NUCLEAR REGULATORY COMMISSION

[Docket No. 70–3103–ML; ASLBP No. 04–826–01–ML]

Louisiana Energy Services, L.P.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

Louisiana Energy Services, L.P. (National Enrichment Facility)

The Licensing Board is being established pursuant to a January 30, 2004, notice of hearing (CLI–04–08, 59 NRC 10(2004); (69 FR 5873 (Feb. 6, 2004))). The hearing will consider (1) a December 15, 2003, license application submitted by Louisiana Energy Services, L.P., to possess and use source, byproduct, and special nuclear material and to enrich natural uranium to a maximum of five percent U–235 by the gas centrifuge process at a facility located in Eunice, New Mexico, and (2) intervention petitions contesting the application submitted by the New Mexico Environment Department and the Attorney General of New Mexico on March 23, 2004, and April 5, 2004, respectively.

The Board is comprised of the following administrative judges:

G. Paul Bollwerk, III, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001;

Dr. Paul B. Abramson, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001;

Dr. Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 CFR 2.302.

Issued in Rockville, Maryland, this 15th day of April, 2004.

G. Paul Bollwerk, III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8084]

Finding of No Significant Impact and Notice of Availability of the Environmental Assessment Addressing A License Amendment Request To Approve Rio Algom Mining Llc's Application for Alternate Concentration Limits At Its Lisbon Uranium Mill Tailings Impoundment Located in San Juan County, UT

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability of an environmental assessment and finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Jill Caverly, 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) 415–6699 and e-mail *jsc1@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to Rio Algom Mining LLC's (Rio Algom) Source Materials License SUA–1119. The proposed action would revise groundwater protection standards from background to alternate concentration limits (ACL) at its Lisbon Uranium Mill Tailings Impoundment located in San Juan County, Utah. The licensee's application for ACLs was made pursuant to 10 CFR part 40, Appendix A, Criterion 5 B(6), by letter dated May 22, 2002, as revised by additional information sent, at the staffs request, on January 7, 2004, January 12, 2004, and February 19, 2004. This request was previously noticed in the **Federal Register** on July 24, 2002 (67FR48495), with an opportunity to provide written comments or to request a hearing.

Pursuant to the requirements of 10 CFR Part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions, the NRC has prepared an environmental assessment (EA) to evaluate the environmental impacts associated with this request. Based on this evaluation, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate for the proposed licensing action.

II. EA Summary

The EA was prepared to evaluate the environmental impacts associated with Rio Algom's application for ACLs for groundwater at its Lisbon uranium mill facility. Approving this action will result in the cessation of active groundwater remediation (pump and treat), allowing groundwater contamination at the site to migrate and naturally degrade over time and distance. ACLs for this groundwater will be protective at the site boundary. In addition, a post-remediation groundwater monitoring program will assure that protection of human health and the environment is maintained.

As indicated in the ACL application and the response to the staff's request for additional information (RAI), Rio Algom proposes the following revised standards (ACL) at the Point of Compliance (monitoring location):

Aquifer	Arsenic (mg/L)	Molybdenum (mg/L)	Selenium (mg/L)	Uranium (mg/L)
Southern	3.06	23.34	0.93	96.87
Northern	2.63	58.43	0.10	101.58

Rio Algom asserts that it has met the Federal requirements under 10 CFR part 40, Appendix A, Criterion 5 for ACLs. It has included fate and transport modeling to demonstrate that groundwater contaminant levels will degrade to acceptable levels prior to migrating to the point of exposure (POE), *i.e.,* property boundary. At this point, an exposure assessment indicates that the human dose from all viable pathways will not exceed the criteria in subpart E of 10 CFR part 20 (25 mrem/year). Additionally, a corrective action assessment indicates that the ACL approach is the only economical alternative that will be protective of human health and the environment.

The NRC staff has reviewed this request in accordance with the requirements under 10 CFR part 40,