K890.01

SYSTEM NAME:

Freedom of Information Act File (FOIA) *(February 22, 1993, 58 FR 10608).*

SYSTEM LOCATION:

Office of the Chief of Staff, Code AD, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

Decentralized - DISA Field Activities World-wide. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who request information under FOIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of (1) Policy File which contains DOD Directive 5400.7, Availability to the Public of DOD Information, February 14, 1975; DISA Instruction 210–225–1, Availability to the Public of DISA Information March 31, 1975; USAF Regulation 12–30, Disclosure of Air Force Records to the Public, February 19, 1975; Department of Health, Education and Welfare, Public Information, contained in **Federal Register** Vol 39, Number 248, Part II, December 24, 1974; Commanders Digest, Vol 17, Number 8, Freedom of Information Actions, February 18, 1975; DOD Directive 5400.9, Publication of Proposed and Adopted Regulations Affecting the Public, December 23, 1974; and DISA Messages to Field Activities implementing the FOIA. (2) Log File which consists of a record of all written requests for information under the FOIA which have been processed within DISA since January 1, 1975. (3) Correspondence received in DISA relating to FOIA, including replies thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, as amended by Pub. L. 93–502, Freedom of Information Act; DOD Directive 5400.7, February 14, 1975, Availability to the Public of DOD Information.

PURPOSE(S):

For making available to the public the maximum amount of information concerning the operations and activities of DISA. DISA Management - to receive, process, and respond to requests for information under FOIA. Director, DISA - to review and deny requests for information under provisions of FOIA and to forward applicable correspondence to DOD when the denial may be contested or appealed.

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SYSTEM MANAGER(S) AND ADDRESS:

Civilian Assistant to the Chief of Staff, Headquarters, Defense Information Systems Agency, Code 104, 701 South Courthouse Road, Arlington, VA 22204–2199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Information Systems Agency Headquarters or Defense Information Systems Agency Field Activities in the Washington Metropolitan area should be addressed to the Civilian Assistant to the Chief of Staff, Code 104, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

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EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

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DEPARTMENT OF ENERGY

Notice of Intent To Prepare Supplemental Environmental Impact Statement Waste Isolation Pilot Plant, Disposal Phase

AGENCY: Department of Energy.

ACTION: Notice of intent to prepare a supplemental environmental impact statement.

SUMMARY: The Department announces its intent to prepare a Supplemental Environmental Impact Statement (SEIS II) for the proposed continued phased development of the Waste Isolation Pilot Plant (WIPP) for disposal of transuranic (TRU) waste. The Department will prepare the SEIS II pursuant to the National Environmental Policy Act (NEPA) of 1969, in accordance with the Council on Environmental Quality regulations for implementing the procedural provisions of NEPA and the Department's implementing procedures, and to conduct public scoping meetings.

The Department has been proceeding with the phased development of WIPP to meet its statutory responsibility to demonstrate the safe disposal of TRU waste resulting from United States defense activities.

After preparing an EIS in 1980, the Department decided in its 1981 Record of Decision to begin phased development of a research and development facility to demonstrate the safe disposal of TRU wastes in salt by constructing WIPP near Carlsbad, New Mexico. The Department prepared its first Supplemental EIS in 1990 to analyze changes in environmental impacts resulting from significant new information and changed circumstances since the 1980 EIS. In a 1990 Record of Decision, the Department decided to continue with phased development of WIPP by conducting test phase activities to demonstrate WIPP's compliance with applicable disposal regulations. Test phase activities were to have included tests with TRU waste in the excavated underground area of WIPP. In October 1993, however, the Department decided to conduct tests using radioactive wastes in above-ground laboratories rather than underground at WIPP. Some experiments to further examine the hydrologic, geologic and physical characteristics of the repository continue to be conducted underground at WIPP.

In the Record of Decision for the 1990 Supplemental EIS, the Department stated that it would prepare the SEIS II before deciding whether to proceed with the WIPP disposal phase. The Department proposes to continue phased development of WIPP to begin waste disposal in 1998. The Department is aware that a bill, H.R. 1663, has been introduced in Congress that, if enacted, could accelerate this planned schedule. The Department intends to prepare the SEIS II to further examine the environmental impacts of the proposed future phases of WIPP, including the disposal, closure, and post-closure phases.

