

Although NRC approval of exemptions that meet the criteria of this section no longer require preparation of an EA/FONSI, the NRC retains discretion to prepare an EA and FONSI, including an opportunity for public comment, where special circumstances exist. See 10 CFR 51.22(b), and 51.33.

### III. Draft Environmental Assessment and Finding of No Significant Impact

#### *Identification of the Proposed Action*

The proposed action would revise the January 7, 1987, safety evaluation (SE) to reflect that the installed Hemyc electrical raceway fire barrier system (ERFBS) configurations provide either a 30-minute fire resistance rating, or in one case a 24-minute fire resistance rating, in lieu of the previously stated 1-hour fire resistance rating. The licensee states that a Hemyc ERFBS fire resistance rating will provide sufficient protection for the affected raceways, with adequate margin, to continue to meet the intent of the original requests for exemption and conclusions presented in the NRC's January 7, 1987, SE. The licensee concludes that the revised fire resistance rating of the Hemyc ERFBS does not reflect a reduction in overall fire safety, and presents no added challenge to the credited post-fire safe-shutdown capability which remains materially unchanged from the configuration originally described in previous letters and as credited in the January 7, 1987, SE.

The proposed action is in accordance with the licensee's application dated July 24, 2006, as supplemented by letters dated April 30, May 23, and August 16, 2007.

#### *The Need for the Proposed Action*

The proposed revision of existing exemptions from 10 CFR Part 50, Appendix R, is needed in response to NRC Information Notice 2005-07, dated April 1, 2005, ADAMS Accession No. ML050890089. The information notice provided licensees the details of Hemyc ERFBS full-scale fire tests conducted by the NRC's Office of Nuclear Regulatory Research. The test results concluded that the Hemyc ERFBS does not provide the level of protection expected for a 1-hour rated fire barrier, as originally designed. The proposed revision to existing exemptions would revise the fire resistance rating of Hemyc ERFBS configurations.

#### *Environmental Impacts of the Proposed Action*

The NRC has completed its SE of the proposed action and concludes that the

configuration of the fire zones under review provide reasonable assurance that a severe fire is not plausible and the existing fire protection features are adequate. Based on the presence of redundant safe-shutdown trains, minimal fire hazards and combustibles, automatic cable tray fire suppression system, manual fire suppression features, fire barrier protection, existing Hemyc configuration, and the installed smoke detection system, the NRC staff finds that the use of this Hemyc fire barrier in these zones will not significantly increase the consequences from a fire in these fire zones.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent released off site. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC staff concludes that there are no significant environmental impacts associated with the proposed action.

#### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for INDIAN POINT 3, dated February 1975.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on February 13, 2007, the NRC staff consulted with the New York State official, Alyse Peterson of the New York State Energy Research and Development Authority, regarding the environmental

impact of the proposed action. The State official had no comments.

### IV. Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letters dated July 24, 2006, April 30, 2007, May 23, 2007, and August 16, 2007, (ADAMS Accession Nos. ML062140057, ML071280504, ML071280504, ML072400369).

Dated at Rockville, Maryland, this 26th day of March 2013.

For the Nuclear Regulatory Commission.

**Sean C. Meighan,**

*Acting Chief, Plant Licensing Branch I-1,  
Division of Operating Reactor Licensing,  
Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 040-09068; License SUA-1598; NRC-2008-0391]

### Lost Creek ISR, LLC, Lost Creek Uranium In-Situ Recovery Project, Sweetwater County, Wyoming

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Environmental assessment and finding of no significant impact for license amendment; availability.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is considering an amendment to Source Materials License SUA-1598 for continued uranium production operations and *in-situ* recovery (ISR) of uranium at the Lost Creek Project in Sweetwater County, Wyoming.

