For further information concerning this meeting, contact: Timothy J. Galpin, Assistant for CNO Executive Panel Management, 4401 Ford Avenue, Suite 601, Alexandria, VA 22302-0268, Phone: (703) 756-1205.

Dated: February 16, 1995.

L. R. McNees,

LCDR, JAGC, USN, Federal Register Liaison Officer.

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BILLING CODE 3810-FF-F

DEPARTMENT OF ENERGY

Finding of No Significant Impact Proposed Remedial Action at Two Uranium Processing Sites Near Slick Rock, CO

AGENCY: Department of Energy.

ACTION: Finding of no significant impact.

SUMMARY: The U.S. Department of Energy (DOE) has prepared an environmental assessment (EA) (DOE/EA–0339) of the proposed remedial action at two uranium processing sites near Slick Rock in San Miguel County, Colorado. These sites contain radioactively contaminated materials that would be removed and stabilized at a remote location. Based on the information and analyses in the EA, the DOE has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), as amended. Therefore, preparation of an environmental impact statement is not required, and the DOE is issuing this Finding of No Significant Impact (FONSI).

ADDRESSES: Single copies of the ea are available from: Charles Cormier, Uranium Mill Tailings Remedial Action Acting Project Manager, U.S. Department of Energy, Uranium Mill Tailings Remedial Action Project Office, 2155 Louisiana NE, Suite 4000, Albuquerque, New Mexico 87110 (505) 845–4628.

FOR FURTHER INFORMATION ON THE NEPA PROCESS, CONTACT: Carol M. Borgstrom, Director, Office of NEPA Oversight, EH–25 U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 586–4600 or 1–800–472–2756.

SUPPLEMENTARY INFORMATION:

Background

The Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, Public Law (PL) 95–604, authorized the DOE to perform remedial action at two uranium processing sites near Slick Rock, Colorado, to reduce the potential health effects from the radioactive materials at the sites and at vicinity properties associated with the processing sites. The U.S. Environmental Protection Agency (EPA) promulgated standards for the UMTRCA in Title 40, Code of Federal Regulations, Part 192 (40 CFR Part 192). These standards contain measures to control the contaminated materials and to protect groundwater quality. Remedial action at the Slick Rock sites must be performed in accordance with these standards and with the concurrence of the U.S. Nuclear Regulatory Commission (NRC) and the state of Colorado.

Site Descriptions

The Slick Rock uranium processing sites consist of the Union Carbide and North Continent sites. The Union Carbide processing site is approximately 2 road miles northwest of the unincorporated town of Slick Rock in San Miguel County, Colorado. The North Continent processing site is approximately 1 road mile east of the Union Carbide site. Both sites are on the west bank of the Dolores River in the floodplain, and the nearest residence to either site is approximately 0.3 air mile. Both the Union Carbide and North Continent sites are privately owned. Almost all the land surrounding the processing sites is administered by the Bureau of Land Management (BLM) and is used for livestock grazing. County Roads S8, S9, and 10R traverse the area of the processing sites and connect with State Highway 141 approximately 0.75 road mile south of the North Continent site.

Contaminated materials at the Union Carbide and North Continent processing sites cover approximately 55 and 12 acres, respectively. There are also 17 acres of contaminated materials across the Dolores River from the Union Carbide site. The contaminated materials consist of the uranium mill tailings from the uranium ore processing operations, soils beneath the tailings, and windblown and waterborne contamination from the tailings. The total volume of contaminated materials at both processing sites is estimated to be 618,300 cubic yards. In addition, approximately 2500 cubic yards of contaminated materials at four nearby properties (vicinity properties) are associated with the processing sites.

The proposed Burro Canyon disposal site is approximately 5 road miles east of the Slick Rock processing sites via County Roads S8 and 10R and State Highway 141. The site is above the 1000-year floodplain of the Dolores River. The disposal site is on land administered by the BLM and used primarily for livestock grazing. The town of Slick Rock is approximately 2 air miles southwest of the disposal site.

