

individuals in the vicinity of the site that the NRC is in receipt of a revision to the Phase 2 DP, and will accept comments concerning this proposed modification to the DP and its associated environmental impacts. Comments with respect to this action should be provided in writing within 30 days of this notice and addressed to John T. Buckley, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-6607, fax number (301) 415-5398, e-mail: [jtb@nrc.gov](mailto:jtb@nrc.gov). Comments received after 30 days will be considered if practicable to do so, but only those comments received on or before the due date can be assured consideration.

### III. Opportunity To Request a Hearing

Although Kaiser is no longer a licensee subject to subpart L, "Informal Hearing Procedures for Adjudication in Material Licensing Proceedings," of NRC's rules and practice for domestic licensing proceedings in 10 CFR part 2. Discretion is being exercised in this case because of: (1) The unusually large volume of soil to be removed from the site; (2) the significant complexity of this project; and, (3) the close proximity of the site to a major population center. Whether or not a person has or intends to provide comments as set out in Section II above, pursuant to Section 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with Section 2.1205(d). A request for a hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between 7:45 a.m. and 4:15 p.m., Federal workdays; or

2. By mail, telegram, or facsimile (301-415-1101) addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Attention: Rulemakings and Adjudications Staff. Because of continuing disruptions in the delivery of mail to United States Government offices, it is requested that requests for hearing also be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101, or by e-mail to [<hearingdocket@nrc.gov>](mailto:<hearingdocket@nrc.gov>).

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

1. The applicant, Kaiser Aluminum and Chemical Corporation, 9141 Interline Avenue, Suite 1A, Baton Rouge, LA 70809-1957, Attention: Mr. J. W. Vinzant and;

2. The NRC staff, by delivery to the General Counsel, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between 7:45 a.m. and 4:15 p.m., Federal workdays, or by mail, addressed to General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Because of continuing disruptions in the delivery of mail to United States Government offices, it is requested that requests for hearing be also transmitted to the Office of the General Counsel, either by means of facsimile transmission to (301) 415-3725, or by e-mail to [ogcmailcenter@nrc.gov](mailto:ogcmailcenter@nrc.gov).

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 requester 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 Section 2.1205(h);
3. The requestor's area 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(d).

### IV. Further Information

The application for the license amendment and supporting documentation are available for inspection at NRC's Public Electronic reading Room at: <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS Accession No. for the license amendment request is ML032820302.

Dated at Rockville, Maryland, this 3rd day of November, 2003.

For The Nuclear Regulatory Commission.

#### Daniel M. Gillen,

*Chief, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 03-28183 Filed 11-7-03; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 70-143]

### Nuclear Fuel Services, Inc., Environmental Assessment and Issuance of Finding of No Significant Impact Related to Proposed Financial Assurance Exemption for the Blended Low-Enriched Uranium Preparation Facility

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Finding of No Significant Impact and Environmental Assessment.

#### FOR FURTHER INFORMATION CONTACT:

Kevin Ramsey, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T8-A33, Washington DC 20555-0001, telephone (301) 415-7887 and e-mail [kmr@nrc.gov](mailto:kmr@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to NRC Materials License SNM-124 to exempt Nuclear Fuel Services (NFS) from the financial assurance requirements in 10 CFR 70.25(f) for the proposed Blended Low-Enriched Uranium Preparation Facility (BPF) in Erwin, Tennessee, and has prepared an Environmental Assessment (EA) in support of this action. Based upon the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate, and, therefore, an Environmental Impact Statement (EIS) will not be prepared.

#### II. Environmental Assessment

##### Background

The NRC staff has received an exemption request (Ref. 1), dated October 27, 2003, to exempt NFS from the provision in 10 CFR 70.25(f)(4) limiting the use of a letter of intent to government licensees only. NFS is a non-government licensee and wishes to use a letter of intent from the U.S. Department of Energy (DOE) to guarantee part of the funds for decommissioning the BPF. NRC has received a letter from DOE (Ref. 2), dated October 20, 2003, stating its intent to reimburse the actual costs of decommissioning the BPF within the limits stated in the letter. The purpose of this document is to assess the environmental consequences of the proposed exemption.

The NFS facility in Erwin, Tennessee is authorized under SNM-124 to manufacture high-enriched nuclear reactor fuel. NFS is constructing a new complex at the Erwin site to manufacture low-enriched nuclear reactor fuel. NFS has requested an amendment to authorize operations at the BPF that will prepare low-enriched uranium solutions for use in the new complex (Ref. 3). The BPF operations will be conducted within the existing complex because that facility is already authorized to handle high-enriched material. After the high-enriched material is downblended and converted to a low-enriched uranium solution, it will be transferred from the BPF to the new complex. NFS must provide financial assurance for decommissioning the BPF before operations can be authorized.