**ADDRESSES:** Please refer to Docket ID NRC-2008-0391 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and are publicly-available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2008-0391. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).
- *NRC's Agencywide Documents Access and Management System*

(ADAMS): You may access publicly-available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS). In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a Table in Section IV of this notice.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Mr. Alan B. Bjornsen, Project Manager, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1195; email: [Alan.Bjornsen@nrc.gov](mailto:Alan.Bjornsen@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

Lost Creek ISR, LLC (LCI) is proposing to install two rotary vacuum dryers in the pre-existing space that was made available in the Central Processing Plant (CPP), and requesting to increase their production rate at the facility from 455,000 kilograms (kg) [1 million pounds (lb)] to up to 909,000 kg [2 million lb] of dry yellowcake per year. The licensee intends to increase production of yellowcake at the facility by accepting equivalent feed including loaded (uranium-laden) resin from other uranium recovery facilities, including potential future satellite facilities, but has not requested a license amendment to increase the flow rate at the Lost Creek wellfields. The NRC has prepared an Environmental Assessment (EA) in support of this proposed license

amendment, in accordance with the requirements in Part 51 of Title 10 of the Code of Federal Regulations (10 CFR). The NRC is also conducting a safety evaluation of the proposed license amendment, pursuant to 10 CFR part 40. The results of the safety evaluation will be documented in a separate Safety Evaluation Report (SER). If approved, the NRC will issue the amended license following the publication of this notice. The amended license and associated SER will be made available in ADAMS.

**II. Environmental Assessment Summary**

On January 6, 2012, LCI (a wholly-owned subsidiary of UR-Energy, Inc. of Littleton, Colorado) submitted an application to the NRC to amend NRC License SUA-1598 to include yellowcake rotary vacuum drying as an option within the CPP at the Lost Creek ISR Facility, and subsequent offsite shipment of vacuum dried yellowcake up to 909,000 kg [2 million lb] per year. This EA includes an evaluation of the potential environmental impacts of the action requested in LCI's license amendment application. The Lost Creek ISR Facility, which is currently under construction, is located in northeastern Sweetwater County, Wyoming, in the Wyoming West Uranium Milling Region identified in NUREG-1910, "Generic Environmental Impact Statement for *In-Situ* Leach Uranium Milling Facilities" (GEIS).

The proposed action to include yellowcake rotary vacuum drying in the CPP at the Lost Creek ISR Facility, and subsequent offsite shipment of dried yellowcake up to 909,000 kg [2 million lb] per year is not expected to result in significant additional impacts to the environment for the following reasons: (1) The licensee intends to increase dry yellowcake production in the future by accepting equivalent feed including loaded resins from other uranium recovery facilities and potential future satellite facilities, this would not affect the flow rate from the existing Lost Creek well fields; and (2) the dryers

would be installed in a pre-existing space inside the CPP (identified in the existing license), there would be no physical changes to the footprint or structure of the building. As a result, there would be no additional impacts to the following resources: land use; geology and soils; water resources; ecological resources; visual and scenic resources; noise; historic and cultural resources; socioeconomic; and environmental justice. The resources that could be potentially affected are transportation, groundwater, air quality, public and occupational health, and waste management.

**III. Finding of No Significant Impact**

Based on the information presented in this EA describing the proposed action, the need for the proposed action, the alternatives to the proposed action, the environmental impacts of the proposed action and alternatives, and the agencies consulted, the NRC has determined that the proposed action will not have a significant impact on the quality of the human environment and does not warrant the preparation of an Environmental Impact Statement. Accordingly, the NRC has determined that a finding of no significant impact is appropriate.

This finding and any related environmental documents are available for public inspection through ADAMS and may be accessed from the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>.

**IV. Further Information**

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's ADAMS, which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are provided in the following Table:

Document	ADAMS Accession No.
Acceptance of Receipt of Request to Amend License to Operate Two Rotary Vacuum Dryers at Lost Creek Project, February 1, 2012.	ML120330008
Acknowledge Receipt of Responses to the Request For Additional Information, March 12, 2012 .....	ML120730084
Summary of Teleconference and Response to RAIs for Supplemental Information to License Amendment Application, June 12, 2012.	ML12153A287
Letter to WDEQ, Request for Comments .....	ML12305A410
E-mail response from WDEQ .....	ML13045A502
Environmental Assessment .....	ML13045A829
E-mail from LCI Regarding the Increase in Production and the Number of Resin Trucks Likely to Come from a Future Satellite Facility.	ML13078A342

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1-800-397-4209, 301-415-4737 or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). These documents may also be viewed electronically on the public computers located at the NRC's PDR, O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 25th day of March, 2013.