DATES: The Department invites all interested parties to submit comments or suggestions concerning the scope of the issues to be addressed, alternatives to be analyzed, and the environmental impacts to be assessed in the SEIS II during a comment period ending September 30, 1995. All comments will be considered in preparation of the SEIS II. Written comments must be postmarked by September 30, 1995 to assure consideration. Comments postmarked after that date will be considered to the extent practicable.

The public is also invited to attend scoping meetings where comments will be received on the SEIS II. Public scoping meetings will be held on the dates and at the locations given below:

Carlsbad, New Mexico	September 7, 1995	Holiday Inn Carlsbad, 601 South Canal Street, Carlsbad, NM 88220, (505) 885–8500.
Albuquerque, New Mexico	September 12, 1995	Pyramid Holiday Inn, 5151 San Francisco Road NE., Albuquerque, NM 87109, (505) 821–3333.
Santa Fe, New Mexico	September 14, 1995	Best Western High Mesa Inn, 3347 Cerrillos Road, Santa Fe, NM 87501, (505) 473–2800.
Denver, Colorado	September 19, 1995	Denver Marriott West, 1717 Denver West Boulevard, Golden, CO 80401, (303) 273–4022.
Boise, Idaho	September 20, 1995	Red Lion Inn Riverside, 2900 Chinden Boulevard, Boise, ID 83714, (208) 343–1871.

Scoping meetings will be conducted in the afternoon and evening at the New Mexico locations. Only evening scoping meetings are planned for Denver and Boise. The hours for scoping meetings will be: 2:00 PM to 5:00 PM for the afternoon meetings and 7:00 PM to 10:00 PM for the evening meetings.

The scoping meetings will be conducted as workshops. Displays will provide an overview of the WIPP project, and Department personnel will be present to answer general questions about the project. Separate displays will explain individual aspects of the WIPP project in more detail and experts will be present to answer questions on a variety of topics, including transportation, waste handling and disposal plans, and long-term performance issues (including geology, hydrology, and health impact assessment). Additional displays and experts may be added to the presentation based on public input before the scoping meetings.

Note takers will capture the substance of public comments in the display and discussion areas. A separate area also will be available where the public can write their own comments or record them on audiotape.

Records of, and responses to, the oral and written scoping comments will be presented in the Implementation Plan for the SEIS II. The Implementation Plan will also provide guidance for preparation of the SEIS II and state the planned scope and content (10 CFR 1021.312). The Implementation Plan will be issued as soon as possible after the close of the public scoping process, but in any event before issuing the draft SEIS II.

ADDRESSES: Copies of the Implementation Plan will be provided to interested and affected members of the public upon request and will be available for inspection in the public reading room locations indicated below:

Public Library Reading Room, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004

Office of Scientific and Technical Information, Technical Information Center, Department of Energy, P.O. Box 62, Oak Ridge, TN 37831

WIPP Public Reading Room, National Atomic Museum, Albuquerque Operations Office, Department of Energy, P.O. Box 5400, Albuquerque, NM 87115

Zimmerman Library, Government Publications Department, University of New Mexico, Albuquerque, NM 87138

Carlsbad Public Library, 101 S. Halagueno Street, Carlsbad, NM 88220

Pannell Library, New Mexico Junior College, 5317 Lovington Highway, Hobbs, NM 88240

Thomas Brannigan Memorial Library, 200 E. Picacho, Las Cruces, NM 88005

Raton Public Library, 244 Cook Avenue, Raton, NM 87740

New Mexico State Library, 325 Don Gaspar, Santa Fe, NM 87503

Martin Speare Memorial Library, New Mexico Institute of Mining and Technology, Campus Station, Socorro, NM 87801

Idaho National Engineering Laboratory, Boise Office, 816 West Bannock, Suite 306, Boise, ID 83706

Shoshone-Bannock Library, Human Resources Center, Bannock and Pima, Fort Hall, ID 83203

Public Reading Room, Idaho National Engineering Laboratory Technical Library, 1776 Science Center Drive, Idaho Falls, ID 83402

University of Idaho Library, Government Document Department, University of Idaho Campus, Rayburn Street, Moscow, ID 83403

Moscow Environmental Restoration Information Office, 530 South Ashbury, Suite 2, Moscow, ID 83843

