

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-461]

Illinois Power Company; Notice of Consideration of Approval of Transfer of Facility Operating License and Issuance of Conforming Amendment and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. NPF-62 for the Clinton Power Station (CPS) currently held by Illinois Power Company (IP, or the licensee). The transfer would be to AmerGen Energy Company, LLC (AmerGen). The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

Under the proposed transfer, AmerGen would be authorized to possess, use, and operate CPS under essentially the same conditions and authorizations included in the existing license. In addition, no physical changes will be made to CPS as a result of the proposed transfer, and there will be no significant changes in the day-to-day operations of CPS. Antitrust conditions of the CPS license are proposed to be deleted because, among other things, they apply to IP which will no longer be the licensee.

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 September 8, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing procedure 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 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 John Lamberski, counsel for IP, at Troutman Sanders LLP, 600 Peachtree Street, N.E., suite 5200, NationsBank Plaza, Atlanta, Georgia 30308-2216 (tel: 404-885-3360; fax: 404-962-6610; e-mail: john.lamberski@troutmansanders.com) and Kevin P. Gallen, counsel for AmerGen, at Morgan, Lewis & Bockius LLP, 1800 M Street, NW, Washington, DC 20036-5869 (tel: 202-467-7462; fax: 202-467-7176; e-mail: kpgallen@mlb.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, D.C., 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 September 20, 1999, 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 July 23, 1999, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Vespasian Warner Public Library, 310 N. Quincy Street, Clinton, IL 61727.

Dated at Rockville, Maryland, this 12th day of August 1999.

For the Nuclear Regulatory Commission.

Jon B. Hopkins,

Senior Project Manager, Section 2, Project Directorate III, Division of Licensing Projects Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99-21532 Filed 8-18-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40-7580]

Finding of No Significant Impact for Proposed Decommissioning Activity at the Fansteel Facility in Muskogee, OK

The U.S. Nuclear Regulatory Commission (NRC) is considering an amendment to Source Material License No. SMB-911 for approval of a decommissioning plan to remediate for unrestricted use under the Site Decommissioning Management Plan (SDMP) Action Plan (57 FR 13389) of the Eastern Property Area of the Fansteel, Inc., (Fansteel) facility in Muskogee, Oklahoma. This area covers approximately 56.6 acres of the site and is defined in Revised Figure 3 of Fansteel's submittal dated July 16, 1999.

Summary of the Environmental Assessment

Identification of the Proposed Action

The proposed action is approval of a decommissioning plan to remediate the Eastern Property Area, approximately 56.6 acres, of the Fansteel site for unrestricted use under the SDMP Action Plan. Currently, Fansteel is in active operation to reprocess onsite waste residues from previous metal extraction operations to recover tantalum, niobium, scandium, and other rare earth elements for commercial use. These residues contain natural uranium and thorium in sufficient quantities to be classified as a source material by the NRC. Reprocessing operations take place on the Eastern Property Area of the site and are expected to continue for approximately 11 years. Initial decommissioning activities involving waste reduction, soil remediation, and groundwater treatment are scheduled to take place concurrently with operations. Final decommissioning activities are proposed to take place after 11 years, or after reprocessing operations have ceased. The entire decommissioning process is estimated to be a 13 year project.

Need for the Proposed Action

Fansteel requests the proposed action to remove radioactive contamination from areas of land, groundwater, buildings, and equipment located on the Eastern Property Area of Fansteel's facility in Muskogee, Oklahoma.

Environmental Impacts of the Proposed Action

The radiological impacts resulting from the proposed action involve the release of air and water effluents, which may contain low levels of residual radioactive contamination, to the environment. These effluents will occur during the various decommissioning activities such as excavation of soils, dismantlement of buildings, waste management, and transportation of wastes. The release of radioactive materials in air and water effluents will be within the regulatory limits set forth in 10 CFR Part 20, Appendix B.

The non-radiological impacts resulting from the proposed action are not expected to be significant. Land use, air quality, surface water quality, and groundwater quality are expected to be improved. Industrial safety will be maintained under the existing safety program for operations. Ambient noise and traffic around the site will not increase substantially over that present for operations. No known threatened or endangered plants or animals are known

to occur at the Fansteel site. There will be no disproportionately high or adverse effects or impacts on minority or low-income populations.

Alternatives to the Proposed Action

There are two alternatives to the proposed Action:

1. No action and continued surveillance and maintenance of the contaminated soil, groundwater, and facilities; and
2. Decommissioning under the radiological dose criteria of the new License Termination Rule (Subpart E to 10 CFR Part 20).

The first alternative is inconsistent with NRC's requirements for timely decommissioning as described in 10 CFR 40.42(h)(1). Fansteel has requested an exemption from the second alternative as is permitted by the general provisions of 10 CFR 20.1401(b)(3).

Agencies and Persons Consulted

The Oklahoma Department of Environmental Quality (OKDEQ) and the Office of the Attorney General (OAG) of the State of Oklahoma were consulted concerning this proposed action.

Conclusion

The NRC has determined that the proposed decommissioning plan will not result in significant impact to human health or the environment.

Finding of No Significant Impact

The Commission has prepared an Environmental Assessment (EA) related to the amendment of Source Material License SMB-911. On the basis of the EA, the Commission has concluded that environmental impacts associated with the proposed action would not be significant and do not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

The EA and other documents related to this proposed action are available for public inspection and copying at the Commission's Public Document Room at the Gelman Building, 2120 L Street NW, Washington, DC 20555. Questions should be referred to the NRC's Project Manager for Fansteel, Michael E. Adjodha, at 301-415-8147 or by electronic mail at mea1@nrc.gov.

Dated at Rockville, Maryland, this 12th day of August 1999.

For the Nuclear Regulatory Commission.

Theodore S. Sherr,

Chief, Licensing and International Safeguards Branch, Division of Fuel Cycle Safety and Safeguards, NMSS.

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OFFICE OF MANAGEMENT AND BUDGET

1999 List of Designated Federal Entities and Federal Entities

AGENCY: Office of Management and Budget

ACTION: Notice.

SUMMARY: This notice provides a list of Designated Federal Entities and Federal Entities, as required by the Inspector General Act of 1978 (IG Act), as amended.

FOR FURTHER INFORMATION CONTACT: Sheila Conley or Tawana Webb at 202-395-6911, Office of Federal Financial Management, Office of Management and Budget.

SUPPLEMENTARY INFORMATION: This notice provides a copy of the 1999 List of Designated Federal Entities and Federal Entities, which the Office of Management and Budget (OMB) is required to publish annually under the IG Act. This list is also posted on the Inspector General community's website, IGMET, at <http://www.ignet.gov>.

The List is divided into two groups: Designated Federal Entities and Federal Entities. The Designated Federal Entities are required to establish and maintain Offices of Inspector General. The Designated Federal Entities are listed in the IG Act, except that those agencies which have ceased to exist have been deleted from the list.

Federal Entities are required to report annually to each House of Congress and OMB on audit and investigative activities in their organizations. Federal Entities are defined as "any Government corporation (within the meaning of section 103(1) of title 5, United States Code), any Government controlled corporation (within the meaning of section 103(2) of such title), or any other entity in the Executive Branch of government, or any independent regulatory agency" other than the Executive Office of the President and agencies with statutory Inspectors General. There are 3 deletions and 2 additions in the 1999 list of Designated Federal Entities and Federal Entities from the 1998 list published in the July 10, 1998, **Federal Register** (63 FR 37421).