marine mammals have provided Navy the ability to predict cumulative effects on marine species due to a proposed action. Due to these advances in scientific information, the 2006 Supplemental PEA provides an effects-analysis on marine mammals that may be affected by the RIMPAC training events that use mid-frequency active sonar.

Based on the assumptions and analyses in the draft SPEA, the proposed action appears to have no significant impacts on the environment. However, Navy will consider and incorporate public comments into the final SPEA before making a decision on the environmental significance of the proposed action. If warranted, a Finding of No Significant Impact (FONSI) will be prepared and the final Supplemental PEA and FONSI will be made available for public review on or about May 5, 2006.

Dated: January 10, 2006.

**Eric McDonald,**

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### **Notice of Intent (NOI) To Prepare an Environmental Assessment for the Use of a More Efficient Shipping Container System for Spent Nuclear Fuel From Naval Aircraft Carriers**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and the Chief of Naval Operations Environmental and Natural Resources Program Manual

(OPNAV Instruction 5090.1B), the Department of the Navy, Naval Nuclear Propulsion Program, announces its intent to prepare an Environmental Assessment (EA) on the potential environmental impacts associated with using a more efficient shipping container system for spent nuclear fuel to support refueling and defueling U.S. Navy nuclear-powered aircraft carriers at Newport News Shipbuilding and Dry Dock Company (NNS) in Virginia, and the associated rail shipment of this spent nuclear fuel to the Naval Reactors Facility (NRF) in Idaho for temporary storage.

**DATES:** Interested parties are invited to provide comments on environmental issues and concerns relative to this NOI and the scope of the EA, on or before February 21, 2006, to ensure full consideration during the completion of the EA.

**ADDRESSES:** All comments should include name, organization, and mailing address. Written comments should be addressed to Mr. Alan Denko (08U-Naval Reactors), Naval Sea Systems Command, 1240 Isaac Hull Avenue, SE Stop 8036, Washington Navy Yard, DC 20376-8036. Comments provided by E-Mail should use the following address: [snfshippingcontainer@bettis.gov](mailto:snfshippingcontainer@bettis.gov). Comments provided via phone should use this number: 1-866-369-4802.

**SUPPLEMENTARY INFORMATION:** Consistent with the Record of Decision for the April 1995 Department of Energy Programmatic Environmental Impact Statement (EIS) for Spent Nuclear Fuel Management, Naval spent nuclear fuel is shipped by rail from refueling shipyards to NRF in shipping containers meeting Nuclear Regulatory Commission (NRC) and Department of Transportation (DOT) requirements. These requirements provide for public safety and protect the environment. A new shipping container system is being proposed to provide improved support for the refueling schedules and operational needs of the U.S. Navy fleet, while continuing to provide for public safety and environmental protection. The new shipping containers would be longer than existing containers and could be used for any type of Naval spent nuclear fuel; however, their primary function would be to transport aircraft carrier spent nuclear fuel assemblies without disassembly of the spent nuclear fuel from its non-fuel structural components. Elimination of this disassembly operation at the shipyard would result in more efficient defueling/refueling operations, which are necessary to meet the current refueling schedules for the fleet in

support of national defense. The aircraft carrier spent nuclear fuel assemblies would be loaded directly into the new containers and shipped to NRF in Idaho for temporary storage and processing, which includes examination, removal of non-fuel structural components, and placement into canisters that are ready for shipment to the geologic repository. This method of direct loading of Naval spent nuclear fuel into shipping containers and removing non-fuel structural components at NRF is the same processing approach used for submarines.

The Naval Nuclear Propulsion Program's conservative design practices and stringent operating procedures have resulted in a demonstrated safety record for Naval nuclear propulsion plants with respect to operations, transportation, and handling of spent nuclear fuel. There has never been an accident resulting in personnel injury or release of radioactivity to the environment in over 1.5 million miles traveled by the Naval spent fuel shipping containers. The new longer shipping container would be designed to the same robust criteria and Federal regulations as current Naval spent nuclear fuel shipping containers. These regulations require that the shipping container meet specific criteria for protection of the public and the environment under normal transport as well as accident conditions. The new container will meet the same high standards as existing shipping containers with respect to minimizing radiation exposure to the public and workers.

The increased length of the containers would require new railcars capable of carrying containers in a horizontal position, versus the vertical position used for current container designs. The new railcars and containers would meet NRC and DOT regulations and provide equivalent safety to existing design railcars and containers used for transporting Naval spent nuclear fuel.

Construction of a new facility at NNS to support loading the longer shipping containers would be needed. Equipment used to remove and transfer the spent nuclear fuel assemblies from the ship to the new shipping container would be the same as that currently used for aircraft carrier defueling/refueling operations.

No new facilities would be needed at NRF, but minor facility modifications would be required to support unloading of the new containers and to allow for scheduled return of the containers to NNS. The return of the emptied shipping containers to NNS is needed to support defueling/refueling schedules

and to minimize the number of containers that must be procured and maintained. To support container turnaround, the Navy is evaluating the option of increasing spent fuel receiving capability at NRF to include temporary dry storage of spent nuclear fuel prior to processing. The fuel would be stored in concrete shielded overpacks in the temporary dry storage building. Operations for temporary dry storage of spent nuclear fuel prior to processing would be similar to current NRF operations for temporary dry storage after processing.

The EA will evaluate the environmental impacts associated with the new container, construction of a new shipping container loading facility at NNS, loading the shipping containers with Naval spent nuclear fuel at NNS, and transport from the shipyard to NRF. The EA will evaluate the modification of facilities at NRF, unloading the spent nuclear fuel assemblies, temporary dry storage, disassembly of the spent nuclear fuel from its non-fuel structural components, and disposal of the non-fuel structural components. The environmental impacts associated with these operations are expected to be similar to those associated with the use of existing shipping container systems. Use of the proposed new container system will not impact continued compliance with the 1995 Settlement Agreement between the U.S. Navy and the State of Idaho concerning the management of Naval spent nuclear fuel.

The EA will also address the viability of alternative actions to the proposed action to use the new longer shipping container system. These alternatives include (1) Changing the aircraft carrier defueling/refueling schedules, (2) increasing the facilities at the refueling shipyard, (3) procurement of additional shipping containers of the existing design, (4) performing some activities at other facilities, and (5) the no action alternative, continuing to use the existing shipping containers.

Dated: January 6, 2006.

**Eric McDonald,**

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## ELECTION ASSISTANCE COMMISSION

### Sunshine Act Notice; Meeting

**AGENCY:** United States Election Assistance Commission.