

NATIONAL SCIENCE FOUNDATION
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ARLINGTON, VIRGINIA 22230



OFFICE OF
INSPECTOR GENERAL

31 March 1995

To: I93030011

From: [REDACTED]
Assistant Counsel to the Inspector General

Through: [REDACTED]

Subject: CLOSE-OUT [REDACTED]

The complainant has made two allegations: 1) NSF [REDACTED]
[REDACTED]

The [REDACTED] requires that an environmental impact statement [REDACTED] be prepared for major federal actions that significantly affect the human environment. In *EDF v. Massey*, 986 F.2d 528 (D.C.Cir. 1992), the D.C. Court of Appeals held that the requirements of [REDACTED] apply to U.S. government actions in [REDACTED]. Despite this, it is unclear whether the leasing of the [REDACTED] constitutes a *major* federal action that *significantly* affects the human environment. I contacted [REDACTED] an attorney in the Office of General Counsel at the National Oceanic and Atmospheric Administration ("NOAA"), and he informed me that NOAA had never prepared an environmental impact assessment or statement when leasing or purchasing a ship. In addition, I was unable to locate any cases that dealt with the application of NEPA to the government's lease or purchase of a vessel. NSF has now adopted procedures for environmental assessments on actions involving Antarctica; however, these procedures were adopted after the [REDACTED] charter had become effective. Thus, it does not appear that NSF violated any clear legal requirements by not preparing an [REDACTED] for the lease of the [REDACTED].

NSF has adopted a waste regulation which deals with the disposal of waste in Antarctica. We have received no information from the complainant or otherwise that NSF is violating this regulation or provisions of the Antarctic Treaty regarding waste disposal by ships.

As a result, this case is closed, and no further action will be taken.