

person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by TVA or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), TVA may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section III above shall be final twenty (20) days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section III shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland, this 7 day of May, 2004.

For the Nuclear Regulatory Commission.

Jack Strosnider,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 04-10737 Filed 5-11-04; 8:45 am]

BILLING CODE 7590-01-P

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 Erosion Protection Design 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 updates the erosion control design for reclamation of uranium mill tailings at Rio Algom's Lisbon uranium mill facility near La Sal, Utah. Appendix A, Title 10, U.S. Code of Federal Regulations (10 CFR), Part 40, requires that former uranium mill sites provide protection for 1000 years against forces that will cause erosion or at a minimum of 200 years. Additionally, regulations require that the design should not require active maintenance. The proposed action is in accordance with the licensee's submittal dated September 3, 2002. License Condition 52 of Source Materials License, SUA-1119, requires Rio Algom to provide plans addressing the overall site stability. This submittal is a response to that requirement.

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 Erosion Control Facility Design for surface erosion at its Lisbon uranium mill facility. This action will result in an amendment to its Source Materials License, SUA-1119, License Condition 52.

The proposed amendment to Source Materials License, SUA-1119, will amend License Condition 52F and verify that Rio Algom's design meets the requirements of 10 CFR Part 40, Appendix A. Criterion 6 of 10 CFR Part 40, Appendix A, requires that uranium mill tailings be disposed of in an area that provides reasonable assurance of

control of radiological hazards and be effective for 1000 years to the extent reasonably achievable and, in any case, for at least 200 years. In order to meet this requirement, Rio Algom's design must meet the requirements of its license condition. This includes: (1) Addressing potential for erosive velocities in the soil portion of the spillway channel and rock erosion control design of the swale; (2) revising the erosion protection at the toe of the upper tailings dam; (3) considering scour; (4) reviewing rock apron design; (5) address sedimentation; (6) analyzing natural tributary inflows to the diversion channel; (7) reviewing riprap thickness; (8) analyzing strear stress effects; (9) analyzing rock durability and tests bedrock competency; and (10) devising an inspection for the filter and riprap placement.

The EA evaluated the potential impacts of construction and placement of runoff control features including placement of rock riprap. In addition, the EA addressed environmental impacts for rock placement on the top and side slopes of the tailings impoundment, diversion channels, and transition aprons. Construction impacts due to placement and transport of the rock were also considered.

The proposed action is necessary because the regulations and Rio Algom's license require that an engineered barrier be placed over tailings and byproduct material and that the design meets the requirements of 10 CFR Part 40, Appendix A.

III. Finding of No Significant Impact

Pursuant to 10 CFR Part 51, the NRC has prepared the EA, summarized above. The staff has determined that no significant environmental impacts are expected when the erosion cover is constructed. There will be no significant or additional impacts to the surface features because the erosions protection will be placed on areas where tailings have been covered with an engineered soil barrier and will therefore have no significant effect to wildlife. In addition, the licensee will stabilize areas adjacent to the tailings impoundment where runoff from higher drainage areas enters onto the impoundment but no significant environmental impacts will result from this action.

The proposed NRC approval of the action when combined with known effects on resource areas at the site, including further site remediation, is not anticipated to result in any cumulative impacts at the sites. Therefore, the NRC staff has concluded that there will be no significant environmental impacts on the quality of

the human environment and, accordingly, the staff has determined that preparation of an Environmental Impact Statement is not warranted.

IV. Further Information

The EA for this proposed action, as well as the licensee's request, as supplemented, 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>. The ADAMS Accession Numbers for the licensee's request, as supplemented, are: ML023020664, ML023020657 and ML040720561. The ADAMS Accession number for the EA is ML041190312. Most of the documents referenced in the EA are also available through ADAMS. Documents can also be viewed electronically on the public computers located at NRC's Public Document Room (PDR), O1 F21, One White Flint, 11555 Rockville Pike, MD 20852. The PDR reproduction contractors will copy documents for a fee. Persons who do not have access to ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or (301) 415-4737, or by e-mail at pd@nrc.gov.

Dated at Rockville, Maryland, this 5th day of May, 2004.

For the Nuclear Regulatory Commission.

Jill S. Caverly,

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

[FR Doc. 04-10733 Filed 5-11-04; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-1151]

Westinghouse Electric Company LLC., Environmental Assessment and Issuance of Finding of No Significant Impact Related to Proposed Exemption From the Annual Physical Inventory Frequency Requirement of the Fundamental Nuclear Material Control Plan

AGENCY: Nuclear Regulatory Commission.

ACTION: Finding of no significant impact and environmental assessment.

FOR FURTHER INFORMATION CONTACT: Don Stout, 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) 415-5269 and e-mail des1@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-1107 to allow a one-time exemption that extends the SNM physical inventory completion date by four days at the Westinghouse Electric Company, LLC, (WEC) facility in Columbia, South Carolina, 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 WEC, Nuclear Fuel, Columbia Fuel Fabrication Facility fabricates nuclear fuel assemblies containing low-enriched uranium oxide for use in commercial nuclear power reactors. The NRC staff has received an exemption request (Ref. 1), dated November 21, 2003, to exempt WEC from 10 CFR 74.31(c)(5), requirements that SNM physical inventories be performed at least every 12 months. In Section 5.3.1 of the licensee's NRC approved Fundamental Nuclear Material Control Plan (FNMC), WEC specifies an annual SNM physical inventory will be performed at an interval of at least every 12 months, plus or minus 30 days. Because the last SNM physical inventory was performed on April 18, 2003, the next physical inventory is required to be completed no later than May 18, 2004. WEC requested a license amendment to allow a one-time exemption that extends the SNM physical inventory completion date to May 22, 2004. The purpose of this document is to assess the environmental consequences of the proposed exemption.

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 extension of the SNM physical inventory date to May 22, 2004, at the Columbia facility. The existing conditions and operations for the Columbia facility were evaluated by the NRC for environmental impacts in a July 12, 1995, EA related to the renewal of the WEC license (Ref. 2). This

assessment will determine whether to issue a FONSI or to prepare an 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 74.31(c)(5) and allow WEC to extend the completion date of the annual SNM physical inventory to May 22, 2004.

Purpose and Need for Proposed Action

WEC is currently manufacturing nuclear fuel at the Columbia, South Carolina facility. It is requesting an extension from May 18, 2004, to May 22, 2004, to complete its annual SNM physical inventory. This one-time extension expires on May 26, 2004. WEC is requesting this extension because it has a high production workload for the month of April due to the seasonal refueling activities. WEC has indicated that the high production workload may cause significant challenges to achieving a successful and complete physical inventory.

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 WEC site. A full description of the site and its characteristics is given in the 1995 EA related to the renewal of the WEC license (Ref.1). This plant is located in the central part of South Carolina in Richland County, approximately 8 miles southeast of Columbia. The plant is set back approximately 1800 feet from the nearest roadway on a plot of approximately 1,156 acres near the Congaree River. The site is bounded to the north by Highway 48 (Bluff Road), and by the Congaree River to the south. The area adjacent to the site consists primarily of forest.

Effluent Releases and Monitoring

A full description of the effluent monitoring program at the site is provided in the 1995 EA related to the renewal of the WEC license (Ref. 2). The WEC-Columbia facility 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,