Idaho National Engineering Laboratory, Pocatello Office, 1651 Al Ricken Drive, Pocatello, ID 83201
Idaho National Engineering Laboratory, Twin Falls Office, 233 2nd Street North, Suite B, Twin Falls, ID 83301
Standley Lake Library, 8485 Kipling Street, Arvada, CO 80005
Information Center, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Building A, Denver, CO 80222–1530
Superfund Records Center, U. S. Environmental Protection Agency, 999 18th Street, 5th Floor, Denver, CO 80220
Rocky Flats Public Reading Room, Department of Energy, Front Range Community College Library, 3645 West 112th Avenue, Westminster, CO 80030
Citizens Advisory Board, 9035 N. Wadsworth Parkway, Suite 2250, Westminster, CO 80021

Comments on the scope of the SEIS II, questions concerning the Department's proposal to begin the WIPP disposal phase, and requests for copies of the Implementation Plan and/or the Draft SEIS II should be directed to the designated Carlsbad Area Office contact below.

FOR FURTHER INFORMATION CONTACT: Written questions and comments should be directed to: Harold Johnson, NEPA Compliance Officer, Attn: Scoping Comments, Mail Stop 535, Carlsbad Area Office, U.S. Department of Energy, Post Office Box 3090, Carlsbad, NM 88221.

Oral and faxed questions and comments should be directed to the SEIS II Project at the numbers below: Telephone: 1–800–336–9477, Facsimile: 1–505–224–8030.

For information on the Department's NEPA process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: 202–586–4600 or leave a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION:

Background

The ''National Security and Military Applications of Nuclear Energy Act of 1980'' (Pub.L. 96–164) authorized the Department to develop a research and development facility to demonstrate the safe disposal of radioactive waste generated by national defense activities. WIPP is intended to meet the statutory requirements of Pub.L. 96–164. Initially the WIPP mission was to include experimentation with high-level radioactive wastes, but subsequent legislation has limited the radioactive component of waste the Department proposes to place in WIPP to TRU waste.

TRU waste is waste that contains alpha particle-emitting radionuclides with an atomic number greater than that of uranium (92), half-lives greater than 20 years, and concentrations greater than 100 nanocuries per gram of waste. TRU waste is classified according to the radiation dose rate at a package surface. Contact-handled TRU waste has a radiation dose rate at a package surface of 200 millirem per hour or less; this waste can be safely handled directly by personnel. Remote-handled TRU waste has a radiation dose rate at a package surface greater than 200 millirem per hour; this waste must be handled remotely (e.g., with machinery designed to shield the handler from radiation). Alpha radiation is the primary factor in the radiation health hazard associated with TRU waste. Alpha radiation is not energetic enough to penetrate human skin but poses a health hazard if it is taken into the body (e.g., inhaled or ingested). Remote-handled TRU waste also emits gamma and/or beta radiation, which can penetrate the human body and requires shielding during transport and handling.

The Department's TRU waste inventory has resulted primarily from research and development, nuclear weapons production, and fuel reprocessing activities at Departmental sites. [Idaho National Engineering Laboratory; Rocky Flats Environmental Technology Site; the Hanford, Savannah River, Mound and Nevada Test Sites: and Los Alamos, Oak Ridge, Lawrence Livermore and Argonne (Chicago) National Laboratories have historically generated over 90 percent of the Department's TRU waste, with smaller sites generating the remainder.] Currently, about 2.6 million cubic feet of contact-handled TRU waste and about 42,000 cubic feet of remote-handled TRU waste are in retrievable storage at Departmental sites around the country. The Department projects that approximately 1.8 million additional cubic feet of contact-handled TRU waste and 127,000 cubic feet of remote-handled TRU waste will be generated through the year 2022 from continuing site activities and decontamination and decommissioning. Additional TRU waste would be generated by environmental restoration activities at Departmental sites, but the volume and characteristics of this waste that might be disposed of at WIPP are uncertain. (Decisions on the disposition of waste and contaminated media from environmental restoration activities are made on a cleanup-by-cleanup basis, and such decisions have not yet been made for many of the Department's environmental restoration activities. The Department has also not yet sufficiently characterized all of the contaminated sites to be certain as to the specific wastestreams from those cleanups.) The potential for disposal at WIPP of TRU waste from environmental restoration activities will be analyzed in the cumulative impacts section of the SEIS II as a reasonably foreseeable future action.

Before 1970, material that is now classified as contact-handled TRU waste was not segregated from low-level waste and was buried along with low-level waste. At the time of burial, the Department did not intend to retrieve that waste. Since the Atomic Energy Commission (one of the Department's predecessor agencies) adopted a policy requiring retrievable storage of certain waste containing transuranic radionuclides in 1970, Departmental TRU waste has been stored in containers so that it could be easily retrieved when future decisions were made regarding the management or disposition of this waste.

