

the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: January 15, 2004.

Kathy Plowitz-Worden,

*Panel Coordinator, Panel Operations,
National Endowment for the Arts.*

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-244]

Rochester Gas and Electric Corporation R.E. Ginna Nuclear Power Plant; Notice of Consideration of Approval of Transfer of Facility Operating License and Conforming Amendment and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. DPR-18 for the R.E. Ginna Nuclear Plant (Ginna) currently held by Rochester Gas and Electric Corporation (RG&E), as owner and licensed operator of Ginna. The transfer would be to R.E. Ginna Nuclear Power Plant, LLC (Ginna LLC). The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to a December 16, 2003, application for approval filed by RG&E and Constellation Generation Group, LLC, Ginna LLC would assume title to the facility following approval of the proposed license transfer, and would be responsible for the operation, maintenance, and eventual decommissioning of Ginna. No physical changes to the Ginna facility or operational changes are being proposed in the application. However, the license transfer is contingent upon NRC approval of the pending application to renew the operating license for Ginna for an additional 20 years beyond the current license expiration date of September 18, 2009.

The proposed amendment would replace references to RG&E in the license with references to Ginna LLC to reflect the new owner and make any other changes necessary to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an

application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By February 11, 2004, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served

upon James M. Petro, Counsel for Constellation Energy Group, 750 East Pratt Street, 5th Floor, Legal Department, Baltimore, MD 21201, (410) 783-3303, e-mail:

James.Petro@constellation.com; James R. Curtiss, Counsel for Constellation Energy Group at Winston & Strawn, 1400 L St., NW., Washington, DC 20005, (202) 371-5751, e-mail: *jcurtiss@winston.com*; Samuel Behrends, Counsel for Rochester Gas and Electric Corporation, at LeBoeuf, Lamb, Greene and MacRae, 1875 Connecticut Avenue, NW., Washington, DC 20009, (202) 986-8018, e-mail: *sbehrend@llgm.com*; Daniel F. Stenger, Counsel for Rochester Gas and Electric Corporation, at Ballard Spahr Andrews & Ingersoll, LLP, 601 13th Street, NW., Suite 1000 South, Washington, DC 20005-3807, (202) 661-7617, e-mail: *stengerd@ballardspahr.com*; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (e-mail address for filings regarding license transfer cases only: *OGCLT@NRC.gov*); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by February 23, 2004, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated December 16, 2003, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's

(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, 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland this 15th day of January 2004.

For the Nuclear Regulatory Commission.

Robert Clark,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8964]

Finding of No Significant Impact and Notice of Availability of the Environmental Assessment Concerning the License Amendment Request for the Operation of the Gas Hills Project Satellite In Situ Leach Uranium Recovery Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability of Environmental Assessment and Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Rick Weller, 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) 415-7287 and e-mail rmw2@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) received, by letter dated June 24, 1998, a request from Power Resources Inc. (PRI) to amend Source Materials License SUA-1511 for the Highland Uranium Project to allow the operation of a satellite in situ leach uranium recovery facility at the Gas Hills Project site located in Fremont and Natrona Counties, Wyoming. PRI subsequently acquired the operating Smith Ranch in situ leach uranium recovery facility located adjacent to the Highland Uranium Project and, in August 2003, the Highland license (SUA-1511) was integrated into the

Smith Ranch Source Materials License SUA-1548. As such, PRI's request to amend the Highland license for the Gas Hills Project became a request to amend the Smith Ranch license (SUA-1548) upon the combination of the two licenses for these contiguous facilities.

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 the proposed operation of the Gas Hills Project satellite in situ leach uranium recovery facility. Based on this evaluation, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate for the proposed licensing action.

II. Summary of the Environmental Assessment

The EA was prepared to evaluate the environmental impacts associated with the proposed operation of the Gas Hills Project satellite in situ leach uranium recovery facility. In the conduct of its evaluation, the NRC considered the following: (1) PRI's license amendment application, as supplemented and revised, (2) information contained in prior environmental evaluations of uranium recovery activities in the Gas Hills Uranium District of Wyoming, and (3) information derived from NRC site visits to the Gas Hills Project site and from communications with PRI, the Wyoming Department of Environmental Quality, the Wyoming State Historic Preservation Office, the Wyoming Game and Fish Department, the Wyoming State Geological Survey, the U.S. Fish and Wildlife Service, and the U.S. Bureau of Land Management. In preparing the EA, the NRC evaluated the environmental impacts associated with the construction, operation, reclamation, and decommissioning of the Gas Hills Project, including the impacts to air quality, local soils, surface water, groundwater, cultural resources, and threatened and endangered species. Additionally, the NRC evaluated the potential impacts to members of the public from transportation activities and from releases of radioactive materials to the environment and disposal of radioactive wastes. The results of the staff's evaluation are documented in an EA which is available electronically for public inspection or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The safety aspects of the Gas Hills Project are discussed separately in a Safety Evaluation Report that will accompany

the agency's final licensing action on PRI's request to amend Source Materials License SUA-1548.

III. Finding of No Significant Impact

Pursuant to 10 CFR Part 51, the NRC has prepared the EA, summarized above, concerning the proposed operation of the Gas Hills Project satellite in situ leach uranium recovery facility. On the basis of the EA, the NRC has concluded that this licensing action would not have any significant effect on the quality of the environment, and, therefore, an environmental impact statement is not required. The NRC has concluded that the approval of the Gas Hills Project will not cause any significant impacts on the environment and is protective of human health. The basis for this conclusion is supported by the following findings. The NRC has determined that the Gas Hills Project will not result in any adverse impacts to regional surface water or groundwater. A groundwater monitoring program will be established to detect both horizontal and vertical excursions of the circulating groundwater used to leach uranium from the subsurface ore bodies. Any groundwater impacted by these uranium recovery operations will be restored to baseline water quality conditions or, as a minimum, to the pre-mining Wyoming class-of-use water quality standards. All radioactive wastes generated by facility operations will be disposed offsite at a licensed disposal site. Evaporation ponds constructed for the temporary storage of process waste streams will be provided with both primary and secondary liners and leakage detection and collection capability. Standard operating procedures will be established for all operational process activities involving radioactive materials that are handled, processed, or stored. Radiological effluents from the operation of the well-field, ion exchange, and water treatment facilities will be a small fraction of regulatory limits, and an environmental and effluent monitoring program will monitor all releases. A radiation protection program will be established to ensure that exposures will be kept as low as is reasonably achievable.

IV. Further Information

The EA for this proposed action as well as the licensee's request, as supplemented and revised, are available electronically for public inspection in the NRC's 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>.