#### *Review Scope*

The purpose of this EA is to assess the environmental impacts of the exemption request. It does not approve the request. This EA is limited to the financial assurance of proposed BPF activities at the Erwin Plant. The existing conditions and operations for the Erwin facility were evaluated by NRC for environmental impacts in a 1999 EA related to the renewal of the NFS license (Ref. 4), and a 2002 EA related to another amendment request for the Blended Low-Enriched Uranium (BLEU) Project (Ref. 5). The proposed operations at the BPF were evaluated for environmental impacts in a 2003 EA related to the BPF amendment request (Ref. 6). This assessment will determine whether to issue a FONSI or to prepare an Environmental Impact Statement (EIS). Should the NRC issue a FONSI, no EIS will be prepared.

#### *Proposed Action*

The proposed action is to grant an exemption from the requirements in 10 CFR 70.25(f)(4) and authorize NFS to use a DOE letter of intent to provide part of the financial assurance for decommissioning the BPF.

#### *Purpose and Need for Proposed Action*

The BLEU Project is part of a DOE program to reduce stockpiles of surplus high-enriched uranium. DOE has entered into an interagency agreement with the Tennessee Valley Authority (TVA) to convert 7400 kilograms of high-enriched uranium to commercial reactor fuel for a TVA nuclear power reactor. Under the interagency agreement, DOE has assumed the obligation to reimburse TVA and its contractors for the actual decommissioning costs associated with

processing the high-enriched uranium. The DOE letter of intent recognizes NFS as a TVA contractor under the interagency agreement and commits to reimbursing the actual decommissioning costs associated with processing the high-enriched uranium at NFS.

#### *Alternatives*

The alternatives available to the NRC are:

1. Approve the exemption request as submitted;
2. No action (*i.e.*, deny the exemption request).

#### *Affected Environment*

The affected environment for Alternatives 1 and 2 is the NFS site. A full description of the site and its characteristics is given in the 1999 EA related to the renewal of the NFS license (Ref. 1) and a 2002 EA related to another amendment request for the BLEU Project (Ref. 2). The NFS facility is located in Unicoi County, Tennessee, about 32 km (20 mi) southwest of Johnson City, Tennessee. The plant is about 0.8 km (0.5 mi) southwest of the Erwin city limits. The site occupies about 28 hectares (70 acres). The site is bounded to the northwest by the CSX Corporation (CSX) railroad property and the Nolichucky River, and by Martin Creek to the northeast. The plant elevation is about 9 m (30 ft) above the nearest point on the Nolichucky River.

The area adjacent to the site consists primarily of residential, industrial, and commercial areas, with a limited amount of farming to the northwest. Privately owned residences are located to the east and south of the facility. Tract size is relatively large, leading to a low housing density in the areas adjacent to the facility. The CSX railroad right-of-way is parallel to the western boundary of the site. Industrial development is located adjacent to the railroad on the opposite side of the right-of-way. The site is bounded by Martin Creek to the north, with privately owned, vacant property and low-density residences.

#### *Effluent Releases and Monitoring*

A full description of the effluent monitoring program at the site is provided in the 1999 EA related to the renewal of the NFS license (Ref. 4), a 2002 EA related to another amendment request for the BLEU Project (Ref. 5), and a 2003 EA related to the BPF amendment request (Ref. 6). The NFS Erwin Plant conducts effluent and environmental monitoring programs to evaluate potential public health impacts and comply with the NRC effluent and environmental monitoring

requirements. The effluent program monitors the airborne, liquid, and solid waste streams produced during operation of the NFS Plant. The environmental program monitors the air, surface water, sediment, soil, groundwater, and vegetation in and around the NFS Plant.

Airborne, liquid, and solid effluent streams that contain radioactive material are generated at the NFS Plant and monitored to ensure compliance with NRC regulations in 10 CFR part 20. Each effluent is monitored at or just before the point of release. The results of effluent monitoring are reported on a semi-annual basis to the NRC in accordance with 10 CFR 70.59.

Airborne and liquid effluents are also monitored for nonradiological constituents in accordance with State discharge permits. For the purpose of this EA, the State of Tennessee is expected to set limits on effluents under its regulatory control that are protective of health and safety and the local environment. On October 10, 2002, the Tennessee Air Pollution Control Board issued a discharge permit for airborne effluents from the BPF.

#### *Environmental Impacts of Proposed Action*

The proposed action will not result in the release of any chemical or radiological constituents to the environment. In addition, the proposed action will not cause any adverse impacts to local land use, biotic resources, or cultural resources.

#### *Environmental Impacts of No Action Alternative*

Under the no action alternative, NFS would have to provide financial assurance for decommissioning the BPF using another method. Obtaining another funding mechanism would cause delays and increase the costs of NFS' contract obligations for the BLEU Project.

Based on its review, the NRC staff has concluded that the environmental impacts associated with the proposed action are insignificant. Thus, the staff considers that Alternative 1 is the appropriate alternative for selection.

#### *Agencies and Persons Contacted*

On October 29, 2003, the NRC staff contacted the Director of the Division of Radiological Health in the Tennessee Department of Environment and Conservation concerning this request. On October 29, 2003, the Director responded that the Division of Radiological Health, Tennessee Department of Environment and

Conservation concurred with the draft EA.

