

at least as stringent as the NVLAP process and further concludes that, for the FSV ISFSI, the DOELAP process is an acceptable alternative to the NVLAP process required by 10 CFR 20.1501(c).

The Environmental Assessment (EA) for the proposed transfer of SNM-2504 (62 FR 15737, April 2, 1997) considered the potential environmental impacts of transfer of the FSV ISFSI license from the existing licensee, Public Service Company of Colorado, to DOE. The proposed actions now under consideration would not change the potential environmental effects assessed in the April 2, 1997, EA. Specifically, there are no environmental impacts associated with the accreditation program for personnel dosimetry processing, which is purely an administrative function.

Alternatives to the Proposed Action

Since there are no significant environmental impacts associated with the proposed action, any alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption and, therefore, not allow use of the DOELAP accreditation program by DOE. These alternatives would have no significant environmental impacts as well.

Agencies and Persons Consulted

Officials from the State of Colorado were contacted about the EA for the proposed action and had no concerns.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 20.1501(c) so that DOE may use a DOELAP accreditation program, rather than an NVLAP program as required by existing regulations, will not significantly impact the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

This application was docketed under 10 CFR Part 72, Docket 72-9. For further details with respect to this action, see the application for an ISFSI license dated December 17, 1996, the request for exemption dated December 10, 1997, and supplement dated December 9, 1998, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20555.

Dated at Rockville, Maryland, this 19th day of February, 1999.

For the Nuclear Regulatory Commission.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

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NUCLEAR REGULATORY COMMISSION

[Docket Number 40-8904]

Sohio Western Mining Company's L-Bar Site

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final finding of no significant impact.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) proposes to amend Sohio Western Mining Company's (Sohio's) Source Material License SUA-1472, to allow alternate concentration limits (ACLs) for ground water hazardous constituents at the L-Bar uranium mill site in Cibola County, New Mexico. An Environmental Assessment (EA) was performed by the NRC staff in accordance with the requirements of 10 CFR Part 51. The conclusion of the EA was a Finding of No Significant Impact (FONSI) for this licensing action.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hooks, Uranium Recovery Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415-7777.

SUPPLEMENTARY INFORMATION:

Background

By letter of September 24, 1998, Sohio requested that Source Material License SUA-1472 be amended to allow ACLs for ground water constituents selenium and uranium at the L-Bar site. On October 26 and November 25, 1998, Sohio provided additional information that was requested by NRC staff. Based on its evaluations of the information provided, NRC staff has concluded that the ACLs proposed by Sohio are acceptable. In order to terminate the existing ground water corrective action program (CAP), the licensee must meet 10 CFR Part 40, Appendix A, Criterion 5B(5), which requires that, at the point of compliance (POC), the concentration of a hazardous constituent must not exceed the established background concentration of that constituent, the maximum concentration limits (MCLs)

given in Table 5C of Appendix A, or an alternate concentration limit established by NRC.

Summary of the Environmental Assessment

Identification of the Proposed Action

The proposed action is an amendment to SUA-1472 to allow the application of ACLs for ground water hazardous constituents selenium and uranium, at the Sohio Western Mining Company's L-Bar uranium mill tailings site, as provided in 10 CFR Part 40, Appendix A, Criterion 5B(5). NRC staff's review was conducted in accordance with the "Staff Technical Position, Alternate Concentration Limits for Title II Uranium Mills," dated January 1996.

Based on its evaluation of Sohio's amendment request, NRC staff has concluded that granting Sohio the request for ACLs will not result in significant impacts. The staff decision was based on information provided by Sohio, demonstrating that its proposed ACLs would not pose a substantial present or potential future hazard to human health and the environment, and are as low as reasonably achievable (ALARA). A review of alternatives to the requested action indicates that implementation of alternate methods would result in little net reduction of ground water constituent concentrations.

Conclusion

NRC staff concludes that approval of Sohio's amendment request to allow ACLs for ground water hazardous constituents will not cause significant health or environmental impacts. The following statements summarize the conclusions resulting from the EA:

1. Currently, all concentrations with the exception of uranium and selenium in a few POC wells will meet the established ground-water background values for the site at the POC wells.

