

combine with sediments rather than remaining dissolved in the ocean water.

Archive and scrap materials meeting the stabilization criteria of DOE Standard DOE-3013-2000 would be stored in two Type B shipping packages. There is very little risk of either an inadvertent criticality, or dispersion of plutonium in the event of an accident, because the plutonium would be incorporated in a non-dispersible ceramic material. The dose rate at 1 m from the packages would not exceed 0.1 mrem/hr, which would result in only minimal personnel exposure, and would not exceed the dose rate from storage of archive and scrap materials as anticipated in the SPD EIS, which is estimated to be 0.15 mrem/hr at 1 m.

Both the Storage & Disposition PEIS (at Section G.1.2.6) and the SPD EIS (at Section L.6.5) acknowledged that a threat could be presented by sabotage or terrorism, and concluded that adequate safeguards are in place to meet such a threat. Although the likelihood of an attempted act of sabotage or terrorism occurring is not precisely knowable, the chance of success of any such attempt was judged to be very low, particularly in light of the transport methods to be employed by DOE in these shipments, which are designed specifically to afford security against sabotage or terrorism, as well as safety in the event of an accident. In preparing the SA, DOE again considered sabotage or terrorism and determined that adequate safeguards remain in place to meet such threats.

Based on these analyses, DOE/NNSA has determined that the potential environmental impacts associated with lead assembly fabrication in France are within the impacts evaluated in the Storage and Disposition PEIS and the SPD EIS. Fabricating lead assemblies at existing MOX fuel fabrication facilities in France would not constitute significant new circumstances or information relevant to environmental concerns and bearing on the previously analyzed action or its impacts either in the United States or affecting the global commons. Therefore, pursuant to 10 CFR 1021.314(c), no additional NEPA analysis is required by DOE/NNSA in order to fabricate MOX fuel lead assemblies in France.

V. Response to Public Comments

DOE has received letters requesting that it prepare a supplemental EIS on the fabrication of lead assemblies in Europe. These requests convey concerns that public safety is put at risk by the proposal to fabricate MOX fuel lead assemblies in Europe. In particular, concerns have been expressed about the

transportation of plutonium to and from Europe and the safety of the facilities in France. One letter received by DOE alleges that the proposal to fabricate lead assemblies in Europe has not been analyzed in an EIS, and therefore that an SA is not an appropriate document in which to analyze the proposal.

DOE disagrees with the last assertion. Fabrication of MOX fuel assemblies in Europe was specifically analyzed in the Storage and Disposition PEIS. In that evaluation, the transportation impacts of fabricating the entire 50 metric tons of surplus plutonium in Europe (as opposed to the current proposal to use up to 0.14 metric tons to fabricate four lead assemblies) was analyzed. The Storage and Disposition PEIS was issued for public review and comment in accordance with NEPA requirements. DOE/NNSA believes that this afforded the public ample opportunity to comment on fabrication of MOX fuel in Europe.

As the analysis presented in the SA makes clear, the potential environmental impacts associated with lead assembly fabrication in Europe are within the impacts evaluated in the Storage and Disposition PEIS and the SPD EIS. In this analysis, particular attention has been given to the impacts of transportation. As part of this analysis, the SA evaluates impacts of activities that affect the global commons outside the jurisdiction of any one nation. The SA does not address the impacts of the proposal in France, however, because DOE believes that it is neither required nor appropriate under NEPA to evaluate the safety or environmental impacts of an activity within and under the jurisdiction and control of another sovereign nation. Nevertheless, DOE wishes to emphasize that the transportation activities and facilities in France will be government-licensed and conducted and operated under strict standards. Accordingly, DOE/NNSA has concluded that preparation of a supplemental EIS is not needed.

VI. Amended Decision

DOE/NNSA will use U.S. surplus plutonium from LANL to fabricate up to four mixed oxide fuel lead assemblies in France on a one-time basis. The plutonium oxide will be transported overland from LANL to Charleston NWS,⁵ and then shipped across the Atlantic Ocean to Cherbourg, France.

⁵ However, if Charleston Naval Weapons Station is not available to support the schedule, either Yorktown Naval Weapons station or Naval Station Norfolk could be used for both the outbound and return shipments, after appropriate notifications and agreements have been made.

The plutonium oxide will be fabricated at existing facilities in France (Cadarache and MELOX). After fabrication, lead assemblies and archive and scrap materials will be returned to the United States through Charleston NWS.

Consistent with decisions in the January 2000 ROD for the SPD EIS, these lead assemblies will be transported to Catawba⁶ for irradiation, and selected rods from the irradiated lead assemblies will be transported to ORNL for post-irradiation examination. Archive and scrap materials will be stored at LANL. This decision will allow DOE to fabricate lead assemblies on a schedule compatible with DOE's MOX fuel fabrication schedule.

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DEPARTMENT OF ENERGY

Bonneville Power Administration

Fish and Wildlife Implementation Plan

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of availability of Record of Decision (ROD).

SUMMARY: This notice announces the availability of BPA's ROD to adopt the Preferred Alternative (PA 2002) Policy Direction in its Fish and Wildlife Implementation Plan Environmental Impact Statement (FWIP EIS, DOE/EIS-0312, April 2003). BPA has decided to adopt this Preferred Alternative as a comprehensive and consistent policy to guide the implementation and funding of the agency's fish and wildlife mitigation and recovery efforts. PA 2002 focuses on enhancing fish and wildlife habitat, modifying hydro operations and structures, and reforming hatcheries to both increase populations of listed fish stocks and provide long-term harvest opportunities. PA 2002 reflects fish and wildlife policy guidance for the Pacific Northwest region and considers extensive public input. It is also consistent with the fish and wildlife component of BPA's earlier Business

⁶ The plants' refueling schedules determine availability for lead assembly use. Duke Power Company submitted a license amendment request to the NRC for Catawba. However, if needed, McGuire could also be used, provided a license amendment request was submitted and approved.