HQ USAF/XOO–CA, 1480 Air Force Pentagon, Washington DC 20330–1480.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call (703) 697–5967.

Title, Associated Form, and OMB Number: Civil Aircraft Certificate of Insurance, DD Form 2400, OMB Number 0701–0050; Civil Aircraft Landing Permit, DD Form 2401, OMB Number 0701–0050; and DD Form 2402, Civil Aircraft Hold Harmless Agreement, OMB Number 0701–0050.

Needs and Uses: The collection of information is necessary to ensure that the security and operational integrity of military airfields are maintained; to identify the aircraft operator and the aircraft to be operated; to avoid competition with the private sector by establishing the purpose for use of military airfields; and to ensure the US Government is not held liable if the civil aircraft becomes involved in an accident or incident while using military airfields, facilities, and services.

Carolyn A. Lunsford,

Air Force Federal Register Liaison Officer.

[FR Doc. 97–11267 Filed 4–30–97; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

DEPARTMENT OF ENERGY

Second Record of Decision for a Dry Storage Container System for the Management of Naval Spent Nuclear Fuel

SUMMARY: Pursuant to section 102(2) of the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality regulations implementing NEPA procedures, 40 CFR Parts 1500–1508; Chief of Naval Operations Environmental and Natural Resources Program Manual, OPNAV Instruction 5090.1B; and the Department of Energy NEPA regulations (10 CFR Part 1021); the Department of the Navy and the Department of Energy, as a Cooperating Agency, announce their decisions regarding the location of temporary dry storage facilities for naval spent nuclear fuel and special case waste at the Idaho National Engineering and Environmental Laboratory (INEEL). The need for these decisions was identified in the final Environmental Impact Statement for a Container System for the Management of Naval Spent Nuclear Fuel (EIS) dated November 1996. The Department of Energy (DOE), which participated as a cooperating agency, formally adopted that final EIS on October 9, 1996 (designated as DOE/EIS–0251). The need for the decisions was also identified in the first Record of Decision (ROD) (62 FR 1095, January 8, 1997) for that EIS, in which the Department of the Navy and the Department of Energy announced their decision regarding selection of a dual-purpose canister system for the loading, storage, transport, and possible disposal of naval spent nuclear fuel following examination.

In this second ROD, the Navy and DOE announce their decision that the naval spent nuclear fuel which is, or which will be, stored at the Idaho Chemical Processing Plant (ICPP) will be loaded into dual purpose canisters at the Naval Reactors Facility (NRF). Both the ICPP and the NRF are located on the INEEL in southeastern Idaho. The Navy and DOE also announce the additional decision that all dual purpose canisters loaded with naval spent nuclear fuel and special case waste will be stored at a site adjacent to the Expended Core Facility (ECF) at the NRF. The storage of these canisters containing naval spent nuclear fuel at the NRF will occur regardless of whether the contained fuel had previously been stored at the ICPP, or had been received at INEEL before or after the dry storage facility at the NRF commenced operations. This Record of Decision neither decides nor presumes that naval special case waste will be shipped to a geologic repository or a centralized interim storage facility as will naval spent nuclear fuel.

ADDRESSES: Copies of the final EIS and other information related to this second Record of Decision or the first Record of Decision are available in the public reading rooms and libraries identified in the Navy's **Federal Register** notice that announced the availability of the Final EIS (61 FR 59423, November 22, 1996). For further information on the Navy's utilization of a dry storage container system for naval spent nuclear fuel, or to receive a copy of the final EIS and the first ROD, contact William Knoll, Department of the Navy, Code NAVSEA 08U, 2531 Jefferson Davis Highway, Arlington, VA 22242–5160, (703)603–6126. For information on the DOE's NEPA process, please 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, (202)586–4600 or leave a message at 1–800–472–2756.

Introduction

More than 40% of the Navy's principal combatant warships are nuclear powered. Since 1955, U.S. nuclear powered warships have steamed safely more than one hundred ten million miles and accumulated over 4,800 reactor years of safe operation. Continued operation of the Navy's nuclear powered warships remains a vital element of the Navy's ability to fulfill its national security mission in support of our nation's defense.

