Shale is unlikely because of the low volume available in these units, and the already poor background water quality. Ground water used in the area is taken from deeper aquifers with better quality water and higher, sustainable well yields.

5. Additional corrective actions will have little effect on dewatering of the tailings or removal of contaminants and, therefore, will have little impact on the ground-water quality.

Because the staff has determined that there will be no significant impacts associated with approval of the amendment request, there can be no disproportionately high and adverse effects or impacts on minority and low-income populations. Except in special cases, these impacts need not be addressed for EAs in which a FONSI is made. Special cases may include regulatory actions that have substantial public interest, decommissioning cases involving onsite disposal in accordance with 10 CFR 20.2002, decommissioning/decontamination cases which allow residual radioactivity in excess of release criteria, or cases where environmental justice issues have been previously raised. Consequently, further evaluation of environmental justice concerns, as outlined in NRC's Office of Nuclear Material Safety and Safeguards Policy and Procedures Letter 1–50, Rev.1, is not warranted.

Alternatives to the Proposed Action

Since the licensee has demonstrated that the proposed ACL values will not pose substantial present or potential hazards to human health and the environment, and that the proposed ACLs are ALARA, considering practicable corrective actions, establishing other standards more stringent than the proposed ACLS was not evaluated. Furthermore, since NRC staff has concluded that there are no significant environmental impacts associated with the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated. The principal alternative to the proposed action would be to deny the requested action. The licensee evaluated various alternatives, including continuation of the CAP, and demonstrated that those alternatives would result in little net reduction of constituent concentrations. Because the environmental impacts of the proposed action and the no-action alternative are similar, there is no need to further evaluate alternatives to the proposed action.

Finding of No Significant Impact

NRC staff has prepared an EA for this action. On the basis of this assessment, NRC staff has concluded that the environmental impacts that may result from this action would not be significant, and therefore, preparation of an Environmental Impact Statement is not warranted.

The EA and other documents related to this action are being made available for public inspection at NRC's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings.'' Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for hearing must be filed within 30 days of the publication of this notice in the **Federal Register**. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Kennecott Energy Company (on behalf of Sohio Western Mining Company), 505 South Gillette Avenue, Gillette, Wyoming 82717–3009, Attention: John Trummel; and

(2) NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

Dated at Rockville, Maryland, this 25th day of February, 1999.

For the Nuclear Regulatory Commission.

N. King Stablein,

Acting Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 99–5198 Filed 3–2–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket 72–1026]

Westinghouse Electric Company Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Requirements of 10 CFR Part 72

By letter dated October 5, 1998, Westinghouse Electric Company (Westinghouse or applicant) requested an exemption, pursuant to 10 CFR 72.7, from the requirements of 10 CFR 72.234(c). Westinghouse, located in San Jose, California, is seeking Nuclear Regulatory Commission (NRC or the Commission) approval to procure materials for and fabricate seven W21 canisters, seven W74 canisters, and one W100 transfer cask prior to receipt of a Certificate of Compliance (CoC) for the Wesflex Spent Fuel Management System (Wesflex System). The Wesflex canisters and the W100 transfer cask are basic components of the Wesflex System, a cask system designed for the dry storage and transportation of spent fuel. The Wesflex System is intended for use under the general license provisions of Subpart K of 10 CFR Part 72 by Consumers Energy at the Palisades Nuclear Plant, located in Covert, Michigan, and at the Big Rock Point Nuclear Plant, located in Charlevoix, Michigan. The application for the CoC was submitted by Westinghouse to the Commission on February 3, 1998, as supplemented.

Environmental Assessment (EA)

Identification of Proposed Action

Westinghouse is seeking Commission approval to procure materials for and fabricate seven W21 canisters, seven

W74 canisters, and one W100 transfer cask prior to receipt of the CoC. The applicant is requesting an exemption from the requirements of 10 CFR 72.234(c), which states that ''Fabrication of casks under the Certificate of Compliance must not start prior to receipt of the Certificate of Compliance for the cask model.'' The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7.