For the U.S. Nuclear Regulatory Commission.

**Aby Mohseni,**

*Deputy Director, Environmental Protection and Performance Assessment Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2013-07704 Filed 4-2-13; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC-2013-0062]

### Reporting Procedure for Mathematical Models Selected To Predict Heated Effluent Dispersion in Natural Water Bodies

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Withdrawal notice.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide (RG) 4.4, "Reporting Procedure for Mathematical Models Selected to Predict Heated Effluent Dispersion in Natural Water Bodies." The guide is being withdrawn because it is obsolete and new guidance has been included in models developed by the Environmental Protection Agency (EPA) that provides updated direction. **ADDRESSES:** Please refer to Docket ID NRC-2013-0062 when contacting the NRC about the availability of information on this document. You may access information related to this document, which the NRC possesses and is publicly-available, using any of the following methods:

- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS

*Search.*" For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, or 301-415-4737, or by email at [PDR.Resource@NRC.Gov](mailto:PDR.Resource@NRC.Gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The review for the withdrawal of RG 4.4 is available in ADAMS under Accession No. ML12269A378.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852.

The documents are not copyrighted and NRC approval is not required to reproduce them.

#### FOR FURTHER INFORMATION CONTACT:

Ralph Cady, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-251-7445; or by email at [Ralph.Cady@nrc.gov](mailto:Ralph.Cady@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The NRC is withdrawing RG 4.4 because its guidance has been superseded and is no longer needed. The guide was published in May 1974, to provide guidance on meeting the requirements in § 51.20 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Criteria for and Identification of Licensing and Regulatory Actions Requiring Environmental Impact Statements."

Regulatory Guide 4.4 provided guidance to licensees on a procedure acceptable to the NRC staff for providing summary details of mathematical modeling methods used in predicting the dispersion of heated effluent in natural water bodies. The guide included an itemized table of relevant modeling factors to accompany descriptive material for the one or more models submitted by an applicant. However, neither licensees nor the NRC staff are currently following the explicit recommendations in this guide, in part because the EPA has developed a mathematical model for this purpose that is often used by both NRC staff and licensees.

EPA's National Pollutant Discharge Elimination System (NPDES) program regulates the discharge of effluents (including heated water) into natural water bodies and requires analyses for permitted discharge. EPA has supported the development of a model (CORMIX) for NPDES analyses that is generally used by both NRC staff and licensees.

Industry groups, such as the American Petroleum Institute, also have guidance to support these analyses. A few other well-accepted models for heated effluent dispersion also exist and are used in license applications and by the NRC staff in their reviews.

##### II. Further Information

The withdrawal of RG 4.4 does not alter any prior or existing licensing commitments based on its use. The guidance provided in this guide is no longer necessary. Regulatory guides may be withdrawn when their guidance no longer provides useful information, or is superseded by technological innovations, congressional actions, or other events.

Regulatory guides are revised for a variety of reasons and the withdrawal of an RG should be thought of as the final revision of the guide. Although an RG is withdrawn, current licensees may continue to use it, and withdrawal does not affect any existing licenses or agreements. Withdrawal of a guide means that the guide should not be used for future NRC licensing activities. However, although a regulatory guide is withdrawn, changes to existing licenses can be accomplished using other regulatory products.

Regulatory guides and publicly available NRC documents are available electronically through the NRC Library on the NRC's public Web site at: <http://www.nrc.gov/reading-rm/doc-collections/>. The documents can also be viewed online for free or printed for a fee in the NRC's Public Document Room (PDR) at 11555 Rockville Pike, Rockville, MD; the mailing address is USNRC PDR, Washington, DC 20555-0001; telephone: 301-415-4737, or 1-800-397-4209; fax 301-415-3548; or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

Dated at Rockville, Maryland, this 22nd day of March, 2013.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

*Branch Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

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