The Navy creates spent nuclear fuel through the operation of its nuclear powered warships and training reactors. When a warship is refueled for continued service or is defueled because it is being inactivated, its spent nuclear fuel is removed at a shipyard. Similarly, naval spent nuclear fuel is removed from afloat and land-based training reactors when they are refueled or deactivated. In all cases, the naval spent nuclear fuel is transported to the INEEL in southeastern Idaho where it is examined at the Expended Core Facility (ECF) located at the Naval Reactors Facility (NRF). This examination is essential to verify the performance of current naval nuclear fuel and to support the effort to design naval fuel with longer lifetimes. After examination, the naval spent nuclear fuel is transferred to the Idaho Chemical Processing Plant (ICPP) for storage in water pools pending final disposition. Currently, there are approximately 13 metric tons of heavy metal of naval spent nuclear fuel at the INEEL. A total of approximately 65 metric tons of heavy metal of naval spent nuclear fuel will exist by the year 2035.

The Navy is committed to ensuring that post-examination naval spent nuclear fuel is managed in a fashion which: (1) facilitates ultimate safe shipment to a permanent geologic repository or centralized interim storage facility outside the State of Idaho once one becomes available; (2) protects the environment while being temporarily stored at the INEEL; (3) is consistent with the DOE Programmatic Spent Nuclear Fuel Management and INEL Environmental Restoration and Waste Management Programs Final Environmental Impact Statement (April 1995) and Records of Decision dated May 30, 1995 and February 28, 1996; and (4) complies with the Settlement Agreement/Consent Order among the State of Idaho, the DOE, and the Navy, which is discussed in this Record of Decision under LEGAL AND REGULATORY CONSIDERATIONS.

Until a geologic repository or centralized interim storage facility

outside the State of Idaho (discussed in Section 2.8.2 of the final EIS) is available, the Navy is committed to a number of actions to ensure uninterrupted operation of the Navy's nuclear powered fleet. These actions include transfer of all naval spent nuclear fuel at the INEEL out of wet storage facilities into dry storage, completion of a Dry Cell expansion project at the ECF, completion of Hot Cell facility upgrades at the ECF, construction of an ECF dry storage container loading station, and performance of certain environmental restoration work at the NRF. The high integrity and rugged nature of naval spent nuclear fuel make it exceptionally well suited for safe transport, storage, and ultimate disposal after service. It is expected that the naval spent nuclear fuel will be stored at the INEEL until the time that a geologic repository or centralized interim storage facility is ready to accept it, and in any event not later than 2035.

To aid in determining the dry storage container system to be used in managing naval spent nuclear fuel, the Department of the Navy, with the Department of Energy (DOE) participating as a cooperating agency, prepared the final Environmental Impact Statement for a Container System for the Management of Naval Spent Nuclear Fuel (EIS) dated November 1996 (61 FR 59435, November 22, 1996). (The Department of Energy formally adopted that final EIS and designated it as DOE/EIS–0251.) In the first Record of Decision (ROD)(62 FR 1095) for that EIS, the Department of the Navy and the Department of Energy, as a cooperating agency, announced their decision regarding selection of a dual-purpose canister system for the loading, storage, transport, and possible disposal of naval spent nuclear fuel following examination. The EIS and the first ROD identified that a decision was still needed on the location(s) for the loading, into dual purpose canisters, of that naval spent nuclear fuel which is, or which will be, stored at the Idaho Chemical Processing Plant (ICPP). Those documents further stated that a decision was also needed on the location(s) for temporary storage of the dual purpose canisters loaded with naval spent nuclear fuel and special case waste.

Decisions

The Navy and DOE have determined the location where naval spent nuclear fuel which is, or which will be, stored at the ICPP will be loaded into dual purpose canisters, and the location where all dual purpose canisters loaded with naval spent nuclear fuel and special case waste will be temporarily stored prior to the naval spent nuclear fuel being shipped to a permanent geologic repository or centralized interim storage facility outside of the State of Idaho when one becomes available. In this second Record of Decision, the Navy and DOE announce the decision to load the naval spent nuclear fuel which is, or which will be, stored at the ICPP, into dual purpose canisters at the Naval Reactors Facility (NRF). Both the ICPP and the NRF are located on the INEEL in southeastern Idaho. The Navy and DOE also announce the additional decision that all dual purpose canisters loaded with naval spent nuclear fuel and special case waste will be stored at a developed area on the INEEL site to the east of the Expended Core Facility (ECF) at the NRF. This storage of canisters loaded with naval spent nuclear fuel at the NRF will occur regardless of whether the fuel had previously been stored at the ICPP, or had been received at INEEL before or after the dry storage facility at the NRF commenced operations. This location offers several important advantages, including immediate proximity to existing fuel handling facilities, rail access, and trained personnel. In addition, use of the site adjacent to ECF eliminates the need to develop previously undisturbed areas. Development of these undisturbed sites would incur increased adverse environmental impacts while offering no technical or other advantage. This Record of Decision neither decides nor presumes that naval special case waste will be shipped to a geologic repository or a centralized interim storage facility as will naval spent nuclear fuel.