About 55 percent of the Department's current TRU waste inventory contains hazardous substances regulated under the Resource Conservation and Recovery Act and is referred to as TRU mixed waste. The fraction of TRU waste streams that is mixed waste is expected to decrease in the future due to Departmental pollution prevention activities. Under the Resource Conservation and Recovery Act, land disposal of waste containing certain listed hazardous constituents is prohibited, unless the waste is treated to substantially diminish the waste's toxicity or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized. (This prohibition, and the required treatment level, are referred to as the ''land disposal restrictions.'') The Environmental Protection Agency can grant an exemption from the land disposal restrictions if it finds that there will be no migration of hazardous constituents from the disposal unit for as long as the wastes remain hazardous (a ''no-migration exemption''). (The Department received such an exemption for the WIPP test phase.) The Department plans to submit a petition for a no-migration exemption for the WIPP disposal phase to the Environmental Protection Agency in

June 1996. As discussed further below, the SEIS II will analyze three levels of TRU waste treatment to provide for any decision the Environmental Protection Agency may make on that petition.

The Department has been proceeding with the phased development of WIPP since 1981. In the *Final Environmental Impact Statement, Waste Isolation Pilot Plant* (DOE/EIS–0026, 1980), the Department examined the environmental impacts of the WIPP and alternatives and in the 1981 Record of Decision (46 FR 9162, January 23, 1981) decided to begin construction of the WIPP facility to demonstrate the safe disposal of TRU waste in salt formations. In the following nine years, construction of WIPP surface facilities and shafts necessary for waste and salt handling and ventilation were completed, and the experimental area and a portion of the underground disposal area were excavated.

In 1990, the Department prepared the *Final Supplemental Environmental Impact Statement, Waste Isolation Pilot Plant* (DOE/EIS–0026FS, 1990), which reexamined the environmental impacts of WIPP in light of new information and changed circumstances (including a reduction in the expected volume of TRU waste, inclusion of high-curie and high-neutron waste in the TRU waste inventory, a decision not to emplace high-level waste in WIPP for experimental purposes, and changes from a vented to a non-vented TRU waste transportation package). In the 1990 Record of Decision (55 FR 25689, June 22, 1990), the Department decided to continue phased development of WIPP by conducting test phase activities to reduce uncertainties associated with performance assessment predictions that are necessary to determine whether WIPP would comply with applicable disposal regulations. Test phase activities were to have included tests with TRU waste in the underground area of WIPP. On October 21, 1993, in response to comments from the Environmental Protection Agency, the scientific community, and the public, the Department decided to conduct tests using radioactive wastes in above-ground laboratories rather than underground at WIPP. Performance assessment models based on these tests are being used to demonstrate compliance with applicable disposal regulations.

In the 1990 Record of Decision, the Department announced it would prepare this SEIS II before proceeding with the proposed waste disposal phase at the WIPP. The Department is proposing to begin the disposal phase of WIPP operations in June 1998. (The Department is aware that a bill, H.R. 1663, has been introduced in Congress that, if enacted, could accelerate disposal to March 1997.) The Department is preparing the SEIS II to provide updated information about the environmental impacts of the proposed action and alternatives.

The 1990 Record of Decision stated that the scope of the SEIS II would include an analysis of the long-term performance of WIPP in light of the information obtained during the test phase activities and a more detailed analysis of the processing and handling of TRU waste at the generator facilities. In 1992, Congress passed the ''Waste Isolation Pilot Plant Land Withdrawal Act'' (Pub.L. 102–579) (Land Withdrawal Act), which imposed additional requirements on the Department's phased development of the WIPP site. As explained more fully below, the SEIS II will also discuss these statutory changes and other changed circumstances to the extent that they could affect the environmental impacts of WIPP.

Additional changes to the Land Withdrawal Act proposed in H.R. 1663, if enacted, could further affect the scope of the SEIS II analysis.