Proposed Action

The proposed remedial action is relocation of the contaminated materials from the Slick Rock processing sites to the Burro Canyon disposal site. At the disposal site, the contaminated materials would be stabilized in a partially below grade disposal cell and covered with approximately 5 feet of earth and rock. The disposal cell would cover approximately 12 acres and the final disposal site would cover approximately 57 acres. The final disposal site would be permanently transferred from the BLM to the DOE, and any future use of the disposal site would be precluded. Approximately 178 acres at the Burro Canyon site would be used for the disposal cell, final disposal site, and temporary construction facilities. Soil excavated at the disposal site would be used to construct the disposal cell; any remaining soil would be left at the disposal site, graded, and reseeded. Ground water at the disposal site would be protected by the claystones and mudstones in the geological formations below the disposal site. These natural foundation materials would inhibit any downward migration of contaminated water from the contaminated materials. The disposal cell cover system would inhibit infiltration of rainfall and runoff through the disposal cell.

After remedial action, the Slick Rock processing sites would be backfilled with clean fill material, recontoured to promote surface drainage, and revegetated. The processing sites would then be released for any uses consistent with existing land use controls. The DOE will evaluate the need for ground water compliance at the processing sites during the Uranium Mill Tailings Remedial Action (UMTRA) Ground Water Project.

The proposed remedial action includes the application of supplemental standards to approximately 17 acres of BLM-administered land across the Dolores River from the Union Carbide processing site. This area contains riparian habitat, and there is no access

to the area. Cleaning up this area would result in the destruction of riparian habitat and would be very costly because it would be necessary to construct a temporary bridge across the Dolores River. Furthermore, without the cleanup, the long-term health impacts to individuals and the general public residing in the vicinity of the area would be negligible. If this application of supplemental standards were approved by the NRC and the state of Colorado, the contamination in this area would not be cleaned up.

The remedial action would require the use of earthen and rock materials. Earthen materials would be obtained from the Disappointment Valley borrow site on BLM-administered land that is used primarily for livestock grazing. This borrow site is approximately 7 road miles east of the Slick Rock processing sites and 4.4 road miles southeast of the Burro Canyon disposal site. Approximately 65 acres would be temporarily disturbed at the Disappointment Valley borrow site, and the borrow site would be restored in accordance with the Free Use Permit issued by the BLM. Rock materials would be obtained from the Dolores River borrow site, which is on privately owned land that is used for pasture and growing hay. This borrow site is just north of the Dolores River, midway between the Slick Rock processing sites. Approximately 25 acres would be temporarily disturbed at the Dolores River borrow site and would be restored in accordance with the land use agreement negotiated between the DOE and the land owner.

The contaminated materials and borrow materials would be transported by truck between the processing, disposal, and borrow sites along County Roads S8 and 10R, State Highway 141, and a new 0.5-mile haul road from State Highway 141 to the Burro Canyon disposal site. Approximately 0.25 mile of County Road S8 crosses the southern portion of the Union Carbide processing site and would be temporarily relocated approximately 400 feet south, to allow cleanup of the processing site. Most of the land crossed by County Roads S8, S9, and 10R and the new haul road is administered by the BLM, and the use of these roads for the proposed remedial action would be authorized by rights-of-way issued by the BLM.

Remedial action is scheduled to take 19 months with two winter shutdown periods of 5 months each (mid-November to mid-April). It is estimated that the remedial action would require an average work force of 100 workers and would cost $7.5 million.

Environmental Impacts

The EA for the Slick Rock UMTRA Project sites assesses the environmental impacts that may result from the proposed remedial action and proposes mitigative measures that would reduce the severity of the impacts. This FONSI is based on the information and analyses in the EA, which are summarized below.

Supplemental Standards

The proposed remedial action includes the application of supplemental standards to one area east of the Dolores River opposite the Union Carbide processing site. If this application of supplemental standards were approved by the NRC and state of Colorado, this area would not be cleaned up. Additional areas at and adjacent to the Slick Rock processing sites may be considered for the application of supplemental standards.

Air Quality

The proposed action would have temporary minimal impacts to air quality. None of the impacts are expected to violate air quality regulations. The most important air pollutant created by the remedial action would be uncontrolled fugitive dust. Much of the fugitive dust would be produced along County Roads S8, S9, and 10R and the haul road to the Burro Canyon disposal site. An Air Pollution Emissions Notice and Emission Permit would be obtained from the state of Colorado prior to the beginning of the remedial action.

This permit would require the implementation of a dust control plan that would include measures such as covering haul trucks, treating haul roads and disturbed areas with water or chemical additives, limiting speeds on unpaved haul roads, and stopping work during windy periods. A monitoring plan to ensure that air quality standards are not exceeded would be developed by the remedial action contractor and must be approved by the state of Colorado and San Miguel County before any ground-disturbing activities are initiated.