The NRC staff has determined that consultation under Section 7 of the Endangered Species Act is not required because the proposed action is administrative in nature and will not affect listed species or critical habitat.

The NRC staff has determined that the proposed action is not a type of activity that has potential to cause effect on historic properties because it is administrative in nature. Therefore, consultation under Section 106 of the National Historic Preservation Act is not required.

#### References

Unless otherwise noted, a copy of this document and the references listed below will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

1. Nuclear Fuel Services, Inc., Letter to U.S. Nuclear Regulatory Commission, "Request for Exemption from 10 CFR 70.25(f) Requirements for Portions of the BLEU Preparation Facility at Building 333," October 27, 2003, ADAMS No. ML033030311.

2. U.S. Department of Energy, Letter to U.S. Nuclear Regulatory Commission, "Assurance of Funding for Decommissioning the Equipment and Facilities Associated with the BLEU Project at Nuclear Fuel Services, Inc. Erwin Site," October 20, 2003, ADAMS No. ML033010362.

3. Nuclear Fuel Services, Inc., Letter to U.S. Nuclear Regulatory Commission, "License Amendment Request for BLEU Preparation Facility," October 11, 2002, ADAMS No. ML023380210.

4. U.S. Nuclear Regulatory Commission, "Environmental Assessment for Renewal of Special Nuclear Material License No. SNM-124," January 1999, ADAMS No. ML031150418.

5. U.S. Nuclear Regulatory Commission, "Environmental Assessment for Proposed License Amendments to Special Nuclear Material License No. SNM-124 Regarding Downblending and Oxide Conversion of Surplus High-Enriched Uranium," June 2002, ADAMS No. ML021790068.

6. U.S. Nuclear Regulatory Commission, "Environmental Assessment and Finding of No Significant Impact for the BLEU Preparation Facility," September 17, 2003, ADAMS No. ML032390428.

### III. Finding of No Significant Impact

Pursuant to 10 CFR part 51, the NRC staff has considered the environmental consequences of amending NRC Materials License SNM-124 to exempt NFS from the financial assurance

requirements in 10 CFR 70.25(f) for the BPF. On the basis of this assessment, the Commission has concluded that environmental impacts associated with the proposed action would not be significant and the Commission is making a finding of no significant impact. Accordingly, preparation of an environmental impact statement is not warranted.

### IV. Further Information

For further details, see the references listed above. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Room O-1F21, 11555 Rockville Pike, Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Document Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, the 3rd day of November 2003.

For the Nuclear Regulatory Commission.

**Kevin M. Ramsey,**

*Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 03-28182 Filed 11-7-03; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 147th meeting on November 19-20, 2003, Dallas Ballroom D, Texas Station Hotel, 2101 Texas Star Lane, Las Vegas, Nevada.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

#### Wednesday, November 19, 2003

*10:30 a.m.-10:40 a.m.: Opening Statement (Open)*—The Chairman will open the meeting with brief opening remarks, outline the topics to be discussed, and indicate items of interest.

*10:40 a.m.-11:10 a.m.: DOE Opening Remarks (Open)*—The Committee will be welcomed and receive introductory comments from John Arthur, Deputy Director, Office of Repository Development, Department of Energy.

*11:10 a.m.-12:15 p.m.: Yucca Mountain Program Status (Open)*—The Committee will hear presentations by and hold discussions with representatives of DOE regarding the status of the development of the License Application, the Licensing Support Network, and the resolution of Key Technical Issues (KTI) including the DOE "bundling" process. In addition there will be an update on several items discussed during the Committee's 2002 visit to Nevada.

*1:30 p.m.-4:30 p.m.: Repository Design Status (Open)*—The Committee will hear presentations by and hold discussions with representatives of DOE regarding the surface facility design, pre-closure safety assessment, and other Yucca Mountain Repository design issues.

*4:45 p.m.-5:30 p.m.: DOE Approach to Drift Degradation Analyses (Open)*—The Committee will hear presentations by and hold discussions with representatives of DOE on the Department's approach to evaluating drift degradation within the Yucca Mountain geologic environment.

*5:30 p.m.-6 p.m.: Stakeholder Interactions (Open)*—The Committee will reserve this time for interactions with stakeholders and meeting participants.

#### Thursday, November 20, 2003

*8:30 a.m.-8:35 a.m.: Opening Statement (Open)*—The Chairman will make opening remarks regarding the conduct of today's sessions.

*8:35 a.m.-9:30 a.m.: Igneous Activity Status Report (Open)*—The Committee will hear presentations by and hold discussions with representatives of DOE regarding the Igneous Activity Consequence Modeling Peer Review Recommendations and the DOE path forward.

*9:30 a.m.-10 a.m.: Inyo County Carbonate Drilling Program Status (Open)*—The Committee will hear presentations by and hold discussions with representatives of Inyo County (California) regarding its deep carbonate aquifer drilling program.

*10:15 a.m.-10:45 a.m.: Nye County Early Warning Drilling Program Status (Open)*—The Committee will hear presentations by and hold discussions with representatives of Nye County regarding the status of its early warning drilling program.