Changed Circumstances and New Information:

Several changed circumstances since 1990 that could affect the environmental impacts of the WIPP disposal phase will be examined in the SEIS II, as part of the analysis of the proposed action or of alternatives or subalternatives to the proposed action, including the following:

- *Waste Management Programmatic EIS.* The Department is examining various options for waste management across the Departmental complex in the *Waste Management Programmatic EIS* (DOE/EIS–0200) (PEIS). The Notice of Intent was published on October 22, 1990 and an Implementation Plan was issued on December 23, 1993. The Department proposed to modify the scope of the PEIS in January 1995 (60 FR 4607, January 24, 1995). The Draft PEIS is scheduled for issuance in September 1995. The PEIS is examining alternatives for treatment, storage, and disposal of specified waste types complex-wide, including post-1970 generated TRU waste. Because the SEIS II will examine impacts of TRU waste disposal at WIPP, the PEIS does not examine those impacts. Under all of the PEIS TRU waste alternatives, disposal at WIPP of all post-1970 Department-generated retrievably-stored TRU waste is assumed for purposes of analysis.

The PEIS examines the potential environmental impacts of treating the waste to three levels: treatment to meet the planning-basis WIPP waste acceptance criteria (primarily designed to decrease waste mobility), intermediate treatment to also reduce the gas generation potential of the waste, and enhanced treatment of TRU mixed waste to also meet Resource Conservation and Recovery Act land disposal restrictions at various Departmental sites that generate TRU waste. WIPP is the only Departmental site not currently generating TRU waste that would be considered as an alternative treatment site (for contact-handled TRU waste only).

To fulfill the commitments made in the 1990 Record of Decision to examine the impacts of waste processing and handling at the generator sites, the SEIS II will summarize and incorporate by reference the PEIS analysis of the alternatives for TRU waste treatment locations that are being considered in the PEIS. The SEIS II will also include an analysis of the impacts of disposal of waste treated to meet the three treatment levels being considered in the PEIS. The information from the PEIS concerning impacts of various treatment levels at the treatment sites and the SEIS II analysis of disposal impacts at WIPP from various treatment levels will inform the Department's decision on final WIPP waste acceptance criteria.

The Department proposes to use WIPP to dispose of post-1970 retrievably-stored and newly-generated TRU waste generated by defense-related activities. For completeness, however, the SEIS II also will assess the impacts of disposing of a relatively small volume (when compared to defense-related waste) of non-defense TRU waste at WIPP, consistent with the PEIS action alternatives. The SEIS II will incorporate the PEIS analysis by reference and supplement it as appropriate. Statutory changes would be required before WIPP could dispose of non-defense generated TRU waste.

The scope of the analysis in the SEIS II will differ from that of the PEIS in several major aspects resulting from the documents' different purposes. Specifically, the SEIS II, but not the PEIS, will analyze the impacts of TRU waste disposal at WIPP. In addition, because the PEIS assumes for analytic purposes that WIPP will operate, the long-term environmental impacts of indefinite storage of TRU waste at generator sites are not included in the PEIS analysis. The PEIS no-action alternative analyzes the impacts of continued storage of TRU waste at generator sites until disposal at WIPP,

assuming that existing waste management facilities would be used. The impacts of storage for an indefinite time will be analyzed as part of the no-action alternative in the SEIS II.

• *More Generator Sites.* Ten generator sites for the majority of the Department's TRU waste were identified in the 1990 Supplemental EIS (listed under Background, above), but the Department since then has identified additional sites that generate small quantities of TRU waste that would be disposed of at WIPP. Options for managing this waste are being addressed in the PEIS (and will be incorporated by reference in the SEIS II), including treatment at the small generator sites to meet the planning-basis WIPP waste acceptance criteria and direct shipment from these sites to WIPP for disposal (which would require activities such as certification, treatment, storage, and loading for transportation to be done at each small generator site) and using one or more of the main generator sites to perform such waste management activities.

• *Less Waste.* The volumes of contact-handled and remote-handled TRU waste in retrievable storage and estimated to be generated at the generator/storage sites from continuing operations have greatly decreased since 1990, primarily because of the Department's reduced nuclear weapons production activities.

• *Land Withdrawal Act.* The Land Withdrawal Act contains provisions that could affect the environmental impacts of various WIPP alternatives. One section of the Act sets an upper limit on the volume of TRU waste (6.2 million cubic feet) and the radioactivity (5.1 million curies) of remote-handled waste that can be disposed of at WIPP. The SEIS II would examine whether these limitations would affect the previous analysis of the impacts and whether the Department may need to dispose of more waste than the Act would allow to be disposed of at WIPP. Also, the Land Withdrawal Act requires the Department to perform certain studies, including one on rail and truck transportation alternatives, one on remote-handled TRU waste, and one on waste processing and volume reduction technologies. Any new information contained in studies required by the Land Withdrawal Act will be used, as appropriate, in preparing the SEIS II.