Health Effects Related to Radiation

The proposed action would have a long-term positive impact on health by controlling and stabilizing the source of radiation. It is estimated that the proposed 19-month remedial action would result in 0.0004 total excess health effects for the general public. No action at the processing sites would result in an estimated total of 0.0001 excess health effects for the general public during the same 19 months; however, the increased risk of excess health effects would continue for thousands of years without remedial action. It is estimated that 5 years of no action at the processing sites would result in 0.0003 excess health effects for the general public. In addition, continued dispersion or unauthorized removal and use of the contaminated materials could result in greater excess health effects than those estimated for no action. The 19 months of remedial action would result in a calculated total of 0.0015 excess health effects for remedial action workers. Environmental monitoring would be performed at the processing and disposal sites and radiological control measures would be implemented to ensure that the public health is adequately and appropriately protected in accordance with DOE Order 5400.5, Radiological Protection of the Public and the Environment. Radiological exposures of remedial action workers would be controlled in accordance with DOE Order 5480.11, Radiation Protection for Occupational Workers. Operational measures that include wetting the work area, covering haul trucks, or temporarily stopping work during high winds would be implemented to reduce airborne radioactive particulate matter concentrations to below harmful levels.

Surface Water

No adverse impacts to surface water quality would occur. Cleanup of contaminated materials at the Slick Rock processing sites would result in surface disturbance; surface water runoff from disturbed areas could be contaminated. In addition, contaminated wastewater would be generated by activities such as equipment washing. The remedial action design includes the construction of drainage and erosion controls, including lined wastewater retention ponds and silt fences or berms, to prevent the discharge of contaminated water from the sites. Appropriate drainage and erosion controls would also be used at the disposal and borrow sites to prevent or minimize erosion and any associated surface water impacts. Excavation of the North Continent site would be scheduled for the dry summer months to reduce the impact caused by precipitation and runoff. The DOE would comply with all applicable state of Colorado storm water regulations. After remedial action, surface water runoff would not cause erosion of the disposal cell and transport contaminants into local surface waters because erosion-control features such as limiting the topslope of the disposal cell and the placement of rock erosion

protection are designed to withstand long-term erosive forces. Disturbed areas would be graded to promote drainage and would be revegetated when remedial actions are complete.

Ground Water

The proposed action would have a positive effect on ground water below the processing site by removing the source of contaminants. No impacts are expected to ground water below the disposal cell. The disposal cell at the Burro Canyon site is designed to control radioactive and nonradioactive contaminants in compliance with the EPA's proposed ground water protection standards. The protection of human health and the environment at the Burro Canyon disposal site would be ensured by a combination of design features and advantageous hydrogeologic conditions. There is no existing or potential use of ground water in the uppermost aquifer in the immediate vicinity of the Burro Canyon site because sustainable amounts of ground water are not available from the aquifer. The cleanup and/or control of existing ground water contamination at the Union Carbide and North Continent processing sites will be evaluated during the ground water compliance phase of the UMTRA Project.

Flora and Fauna

Flora and fauna would be affected directly and indirectly by the proposed remedial action. Direct effects would include the loss of habitat, loss of less-mobile wildlife species, and displacement of other wildlife species. Indirect effects would arise from increased fugitive dust, noise levels, and human activity. The duration of the direct effects would depend on the restoration of disturbed areas. Indirect effects would continue for the duration of the remedial action or less.

Mitigative measures to protect bighorn sheep that could be killed accidentally by haul trucks would be speed limits and driver education. Removal of water from the Dolores River would be limited to amounts that would be protective of fish and wildlife that require an adequate flow in the river.

Mineral Resources and Soils

No impacts to mineral resources would occur. Temporary impacts to soils would occur during the proposed action. Disturbed soils would undergo restoration after remedial activities are complete. Topsoils would be excavated, stored, and then replaced during restoration. A loss of mining claims on the proposed Burro Canyon disposal site would occur. The DOE would compensate valid claim holders to the extent required by law.