2. Due to the attenuation capability of the formations through which the acidic ground-water plume will move, the residual amounts of uranium and selenium will be reduced to background levels that will not pose any greater health risk than that assigned to the maximum concentration limits for ground-water protection.

3. The POCs are located along the site boundary of the restricted area that will be maintained by the long-term care custodian (most likely the U.S. Department of Energy) following termination of Sohio's license for the L-Bar site.

4. Ground water use from the First Tres Hermanos Sandstone and Mancos

Shale is unlikely because of the low volume available in these units, and the already poor background water quality. Ground water used in the area is taken from deeper aquifers with better quality water and higher, sustainable well yields.

5. Additional corrective actions will have little effect on dewatering of the tailings or removal of contaminants and, therefore, will have little impact on the ground-water quality.

Because the staff has determined that there will be no significant impacts associated with approval of the amendment request, there can be no disproportionately high and adverse effects or impacts on minority and low-income populations. Except in special cases, these impacts need not be addressed for EAs in which a FONSI is made. Special cases may include regulatory actions that have substantial public interest, decommissioning cases involving onsite disposal in accordance with 10 CFR 20.2002, decommissioning/decontamination cases which allow residual radioactivity in excess of release criteria, or cases where environmental justice issues have been previously raised. Consequently, further evaluation of environmental justice concerns, as outlined in NRC's Office of Nuclear Material Safety and Safeguards Policy and Procedures Letter 1-50, Rev.1, is not warranted.

Alternatives to the Proposed Action

Since the licensee has demonstrated that the proposed ACL values will not pose substantial present or potential hazards to human health and the environment, and that the proposed ACLs are ALARA, considering practicable corrective actions, establishing other standards more stringent than the proposed ACLs was not evaluated. Furthermore, since NRC staff has concluded that there are no significant environmental impacts associated with the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated. The principal alternative to the proposed action would be to deny the requested action. The licensee evaluated various alternatives, including continuation of the CAP, and demonstrated that those alternatives would result in little net reduction of constituent concentrations. Because the environmental impacts of the proposed action and the no-action alternative are similar, there is no need to further evaluate alternatives to the proposed action.

Finding of No Significant Impact

NRC staff has prepared an EA for this action. On the basis of this assessment, NRC staff has concluded that the environmental impacts that may result from this action would not be significant, and therefore, preparation of an Environmental Impact Statement is not warranted.

The EA and other documents related to this action are being made available for public inspection at NRC's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for hearing must be filed within 30 days of the publication of this notice in the **Federal Register**. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Kennecott Energy Company (on behalf of Sohio Western Mining Company), 505 South Gillette Avenue, Gillette, Wyoming 82717-3009, Attention: John Trummel; and

(2) NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and
(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

Dated at Rockville, Maryland, this 25th day of February, 1999.

For the Nuclear Regulatory Commission.

N. King Stablein,

Acting Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

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NUCLEAR REGULATORY COMMISSION

[Docket 72-1026]

Westinghouse Electric Company Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Requirements of 10 CFR Part 72

By letter dated October 5, 1998, Westinghouse Electric Company (Westinghouse or applicant) requested an exemption, pursuant to 10 CFR 72.7, from the requirements of 10 CFR 72.234(c). Westinghouse, located in San Jose, California, is seeking Nuclear Regulatory Commission (NRC or the Commission) approval to procure materials for and fabricate seven W21 canisters, seven W74 canisters, and one W100 transfer cask prior to receipt of a Certificate of Compliance (CoC) for the Wesflex Spent Fuel Management System (Wesflex System). The Wesflex canisters and the W100 transfer cask are basic components of the Wesflex System, a cask system designed for the dry storage and transportation of spent fuel. The Wesflex System is intended for use under the general license provisions of Subpart K of 10 CFR Part 72 by Consumers Energy at the Palisades Nuclear Plant, located in Covert, Michigan, and at the Big Rock Point Nuclear Plant, located in Charlevoix, Michigan. The application for the CoC was submitted by Westinghouse to the Commission on February 3, 1998, as supplemented.

Environmental Assessment (EA)

Identification of Proposed Action

Westinghouse is seeking Commission approval to procure materials for and fabricate seven W21 canisters, seven