

Dated: March 6, 2003.

Gerald A. Reynolds,

Assistant Secretary for Civil Rights.

[FR Doc. 03-5999 Filed 3-12-03; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Notice of Intent to Prepare an Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center

AGENCY: Department of Energy.

ACTION: Notice of Intent.

SUMMARY: The U.S. Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA) are announcing their intent to prepare an Environmental Impact Statement (EIS) for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project (WVDP) and Western New York Nuclear Service Center (also known as the "Center"). The U.S. Nuclear Regulatory Commission (NRC), the U.S. Environmental Protection Agency (EPA), and the New York State Department of Environmental Conservation (NYSDEC) will participate as cooperating agencies under the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*). In addition, NYSDEC will participate as an involved agency under the New York State Environmental Quality Review Act (SEQRA) with respect to NYSEDA's proposed actions. DOE, under NEPA, and NYSEDA, under SEQRA, plan to evaluate the range of reasonable alternatives in this EIS to address their respective responsibilities at the Center, including those under the West Valley Demonstration Project Act (Pub. L. 96-368), Atomic Energy Act of 1954 (as amended), and all other applicable Federal and State statutes.

This EIS will revise the Draft Environmental Impact Statement for Completion of the West Valley Demonstration Project and Closure or Long-Term Management of Facilities at the Western New York Nuclear Service Center (DOE/EIS-0226-D, January 1996, also referred to as the 1996 Cleanup and Closure Draft EIS). Based on decommissioning criteria for the WVDP issued by NRC since the Cleanup and Closure EIS was published, DOE and NYSEDA propose to evaluate five alternatives: Unrestricted Site Release, Partial Site Release without Restrictions, Partial Site Release with Restrictions,

Monitor and Maintain under Current Operations, and No-Action.

DATES: DOE and NYSEDA are inviting public comments on the scope and content of the Decommissioning and/or Long-Term Stewardship EIS during a public comment period commencing with the date of publication of this Notice and ending on April 28, 2003. DOE and NYSEDA will hold two public scoping meetings on the EIS at the Ashford Office Complex, located at 9030 Route 219 in the Town of Ashford, NY, from 7 to 9:30 p.m. on April 9, 2003 and April 10, 2003.

ADDRESSES: Address comments on the scope of the Decommissioning and/or Long-Term Stewardship EIS to the DOE Document Manager: Mr. Daniel W. Sullivan, West Valley Demonstration Project, U.S. Department of Energy, WV-49, 10282 Rock Springs Road, West Valley, New York 14171, Telephone: (800) 633-5280, Facsimile: (716) 942-4199, E-mail: sonja.allen@wvnsco.com.

The "Public Reading Rooms" section under **SUPPLEMENTARY INFORMATION** lists the addresses of the reading rooms where documents referenced herein are available.

FOR FURTHER INFORMATION, CONTACT: For information regarding the WVDP or the EIS, contact Mr. Daniel Sullivan as described above. Those seeking general information on DOE's NEPA process should contact: Ms. Carol M. Borgstrom, (EH-42), Director, Office of NEPA Policy and Compliance, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586-4600, Facsimile: (202) 586-7031, or leave a message at 1-800-472-2756, toll-free.

Questions for NYSEDA should be directed to: Mr. Paul J. Bembia, New York State Energy Research and Development Authority, 10282 Rock Springs Road, West Valley, New York 14171, Telephone: (716) 942-4900, Facsimile: (716) 942-2148, E-mail: pjb@nyserda.org.

Those seeking general information on the SEQRA process should contact: Mr. Hal Brodie, Deputy Counsel, New York State Energy Research and Development Authority, 17 Columbia Circle, Albany, New York 12203-6399, Telephone: (518) 862-1090, ext. 3280, Facsimile: (518) 862-1091, E-mail: hb1@nyserda.org.

This Notice of Intent will be available on the internet at <http://tis.eh.doe.gov/nepa>, under "What's New." Additional information about the WVDP is also available on the internet at <http://www.wv.doe.gov/linkingpages/insidewestvalley.htm>.

SUPPLEMENTARY INFORMATION: DOE and NYSEDA intend to prepare a revised draft Environmental Impact Statement (EIS) for Decommissioning and/or Long-Term Stewardship at the WVDP and Western New York Nuclear Service Center to examine the potential environmental impacts of the proposed action to decommission and/or maintain long-term stewardship at the Center. The NRC, the EPA, and NYSDEC will participate as cooperating agencies under NEPA. NYSDEC will also participate as an involved agency under SEQRA with respect to NYSEDA's proposed actions. DOE, under NEPA, and NYSEDA, under SEQRA, plan to evaluate the range of reasonable alternatives in this EIS to address their respective responsibilities at the Center, including those under the WVDP Act, Atomic Energy Act of 1954 (as amended), and all other applicable Federal and State statutes.

Background

The Western New York Nuclear Service Center consists of a 3,345-acre reservation in rural western New York that is the location of the only NRC-licensed commercial spent nuclear fuel reprocessing facility to have ever operated in the United States. Reprocessing operations resulted in the generation of approximately 600,000 gallons of liquid high-level waste (HLW), which was stored in large underground tanks adjacent to the reprocessing facility. NYSEDA holds title to the Center on behalf of the people of the State of New York. (See H. Rep. No. 96-1000 at 4 (1980) reprinted in 1980 U.S.S.C.A.N 3102, 3103.)

The WVDP Act of 1980 required DOE to solidify the HLW, transport it to a Federal geologic repository, dispose of the low-level waste (LLW) and transuranic (TRU) waste generated from Project activities, and decontaminate and decommission the facilities used for the Project. The Act also authorized NRC to prescribe decommissioning criteria for the WVDP. The NRC has placed NYSEDA's NRC site license in abeyance during DOE's fulfillment of its WVDP Act requirements.

Pursuant to the WVDP Act, on October 1, 1980, DOE and NYSEDA entered into a Cooperative Agreement (amended September 19, 1981) that established a framework for the implementation of the Project. Under the agreement, NYSEDA has made available to DOE, without transfer of title, an approximately 200-acre portion of the Center, known as the "Project Premises," which includes a formerly operated spent nuclear fuel reprocessing plant, spent nuclear fuel receiving and