

(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: [sfnshippingcontainer@bettis.gov](mailto:sfnshippingcontainer@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,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 06-289 Filed 1-19-06; 8:45 am]

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## ELECTION ASSISTANCE COMMISSION

### Sunshine Act Notice; Meeting

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

**ACTION:** Notice of public meeting agenda.

**DATE AND TIME:** Thursday, February 2, 2006, 10 a.m.–1 p.m.

**PLACE:** Hyatt Regency (Valley Forge Room), 400 New Jersey Avenue, NW., Washington, DC 20001. (Metro Stop: Union Station).

**AGENDA:** The Commission will receive the following reports: Title II Requirements Payments Update; and updates on other administrative matters. The Commission will receive presentations on the following topics: Implementation of the EAC Voting System Certification Program.

This meeting will be open to the public.

**FOR FURTHER INFORMATION CONTACT:** Bryan Whitener. Telephone: (202) 566–3100.

**Ray Martinez III,**

*Vice-Chairman, U.S. Election Assistance Commission.*

[FR Doc. 06–607 Filed 1–18–06; 3:32 pm]

**BILLING CODE 6820–KF–M**

## DEPARTMENT OF ENERGY

### Emergency Order To Resume Limited Operation at the Potomac River Generating Station, Alexandria, VA, in Response to Electricity Reliability Concerns in Washington, DC

**AGENCY:** Department of Energy.

**ACTION:** Notice of emergency action.

**SUMMARY:** Pursuant to 10 CFR 1021.343, the U.S. Department of Energy is issuing this Notice to document emergency actions that it has taken, and to set forth the steps it intends to take in the future, to comply with the National Environmental Policy Act (NEPA) in the matter described in this Notice.

On August 24, 2005, Mirant Corporation, and its wholly owned subsidiary, Mirant Potomac River, LLC (collectively referred to herein as Mirant), ceased operations at its Potomac River Generating Station (the “Plant”) in Alexandria, Virginia, after modeling that it conducted indicated that the Plant’s operations were causing exceedances of the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act. On the same day, the District of Columbia Public Service Commission (DCPSC) filed with the U.S. Department of Energy (DOE or “Department”), a petition for an emergency order pursuant to section 202(c) of the Federal Power Act (FPA), asserting that the Plant’s closure reduced the reliability of the electrical

supply to much of the central business district of the District of Columbia, many federal institutions, the Georgetown area in DC, as well as other portions of Northwest DC, and the District of Columbia Water and Sewer Authority’s Blue Plains Advanced Water Treatment Plant (collectively referred to herein as the “Central DC area”), placing these electrical customers in risk of a blackout.

After an exhaustive review of the facts, and consultation with Federal and state officials responsible for environmental compliance and the private entities responsible for electricity transmission, the Secretary of the Department of Energy on December 20, 2005, issued an emergency order (the “Order”) directing the Plant’s owner, Mirant, to generate electricity at the coal-fired Plant under certain, limited circumstances. The section below on “Further Information” includes information on how to obtain paper and electronic copies of the Order.

In emergency situations such as this one, the Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Requirements of NEPA at 40 CFR 1506.11 provide that a federal agency may take an action with significant environmental impacts without observing the provisions of the NEPA regulations associated with preparing an Environmental Impact Statement (EIS). Instead, the agency should consult with CEQ to determine what alternative arrangements the agency will take in lieu of preparing a normal NEPA EIS. DOE has consulted with CEQ about alternative arrangements it will take in this matter and is publishing this notice to inform the public of those arrangements pursuant to DOE’s NEPA regulations at 10 CFR 1021.343.

Consistent with its consultation with CEQ, DOE will implement the following alternative arrangements: (1) Prepare a Special Environmental Analysis (SEA) that will examine the potential impacts from issuance of the order, and identify potential mitigation measures; (2) provide opportunities for public involvement by disseminating information related to the environmental effects of Mirant’s operations and by accepting public comment on this notice, the compliance plan Mirant submitted to DOE, and the SEA; (3) continue consultations with appropriate agencies with regard to relevant environmental issues; and (4) identify in the SEA any steps that DOE believes can be taken to mitigate the impacts from its Order.

**DATES:** Comments on this notice and on issues to be addressed in the SEA should be submitted to DOE on or before February 21, 2006.

**ADDRESSES:** Comments should be addressed to: Lawrence Mansueti, Permitting, Siting, and Analysis Division, Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119; telephone: 202–586–2588; fax: 202–586–5860; [Lawrence.Mansueti@hq.doe.gov](mailto:Lawrence.Mansueti@hq.doe.gov).

**FOR FURTHER INFORMATION CONTACT:** For further information on this Notice, to obtain paper copies of the Order and compliance plan, to submit comments on the compliance plan, or for information on the emergency activities related to the Plant, contact Mr. Mansueti at the above address. In addition, all publicly available documents, including the Order and compliance plan, are available on DOE’s Web site for this matter at [http://www.electricity.doe.gov/about/dcpsc\\_docket.cfm](http://www.electricity.doe.gov/about/dcpsc_docket.cfm) or via hyperlinks from that Web site (referred to herein as the “Mirant matter Web site”). Copies of the SEA will also be available on the DOE NEPA Web site at <http://www.eh.doe.gov/nepa/>.

For information on the DOE NEPA process, please contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119; telephone: 202–586–4600; fax: 202–586–7031; or leave a toll-free message at: 1–800–472–2756.

#### SUPPLEMENTARY INFORMATION:

##### Procedural Background

On August 19, 2005, Mirant submitted to the Virginia Department of Environmental Quality (DEQ) a computerized emissions modeling study Mirant had conducted of its Plant that indicated that emissions from the Plant caused or contributed to significant localized exceedances of the NAAQS. Also on August 19, 2005, DEQ issued a letter to Mirant which requested “that Mirant *immediately* undertake such action as is necessary to ensure protection of human health and the environment, in the area surrounding the Potomac River Generating Station, including the potential reduction of levels of operation, or potential shut down of the facility.” (emphasis in original). On August 24, 2005, Mirant shut down all five of the generating units at the Plant, and on the same day, the District of Columbia Public Service