When evaluating options for the above decisions, the Navy and DOE considered existing facilities at INEEL and currently undeveloped locations potentially not above the Snake River Aquifer. The technical feasibility of building a dry storage facility within INEEL at a point removed from above the Snake River Plain Aquifer was considered in the final EIS. Only two potential locations were identified, one along the west boundary of INEEL and the other in the northwest corner of the INEEL reservation. However, analyses in the final EIS indicate that neither of these locations is hydrologically removed from above the Snake River Plain and both would be closer to seismic faults than existing INEEL facilities. The State of Idaho, in its comments on the Final Environmental Impact Statement for a Container System for the Management of Naval Spent Nuclear Fuel, agreed that the seismic disadvantages of these locations would, in all probability, eliminate them from further consideration.

In addition, both of these locations are technically less desirable than locations at the NRF and the ICPP. A facility located at either of these remote sites would be closer to the site boundaries (approximately 1 mile from the INEEL boundary at its closest point) and the local population than existing INEEL facilities. Environmental impacts would result from construction of a road and possibly a rail spur to the location as well as construction of facilities at the location. An evaluation of these areas indicates that the development of a dry storage facility at either of these remote locations might have a greater impact on Native American cultural resources and ecological resources than providing for dry storage at a previously developed site adjacent to the ECF at the NRF or at an ICPP site.

A number of factors were considered in evaluating potential sites at the NRF and the ICPP for loading of naval spent nuclear fuel into canisters and the storage of the loaded canisters. These factors included: (1) The effort required for the Navy to achieve compliance with quality assurance requirements, such as verification of individual spent fuel unit identity and condition, recording of each spent fuel unit's permanent location in a storage canister, and the control of the resultant records; (2) minimization of the number of organizations needing to interact in connection with obtaining certifications for transportation of canisters loaded with naval spent nuclear fuel and for the acceptability of those loaded canisters for placement in a permanent geologic repository or a centralized interim storage facility outside the State of Idaho when one becomes available; (3) simplicity of procedures and facilities involved in loading and storage of the canisters; (4) operational flexibility, since facilities which would be built at ECF to accommodate the return of naval spent nuclear fuel from the ICPP for loading into dry storage canisters would be more easily used to support possible future emergent naval spent nuclear fuel loading or unloading/reloading needs than facilities which had been built at the ICPP; (5) the potential for delays and emergent problems caused by performing dry storage canister loadings of both naval and non-naval spent nuclear fuel at a single facility; (6) the amount of handling of the naval spent nuclear fuel required; (7) cost; (8) the time needed to load the existing inventory of naval spent nuclear fuel into dry storage canisters; (9) environmental

consequences, which were similar and small for both the NRF and the ICPP sites, thus both would be environmentally preferred to the remote undeveloped sites considered; and (10) the expected condition of the naval spent nuclear fuel which would be handled in the loading process. The evaluations of these factors supported the selection of the NRF as the location for loading the naval spent nuclear fuel from the ICPP and for storage of loaded canisters.

Mitigation

The DOE and the Navy have orders and regulations for conduct of spent nuclear fuel management operations and have adopted stringent controls for minimizing occupational and public radiation exposure. The policy of these programs is to reduce radiation exposures to as low as reasonably achievable (ALARA). Singly and collectively, these measures minimize potentially significant adverse environmental impacts from spent nuclear fuel management activities, including those associated with dry storage. The Navy and the DOE have not identified a need for additional mitigation measures.