• *WIPP Experimental Program.* The WIPP experimental program has provided additional information regarding the site, the waste, and potential interactions between the waste and the WIPP environment that are relevant to the performance of the WIPP site. To date, experimental results appear to confirm previous expectations regarding the suitability of WIPP as a TRU waste repository. Performance assessment models based on these tests are being used to demonstrate compliance with applicable disposal regulations, and will be used to provide information on waste disposal impacts in the SEIS II.

• *Waste Acceptance Criteria.* DOE has revised the planning-basis WIPP waste acceptance criteria since 1990. The revision that could potentially affect environmental impacts the most is the addition of a requirement to treat waste to eliminate corrosive characteristics. The planning-basis WIPP waste acceptance criteria could potentially change again to conform with decisions made regarding TRU waste treatment based on the analysis of treatment subalternatives in the SEIS II.

• *Transportation Routes.* The Department has made minor changes to the local portions of some of the truck transportation routes that were presented in the 1990 Supplemental EIS.

Purpose and Need For Agency Action

As discussed under Background, above, since the mid-1940s, the Department's research and development, nuclear weapons production, and fuel reprocessing activities have produced TRU waste. Continued operation of Departmental facilities, decontamination and decommissioning of defense production facilities, and environmental restoration activities (including remediation of sites where pre-1970 wastes were buried) at Departmental sites are expected to generate additional TRU waste. The Department needs to safely dispose of the accumulated TRU waste and provide for the disposal of the additional TRU waste to be generated. TRU waste emits alpha radiation for a long period of time and must be isolated from means of environmental transport (primarily air and water). Similarly, the hazardous constituents of the TRU mixed waste also pose a hazard if they are taken into the body and need to be isolated or treated to reduce exposure and its consequences. As noted above, Congress authorized the Department in Pub.L. 96–164 to develop a research and development facility to meet the Department's need for disposal. The Department also needs to examine reasonable alternatives for treatment of the TRU waste to ensure that the disposal of the waste is protective of human health and the environment.

Proposed Action

The Department's proposed action is to continue phased development of WIPP by beginning the disposal phase of TRU waste operations at the facility. Any unfinished compliance activities would continue until the Department obtains regulatory approvals needed to begin receiving waste. (Compliance activities are ongoing now, and are scheduled for completion before a decision on the WIPP disposal phase.) The remainder of the planned waste disposal area at WIPP would be excavated to accommodate the waste, as needed. (Approximately one-eighth of the planned disposal area has already been excavated.)

Under the proposed action, retrievably-stored defense-generated waste would be characterized, packaged, and certified at the generator sites to meet WIPP waste acceptance criteria (to be determined based on the analysis in the SEIS II) and then loaded into approved reusable shipping containers for transportation to WIPP by truck. When the waste arrives at WIPP, the shipping container would be unloaded and the waste containers would be inspected before being emplaced underground at WIPP.

Under the proposed action, the SEIS II will analyze the impacts of waste storage, characterization, certification, treatment, and loading at the generator sites, and of transporting TRU waste from the generator sites to WIPP. The SEIS II will also discuss mitigation and accident prevention measures and emergency response procedures to protect the safety and health of workers and the public at the generator sites and along transportation routes, and tracking of waste shipments to WIPP. Much of this analysis will have already been done in the context of the PEIS and the previous WIPP Supplemental EIS, and will be summarized and incorporated by reference, and supplemented or updated as necessary.

The impacts of waste disposal operations at WIPP also will be analyzed under this alternative in the SEIS II, including the impacts of waste receipt and waste package inspection, monitoring, emplacement, and subsequent activities associated with eventual closure, decommissioning and institutional control of the WIPP after waste disposal operations have been completed. Loss of institutional controls will also be considered.

Alternatives to the Proposed Action

The SEIS II will consider a no-action alternative that consists of continued management of TRU waste at the

generator facilities and decommissioning or other disposition of the WIPP facility. This alternative will be analyzed to provide a baseline of environmental impacts if the waste were not disposed of at WIPP. Analysis of the no-action alternative would compare the impacts of continued storage of TRU waste (including an assumed loss of institutional controls after 100 years) with the expected post-closure impacts of WIPP under the proposed-action alternative.

