

Dated: September 21, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091798A]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of an application for a scientific research permit (1083) and modifications to scientific research permits (994, 1025, 1058).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received permit applications from the Monterey Bay Salmon and Trout Project in Davenport, CA (MBSTP)(1083); NMFS has received applications for modifications to existing permits from: the Idaho Cooperative Fish and Wildlife Unit at Moscow, ID (994) (ICFWU), the California Department of Fish and Game, Inland Fisheries Division, Sacramento, CA (CDFG)(1025), and the U.S. Fish and Wildlife Service at Ushahka, ID (FWS)(1058).

DATES: Written comments or requests for a public hearing on any of the applications must be received on or before October 26, 1998.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

For permits 1025 and 1083: Protected Species Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404-6528 (707-575-6066).

For permits 994 and 1058: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (503-230-5400).

All documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401).

FOR FURTHER INFORMATION CONTACT: For permits 1025 and 1083: Tom Hablett, Santa Rosa, CA, (707-575-6066).

For permits 994 and 1058: Robert Koch, Portland, OR (503-230-5424).

SUPPLEMENTARY INFORMATION:

Authority

Permits are requested under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217 through 227).

Those individuals requesting a hearing on these requests for permits should set out the specific reasons why a hearing would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the below application summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species are covered in this notice: Chinook salmon (*Oncorhynchus tshawytscha*), Coho salmon (*O. kisutch*), and Steelhead trout (*O. mykiss*).

To date, protective regulations for threatened central California coast (CCC), south-central California coast (SCCC), and Snake River (SnR) steelhead under section 4(d) of the ESA have not been promulgated by NMFS. This notice of receipt of applications requesting takes of this species is issued as a precaution in the event that NMFS issues protective regulations that prohibit takes of threatened CCC, SCCC, and SnR steelhead. The initiation of a 30-day public comment period on these applications, including their proposed takes of threatened CCC, SCCC, and SnR steelhead, does not presuppose the contents of the eventual protective regulations.

New Application Received

MBSTP (1083) requests a 5-year permit for takes of adult and juvenile, threatened, CCC coho salmon, and adult and juvenile, threatened, CCC and SCCC steelhead, associated with population studies, obtaining broodstock for propagation purposes, and releasing artificially-reared juveniles into area watersheds. MBSTP will conduct a cooperative adult sampling program in Santa Cruz County. These studies are to determine: (1) population estimates; (2) hatchery to wild salmonid ratios; (3) stream utilization; and (4) genetic heritage. Adults will be trapped, measured, sampled for tissues and/or scales, marked and released (if not being retained for broodstock). Spawner surveys are also proposed, including the handling and sampling of carcasses. The

propagation program conducted at the MBSTP's Big Creek Hatchery is to rebuild depleted populations of coho salmon and steelhead to naturally self-sustaining levels. Both wild and hatchery produced adults will be used for broodstock. The control of disease, maintenance of genetic viability, and the annual releases of juveniles are in accordance with the guidance of NMFS, CDFG, and (for coho salmon) the State of California's Coho Salmon Biological Recovery Team. The coho salmon element includes the taking of broodstock from Scott and Waddell Creeks, and outplanting of fry or pre-smolts into Scott, Waddell and Gazos Creeks. The steelhead element includes the taking of broodstock from the San Lorenzo River and Scott and Waddell Creeks, and outplanting of fry or pre-smolts into watersheds of Santa Cruz and Monterey Counties.

Modification Requests Received

ICFWU requests modification 5 to scientific research permit 994. Permit 994 authorizes takes of ESA-listed adult Snake River (SnR) spring and summer chinook salmon as well as SnR fall chinook salmon for migration research. For modification 5, ICFWU requests authorization for takes of threatened, adult SnR steelhead associated with a research study. Adult steelhead that were PIT tagged as smolts would be radio tagged at Lower Granite Dam and released to determine if PIT-tagged fish will return to the original point of release. Modification 5 is requested to be valid until December 31, 1998.

CDFG requests modification 3 to permit 1025 for authorization to include an additional study site location above Knights Landing, and increase take numbers of adult and juvenile, endangered, Sacramento River winter-run chinook salmon associated with extant fish population studies in the Sacramento River. 1997-98 carcass surveys indicate that juvenile salmon emigration numbers will be significantly higher than in previous study years. Requested limits would increase the take: (1) of juveniles from 2,500 to 3,500 for Study One; (2) of juveniles from 6,000 to 12,000 for Study Two, and (3) of adult carcasses from 100 to 4,000 for Study Two. ESA-listed juvenile fish are proposed to be observed or captured, anesthetized, handled, allowed to recover from the anesthetic, and released. ESA-listed juvenile salmon indirect mortalities are also requested. Modification 3 is requested to be valid for the duration of permit 1025, which expires on June 30, 2001.

FWS requests modification 1 to scientific research permit 1058. Permit

1058 authorizes takes of adult, threatened, SR fall chinook salmon associated with research designed to determine the proportions of wild and hatchery fish in the run. For modification 1, FWS requests an increase in the take to record length information and collect scale samples. Data from the larger sample would be used to estimate age composition of the run which would provide better information for regulating Columbia River harvest. Modification 1 is requested to be valid for the duration of the permit. Permit 1058 expires on December 31, 2002.