Legal and Regulatory Considerations

The first Record of Decision for the DOE Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Final Environmental Impact Statement was published on May 30, 1995 (60 FR 28680). On October 17, 1995, the Federal District Court entered a Consent Order that resolved all issues related to the EIS raised by the State of Idaho and the Governor of Idaho. The Consent Order incorporated as requirements all of the terms and conditions of the parties' Settlement Agreement, including a reduction in the number of spent nuclear fuel shipments coming to the State of Idaho.

The settlement agreement among the State of Idaho, the U.S. Navy, and the DOE included obligations to request funding for a dry storage container loading station and to commence moving DOE spent nuclear fuel currently in water pool storage into dry storage by July 1, 2003. Proposed actions by the Navy will commence placing naval spent nuclear fuel into dry storage on a schedule consistent with that required of the DOE in the Settlement Agreement/Consent Order and will be in full compliance with the requirements of that agreement.

No on-site land use restrictions due to Native American treaty rights would exist for any of the alternatives. The INEEL site does not lie within any of the land boundaries established by the Fort Bridger Treaty.

The Department of the Navy and DOE are mandated to comply with various laws, regulations and other requirements applicable to the management of naval spent nuclear fuel. The Department of the Navy Final Environmental Impact Statement for a Container System for the Management of Naval Spent Nuclear Fuel, in Chapter 8, identifies the major applicable laws and regulations. The selected dry storage loading and temporary storage locations provide for compliance with these and other applicable laws and regulations governing actions within the Navy's and DOE's responsibilities.

Public Involvement

On October 24, 1994, the DOE published a Notice of Intent in the **Federal Register** (59 FR 53442) to prepare an EIS for a multi-purpose canister system for the management of civilian spent nuclear fuel. As part of the public scoping process, the scope of the EIS for the multi-purpose canister system was broadened to include naval spent nuclear fuel. This determination was included in the Implementation Plan whose availability was announced in the **Federal Register** on August 30, 1995 (60 FR 45147). However, DOE halted its proposal to fabricate and deploy a multi-purpose canister based system and ceased preparation of that EIS.

On December 7, 1995 the Department of the Navy published a notice in the **Federal Register** (60 FR 62828) assuming the lead responsibility for an Environmental Impact Statement evaluating container systems for the management of naval spent nuclear fuel. The Department of the Navy assumed the lead responsibility from the DOE and narrowed the focus of the EIS to include only naval spent nuclear fuel. Despite the narrowing of the focus to only naval spent nuclear fuel and the change in lead agency, the range of container alternatives being considered did not change. Thus, the EIS did not require another scoping process. The DOE participated as a cooperating agency rather than the lead agency in the preparation of the EIS.

On May 1, 1996, the Navy distributed the Draft EIS. The Navy's Notice of Availability of the Draft EIS was published in the **Federal Register** on May 14, 1996 along with the locations and dates of the public hearings. The Draft EIS was widely distributed to public officials, tribal officials, and state agencies in the areas of potential interest, as well as to individuals requesting the document. The public comment period for the EIS was originally scheduled to be 45 days, but a 15-day extension was granted based on a request from the State of Nevada. During the public comment period, six public hearings were held and both written and oral comments were received. Oral and written comments were received from 51 parties, representing: federal, state, and local agencies and officials; special interest groups; and individuals. No substantive changes to the Draft EIS were needed as a result of public comments, although several clarifications and editorial changes were made in response to comments.

A new Chapter 11 was added to the Final Environmental Impact Statement in which each comment was reprinted in its entirety, followed immediately by individual responses to each of the major points. The Environmental Protection Agency formally announced the availability of the final EIS on November 22, 1996 (61 FR 59435). The Navy also announced the availability of the final EIS on November 22, 1996 (61 FR 59423).

Approval

This Record of Decision constitutes the Navy's and The Department Of Energy's final action with regard to a location where the naval spent nuclear fuel which is, or which will be, stored at the Idaho Chemical Processing Plant will be loaded into dual purpose canisters. It also constitutes final action for a location for the temporary dry storage of all dual purpose canisters containing naval spent nuclear fuel and special case waste.

Issued in Washington, D.C. this 16th day of April 1997.

Richard Danzig,

Acting Secretary of the Navy.

Alvin L. Alm,

Assistant Secretary for Environmental Management, U.S. Department of Energy.

[FR Doc. 97–11244 Filed 4–30–97; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Director, Information Resources Management Group, invites comments on the proposed information