Threatened and Endangered Species

Impacts to fish and their critical habitat would occur as a result of the proposed action. The use of water from the Dolores River for remedial action would cause a net depletion of approximately 150 acre-feet of water in the upper Colorado River basin. This has resulted in a ''may affect'' determination for the endangered Colorado squawfish, humpback chub, bonytail chub, and razorback sucker and their critical habitat. These determinations required formal consultation with the FWS, which resulted in the identification of mitigation consisting of a one-time payment of $11.98 per acre-foot of water based on an average annual use. The funds would be used to improve conditions for endangered fish species.

The southwestern willow flycatcher has been proposed as threatened and endangered. This bird species was not present in the area of the Slick Rock processing sites in 1990, 1991, and 1994, but potential habitat for this species does occur at the sites. A survey for this species would be conducted prior to the remedial action. If it is determined that the southwestern willow flycatcher nests at or near areas that may be disturbed by the remedial action, formal consultations with the FWS would be initiated and a mitigation plan would be prepared. Similarly, surveys were conducted at the proposed disposal site for black-footed ferrets; none were found.

Floodplains and Wetlands

During the proposed remedial action at the Slick Rock processing sites, contaminated materials would be removed from the 100-year floodplain of the Dolores River. Approximately 28 and 13 acres would be disturbed within the 100-year floodplain at the Union Carbide and North Continent sites, respectively. After the remedial action, the disturbed areas would be backfilled with clean fill material to approximate the original 100-year floodplain. However, the man-made ground elevations of the tailings pile at the Union Carbide site would not be reestablished, which would increase the area of the 100-year floodplain at the site by approximately 7 acres. Remedial action at the North Continent site would not increase the size of the 100-year floodplain.

Flooding is not a hazard at the Burro Canyon disposal site. The site is above the 100-year floodplain of the Dolores River and is 60 feet higher in elevation than the closest intermittent drainage area. Remedial action activities at the Dolores River borrow site probably would occur within the 100-year floodplain of the Dolores River. Upon completion of the remedial action, the disturbed area at the Dolores River borrow site would be restored, but the area of the 100-year floodplain at the borrow site would be slightly increased. Remedial action activities at the Disappointment Valley borrow site would not occur within a 100-year floodplain.

The proposed remedial action would disturb riparian plant communities along the Dolores River. Approximately 42 acres of riparian plant communities would be disturbed at the Union Carbide and North Continent processing sites. It was determined that 10 acres of these riparian plant communities meet the USACE definition of a wetland. These wetlands are regulated by the USACE through its Section 404 Permit process, and the DOE would mitigate remedial action impacts to wetlands as determined by this process. Approximately 17 acres of riparian plant communities across the Dolores River from the Union Carbide site are contaminated but are not proposed for cleanup during the remedial action by the application of supplemental standards. The application of supplemental standards to the other 42 acres of riparian plant communities at the Union Carbide and North Continent sites would not be feasible due to the relatively high levels of contamination in these areas.

The no action alternative would leave the contaminated materials in the floodplain and wetland areas of the Dolores River and continue to adversely impact the floodplains and wetlands by not controlling the source of contamination. The proposed action involves action within the floodplain and wetland areas. Based on the Floodplain/Wetlands Assessment, the DOE has determined that there is no practical alternative to the proposed activities in the floodplain and wetlands areas and that the proposed remedial action has been designed to minimize potential harm to or within the floodplain and wetland areas.

The Floodplain/Wetlands Assessment in the EA and this Floodplain Statement of Findings were prepared pursuant to Executive Orders 11988, Floodplain Management, and 11990, Protection of Wetlands, and 10 CFR Part 1022, Compliance With Floodplain/Wetlands Environmental Review Requirements. Mitigation measures to reduce impacts to floodplain disturbance would be to backfill disturbed areas with clean fill

material to approximate the original 100-year floodplain. However, the man-made ground elevations of the tailings pile at the Union Carbide site would not be reestablished, which would increase the area of the 100-year floodplain at the processing site by approximately 7 acres. Remedial action at the North Continent site would not increase the size of the 100-year floodplain.

Historical and Cultural Resources

Two cultural resource sites, one near the Union Carbide processing site and the other near the Burro Canyon disposal site, are not expected to be affected by remedial action activities. Both of these cultural resource sites would be fenced and avoided during remedial action, and the site near the Union Carbide processing site would be further protected by a barrier to shield against dust, rocks, and exhaust fumes. If any additional cultural resources are identified during the remedial action (e.g., subsurface resources), work would stop in the area of the cultural resources, and the appropriate state and Federal agencies would be consulted to determine the significance of and protection for the resources. The Ute Mountain, Southern, and Northern Ute Tribes were also consulted to determine whether the proposed remedial action would impact any tribal cultural use areas. No impacts were identified.