Subalternatives

Subalternatives of the proposed action would also be considered. The effects on the performance of WIPP as a disposal site of several TRU waste treatment subalternatives would be considered in the SEIS II to help the Department establish final WIPP waste acceptance criteria. Another set of subalternatives would address the disposal of non-defense generated TRU waste. Transportation subalternatives, including rail common carrier service and dedicated rail service, particularly for remote-handled waste, would also be reexamined in the SEIS II.

Preliminary Identification of Environmental Issues

The issues listed below have been tentatively identified for analysis in the SEIS II. This list is presented to facilitate public comment on the scope of the SEIS II. It is not intended to be all-inclusive or to predetermine the potential impacts of any of the alternatives.

(1) Potential effects on the public and on-site workers from releases of radiological and non-radiological materials during normal operations and from reasonably foreseeable accidents;

(2) Pollution prevention and waste minimization;

(3) Potential effects on air and water quality and soils, and other environmental consequences of normal operations and reasonably foreseeable accidents;

(4) Potential cumulative effects of operations at the WIPP site, including relevant impacts from other past, present, and reasonably foreseeable activities at the site;

(5) Potential effects on endangered or threatened species, other species of concern, floodplain/wetlands, and archaeological/historical sites;

(6) Effects from normal transportation and reasonably foreseeable transportation accidents;

(7) Potential socioeconomic impacts on communities surrounding WIPP and the generator sites;

(8) Environmental justice considerations;

(9) Unavoidable adverse environmental effects;

(10) Short-term uses of the environment versus long-term productivity; and

(11) Potential irretrievable and irreversible commitments of resources.

Related NEPA Documentation

NEPA documents that have been or are being prepared for activities related to WIPP include, but are not limited to, the following:

(1) Final Environmental Impact Statement, Waste Isolation Pilot Plant (DOE/EIS–0026, October 1980), and the January 23, 1981, Record of Decision (46 FR 9162) and *Final Supplemental Environmental Impact Statement, Waste Isolation Pilot Plant* (DOE/EIS–0026–FS, January 1990), and the June 13, 1990, Record of Decision (55 FR 25689). These documents provide environmental analysis and the decision rationale for earlier phases of the WIPP project.

(2) *Waste Management PEIS*. The Waste Management PEIS will analyze complex-wide waste management alternatives. The Department published the Notice of Intent to prepare the PEIS on October 22, 1990 (55 FR 42633) and issued the Implementation Plan on December 23, 1993. The Department proposed to modify the scope of the PEIS in January 1995 (60 FR 4607), and the Draft PEIS is now scheduled for issuance in September 1995. As noted above, the SEIS II will incorporate the PEIS analysis of treatment alternatives to ensure that the decision whether to proceed with the WIPP disposal phase is consistent with the programmatic decisions on locations of waste treatment facilities that may be made based on the PEIS.

(3) *Environmental Assessment for the Proposed Actinide Source-Term Test Program at Los Alamos National Laboratory* (DOE/EA–0977). This Environmental Assessment examined the site specific impacts of conducting in-laboratory waste testing at Los Alamos National Laboratory as part of the WIPP test phase activities. A Finding of No Significant Impact was issued on January 23, 1995.

(4) *Environmental Assessment for the Construction and Operation of the Carlsbad Environmental Monitoring and Research Center* (DOE/EA–1081) (in preparation). The proposed action is for the Department to continue funding operation of the Carlsbad Environmental Monitoring and Research Center by the University of New Mexico. The Center's laboratories and offices would be constructed in Carlsbad, New Mexico, adjacent to the existing New Mexico State University campus. The Center would independently monitor and analyze biological and ecological impacts from ongoing and future WIPP operations as part of its work to improve environmental monitoring techniques.

(5) *Environmental Assessment for the Construction and Operation of the Sand Dunes to Ochoa Powerline Project* (DOE/EA–1109). The Department adopted this Bureau of Land Management Environmental Assessment and Finding of No Significant Impact on May 19, 1995. This Environmental Assessment examined the impacts of constructing a Department-funded backup powerline to WIPP so that commercial electric power would not be interrupted if the single existing powerline is damaged. As part of the project, a new substation also will be constructed within the WIPP secure area to increase the electrical supply available at WIPP.