Dated: September 18, 1998.

Kevin Collins,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF ENERGY

Supplemental Environmental Impact Statement for the Programmatic Environmental Impact Statement for Stockpile Stewardship and Management

AGENCY: Department of Energy (DOE).

ACTION: Notice of intent.

SUMMARY: The Department of Energy announces its intent to prepare and issue a Supplemental Environmental Impact Statement (SEIS) for the National Ignition Facility (NIF) portion (Volume III, Appendix I) of the Programmatic Environmental Impact Statement for Stockpile Stewardship and Management (DOE/EIS-0236; September, 1997). The SEIS is being prepared pursuant to a Joint Stipulation and Order approved and entered as an order of the Court on October 27, 1997, in partial settlement of the lawsuit *NRDC v. Peña*, Civ. No. 97-936 (SS) (D.D.C.). The scope of the SEIS was established by the Joint Stipulation and Order and will cover, "the reasonably foreseeable significant adverse environmental impacts of continuing to construct and of operating NIF at LLNL with respect to any potential or confirmed contamination in the area by hazardous, toxic, and/or radioactive materials."

FOR FURTHER INFORMATION CONTACT: For further information about this SEIS or to be placed on the document distribution list, please call, toll-free, (877) 388-4930 or call or write Charles A. Taylor as indicated below: Charles A. Taylor, Document Manager, U.S. Department of Energy, L-293, 7000 East Avenue, P.O.

Box 808, Livermore, CA 94550, Phone (925) 423-3022, Facsimile (925) 424-3755.

For information about the DOE National Environmental Policy Act (NEPA) process, please contact: Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585-0119, Phone: (202) 586-4600, Messages: (800) 472-2756, Facsimile: (202) 586-7031.

SUPPLEMENTARY INFORMATION:

I. Background

The Lawrence Livermore National Laboratory (LLNL) was established in 1952 as a multi-disciplinary research and development center, operated by the University of California for the Department of Energy. LLNL is located in Livermore, California, about 40 miles southeast of San Francisco, California. LLNL consists of two portions, the main site in Livermore and the 300 Area near Tracy, California. The NIF is being constructed at the LLNL main site.

The National Ignition Facility is a part of the DOE's development of science-based, rather than underground nuclear test-based, stewardship of the nuclear weapons stockpile. In NIF, nuclear fusion of very small amounts of hydrogen isotopes is expected to be achieved using the energy inherent in laser light. The environmental consequences of construction and operation of NIF were addressed in detail in Appendix I of the Stockpile Stewardship and Management Programmatic EIS (SSM PEIS). The SSM PEIS addressed alternative plans for DOE's defense program activities related to nuclear weapons stockpile issues at several DOE laboratories, including LLNL. The Record of Decision (ROD) for the SSM PEIS was published in the **Federal Register** on December 26, 1996 (61 FR 68014). In the ROD, DOE announced a decision to proceed with construction and operation of NIF at LLNL. Ground-breaking for NIF occurred on May 29, 1997. Construction of the NIF is on-going and is expected to be completed by October 2003.

During site excavation for NIF in September 1997, buried electrical capacitors containing polychlorinated biphenyls and other items (buried drums that on analysis contained no hazardous, toxic and/or radioactive material) were discovered at the site. Several of the capacitors had leaked, contaminating surrounding soil. The capacitors and surrounding soil were cleaned up in accordance with State and Federal regulations. The possibility of such an event was unforeseen and

therefore not addressed in the SSM PEIS. On September 22, 1997, the plaintiffs in *NRDC v. Peña* filed a motion under Rule 60(b) of the Federal Rules of Civil Procedure, in which they alleged that DOE knew but did not adequately analyze and disclose the risk of building NIF in an area that may contain buried hazardous, toxic, and/or radioactive waste. DOE denied the allegations in the plaintiffs' motion. In the Joint Stipulation and Order, which settled all claims in the plaintiffs' Rule 60(b) motion, DOE agreed to conduct a full evaluation of any potential risks to the human environment resulting from continuing to construct and operating the NIF at LLNL. Subsequent characterization activities that DOE conducted pursuant to the Joint Stipulation and Order, in order to determine if hazardous, toxic, and/or radioactive materials were buried in the northeast corner of LLNL, are complete. The results of these activities will be analyzed in the SEIS. Progress of the characterization activities was documented to the Court in the form of Quarterly Reports. These Quarterly Reports, along with a copy of the Joint Stipulation and Order is available at the LLNL Public Reading Room, East Gate Visitors Center, Greenville Road, Livermore, CA, or by calling Charles Taylor at the phone number provided at the beginning of this notice.

II. SEIS Schedule

In light of the Court's direction for the scope of this Supplemental EIS, no scoping meeting will be held. However, comments are welcome; please send comments to Charles Taylor at the address above. DOE expects to publish a Notice of Availability for the Draft SEIS in the **Federal Register** in December 1998. Public comments on the Draft SEIS will be received during a comment period of at least 45 days following publication of the Notice of Availability. The Notice of Availability will provide dates for public meetings that will be held in Livermore, California and Washington, DC approximately 30 days after the Notice of Availability is published. The draft and final SEIS will not contain any classified data.

Issued in Washington, DC on September 21, 1998.

Peter N. Brush,

Acting Assistant Secretary, Environment, Safety and Health.

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