Land Use

The remedial action would result in the temporary and permanent disturbance of approximately 335 acres of land. This would result in the temporary and permanent loss of grazing forage at the Slick Rock processing sites, Burro Canyon disposal site, and Dolores River and Disappointment Valley borrow sites. The DOE would mitigate the temporary and permanent loss of grazing forage in accordance with land-use agreements negotiated with affected grazing lessees and private landowners.

The final restricted Burro Canyon disposal site would encompass approximately 57 acres, and any future use of this area would be precluded. After remedial action, the Slick Rock processing sites would be released for any use consistent with existing land-use controls.

Six unpatented mining claims exist within the proposed permanent withdrawal area. The DOE would compensate valid claim holders to the extent required by law.

Socioeconomics

The remedial action impacts on employment, housing, community services, and the economy would be minimal due to the short duration of the remedial action and the relatively small number of workers required. These impacts would be expected to be distributed among numerous nearby and more distant communities; consequently, no single community would be affected substantially by the remedial action. The wages and salaries paid to remedial action workers and expenditures for equipment, materials, and supplies would have direct, positive impacts on the economies of San Miguel, Dolores, and Montezuma Counties. The local economies also would benefit indirectly as these wages, salaries, and expenditures are respent locally on other goods and services. Direct and indirect expenditures would generate tax revenues that would be available to local and state government use.

Transportation

The remedial action would increase the traffic volume on County Roads S8, T11 and State Highway 141. A portion of County Road S8 would be relocated to allow cleanup of the Union Carbide processing site. These roads and highway would be improved as necessary, and other mitigative measures (e.g., trained flag persons and temporary warning signs) would be implemented as required to mitigate the potential traffic hazards. After remedial action, these roads and highway would be returned to their original locations and conditions. The public would be restricted from access to County Roads S9 and 10R and a private disposal site access road off T11 during remedial action, which is expected to last 19 months.

Alternative to the Proposed Action

No Action Alternative

The no action alternative would consist of leaving the contaminated materials in their present conditions and locations at the Slick Rock processing sites. The contaminated materials would continue to be exposed to erosion, and eventual erosion of the contaminated materials would result in the transport of contaminants into the Dolores River. The processing sites and adjacent areas would remain unusable. The contaminated materials would also be susceptible to unauthorized removal and use by humans, which could cause more widespread contamination and increased public health hazards. The no action alternative is not a legal alternative for the DOE and would not satisfy the requirements of the UMTRCA (PL 95–604).

Alternatives Considered and Rejected

The DOE's analysis of disposal site alternatives encompassed technical, environmental, and cost factors, as well as the risks associated with each alternative. Alternatives evaluated but rejected were 1) stabilization of the mill tailings in place at the processing sites, 2) stabilization of the mill tailings at other locations near the processing sites, and 3) colocating the mill tailings at other uranium mill tailings sites. The first alternative was rejected because the major portion of the tailings would be stabilized in the flood plain of the Dolores River and water resources protection would be inadequate. The second was rejected due to the other sites' proximity to ground water. The third was rejected because the cost of disposal would result in significant increases in cost by a factor of two and six, respectively, over the cost of disposal at Burro Canyon.

Determination

Based on the information and analyses in the EA, the DOE has determined that the proposed remedial action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the NEPA. Therefore, the preparation of an environmental impact statement is not required.

Signed in Albuquerque, New Mexico, this 27th day of January, 1995.

Bruce G. Twining,

Manager.

[FR Doc. 95–4428 Filed 2–22–95; 8:45 am]

BILLING CODE 6450–01–P

Office of Nuclear Energy

Nuclear Energy Financial Assistance Program for University Reactor Sharing

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Nuclear Energy (NE), U.S. Department of Energy (DOE), hereby announces that invitations have been sent to all U.S. colleges and universities with a licensed, operating nuclear reactor that have an interest in making their reactor facility available to other educational institutions.

The objectives of the program are to provide opportunities needed by educational institutions, without these facilities, for research, education and training of their faculty and students in the nuclear sciences and technology. The grants are used to offset costs of