(6) The *Department of Energy Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Final Environmental Impact Statement* (DOE/EIS–0203–F, April 1995) and Record of Decision, (60 FR 2680, June 1, 1995); *Tritium Supply and Recycling Programmatic Environmental Impact Statement* (DOE/EIS–0161) (in preparation); *Long-Term Storage and Disposition of Weapons-Usable Fissile Materials Programmatic Environmental Impact Statement* (DOE/EIS–0229) (in preparation); *Environmental Impact Statement for the Continued Operation of the Pantex Plant and Associated Storage of Nuclear Weapon Components* (DOE/EIS–0225) (in preparation); *Site-wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory, Los Alamos, New Mexico* (DOE/EIS–0238) (in preparation); *Nevada Test Site and Other Off-Site Locations within the State of Nevada Site-wide Environmental Impact Statement* (DOE/EIS–0239) (in preparation); and *Rocky Flats Environmental Technology Site-wide Environmental Impact Statement, Rocky Flats Site, Golden, Colorado* (no number yet assigned) (in preparation) are among several recently completed and ongoing documents that analyze or have the potential to analyze proposals or alternatives that could generate additional transuranic waste for disposal at WIPP.

Issued in Washington, D.C., this 18th day of August, 1995.

Peter Brush,

Principal Deputy Assistant Secretary, Environment, Safety and Health.

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Energy Efficiency and Renewable Energy

Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of the Department of Energy Furnace Test Procedures From Carrier Corporation (Case No. F–079)

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: Today's notice publishes a letter granting an Interim Waiver to Carrier Corporation (Carrier) from the existing Department of Energy (DOE or Department) furnace test procedure regarding blower time delay for the company's 58UXT/330JAV, 58UHV/333BAV, 58UXV/333JAV, 58DXT/331JAV, and 58DNV/334BAV lines of induced draft furnaces.

Today's notice also publishes a ''Petition for Waiver'' from Carrier. Carrier's Petition for Waiver requests DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. Carrier seeks to test using a blower delay time of 45 seconds for its 58UXT/330JAV, 58UHV/333BAV, 58UXV/333JAV, 58DXT/331JAV, and 58DNV/334BAV lines of induced draft furnaces instead of the specified 1.5-minute delay between burner on-time and blower on-time. The Department is soliciting comments, data, and information respecting the Petition for Waiver.

DATES: DOE will accept comments, data, and information not later than September 22, 1995.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Energy Efficiency and Renewable Energy, Case No. F–079, Mail Stop EE–43, Room 1J–108, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7574.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9138

Eugene Margolis Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95–619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100–12, the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, and the Energy Policy Act of 1992 (EPAct), Public Law 102–486, 106 Stat. 2776, which requires the Department to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department amended the prescribed test procedures by adding 10 CFR 430.27 on September 26, 1980, creating the waiver process. 45 FR 64108. Thereafter, the Department further amended the appliance test procedure waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned the Department for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily, test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures, or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days, or until the Department issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On June 28, 1995, Carrier filed an Application for Interim Waiver regarding blower time delay. Carrier's Application seeks an Interim Waiver from the Department's test provisions that require a 1.5-minute time delay between the ignition of the burner and starting of the circulating air blower. Instead, Carrier requests the allowance to test using a 45-second blower time delay when testing its 58UXT/330JAV, 58UHV/333BAV, 58UXV/333JAV, 58DXT/331JAV, AND 58DNV/334BAV lines of induced draft furnaces. Carrier states that the 45-second delay is indicative of how these furnaces actually operate. Such a delay results in an overall furnace AFUE of approximately 0.6 percent point improvement. Since the Department's current test procedures do not address this variable blower time delay, Carrier asks that the Interim Waiver be granted.

The Department has published a Notice of Proposed Rulemaking on August 23, 1993, (58 FR 44583) to amend the furnace test procedure, which addresses the above issue.

Previous waivers for this type of time blower delay control have been granted by the Department of Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 56 FR 2920 January 25, 1991, 57 FR 10166, March 24, 1992, 57 FR 34560, August 5, 1992; 59 FR 30577, June 14, 1994, and 59 FR 55479, November 7, 1994; Trane Company, 54 FR 19226, May 4, 1989, 56 FR 6021, February 14, 1991, 57 FR 10167, March 24, 1992, 57 FR 22222, May 27, 1992, and 58 FR 68138, December 23, 1993; Lennox Industries, 55 FR 50224, December 5, 1990, 57 FR 49700, November 3, 1992, 58 FR 68136, December 23, 1993, and 58 FR 68137, December 1993; Inter-City Products Corporation, 55 FR 51487, December 14, 1990, and 56 FR 63945, December 6, 1991; DMO Industries, 56 FR 4622, February 5, 1991, and 59 FR