Need for the Proposed Action

Westinghouse requested the exemption to 10 CFR 72.234(c) to ensure the availability of storage casks so that Consumers Energy can maintain full core offload capability at the Palisades Nuclear Plant. Palisades will lose full core offload capability after its planned April 2001 refueling outage. Currently, the Ventilated Storage Cask–24 (VSC–24), fabricated by Sierra Nuclear Corporation, is used at Palisades for the dry storage of spent fuel. However, the licensee requires another cask option because the storage capability of the VSC–24 is limited by its burnup and enrichment requirements. Beyond April 2001, a significant portion of the remaining and future spent fuel inventory at Palisades will not meet the VSC–24 burnup and enrichment limits. Already, there are nearly 250 spent fuel assemblies at Palisades that do not qualify for storage in the VSC–24. Further, the licensee sees the need to replace the VSC–24 because it is not a transportable cask design.

Westinghouse is also requesting the exemption to ensure the availability of dry storage casks at Big Rock Point to support its decommissioning schedule. The Big Rock Point decommissioning schedule requires that all fuel be loaded into dry storage casks by 2002.

To maintain full core offload at Palisades and to meet Big Rock Point's decommissioning schedule, Consumers Energy anticipates that fuel loading of Wesflex Systems would need to begin in 2001 at both sites. Thus, at both Palisades and Big Rock Point, the availability of the Wesflex System is needed in May 2000 to support training and dry runs in anticipation of loading fuel in the following year. To meet this schedule, procurement of the W100 transfer cask materials must begin promptly and fabrication must begin by mid-1999. Further, procurement of the W21 and W74 canister materials must begin by August 1999 and fabrication must begin by November 1999.

The Wesflex System CoC application is under consideration by the Commission. It is anticipated that, if approved, the CoC would be issued in late 2000.

The proposed procurement and fabrication exemption will not authorize use of the Wesflex System to store spent fuel. That will occur only when, and if, a CoC is issued. NRC approval of the procurement and fabrication exemption request should not be construed as an NRC commitment to favorably consider Westinghouse's application for a CoC. Westinghouse will bear the risk of all activities conducted under the exemption, including the risk that the 14 canisters and 1 transfer cask that Westinghouse plans to construct may not be usable because they may not meet specifications or conditions placed in a CoC that NRC may ultimately approve.

Environmental Impacts of the Proposed Action

The Environmental Assessment for the final rule, ''Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites'' (55 FR 29181 (1990)), considered the potential environmental impacts of casks which are used to store spent fuel under a CoC and concluded that there would be no significant environmental impacts. The proposed action now under consideration would not permit use of the Wesflex System, but only procurement and fabrication. There are no radiological environmental impacts from procurement or fabrication since the canister and transfer cask material procurement and fabrications do not involve radioactive materials. The major non-radiological environmental impacts involve use of natural resources due to fabrication. Each W21 or W74 canister weighs approximately 22 tons and is made of steel. Each W100 transfer cask weighs approximately 60 tons and is mainly made of steel. The amount of steel required for these canisters and transfer cask is expected to have very little impact on the steel industry. Fabrication would be at a metal fabrication facility, not at the reactor site. Fabrication of the canisters and transfer cask is insignificant compared to the amount of metal fabrication performed annually in the United States. If the canisters and transfer cask are not usable, they could be disposed of or recycled. The amount of material disposed of is insignificant compared to the amount of steel that is disposed of annually in the United States. Based upon this information, the procurement of materials and fabrication of the canisters and transfer cask will have no significant impact on the environment since no radioactive materials are involved, and the amount of natural resources used is minimal.

Alternative to the Proposed Action

Since there is no significant environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption and, therefore, not allow procurement of materials and fabrication of the canisters and transfer cask until a CoC is issued. This alternative would have the same, or greater, environmental impact.

Given that there are no significant differences in environmental impacts between the proposed action and the alternative considered and that the applicant has a legitimate need to procure materials and fabricate prior to certification and is willing to assume the risk that any material procured or any canister or transfer cask fabricated may not be approved or may require modification, the Commission concludes that the preferred alternative is to approve the procurement and fabrication request and grant the exemption from the prohibition on fabrication prior to receipt of a CoC.

Agencies and Persons Consulted

An official from the Michigan Department of Environmental Quality was contacted about the EA for the proposed action and had no comments.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.234(c) so that Westinghouse may procure materials for and fabricate seven W21 canisters, seven W74 canisters, and one W100 transfer cask prior to issuance of a CoC for the Wesflex System will not significantly impact the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

The request for the exemption to 10 CFR 72.234(c) was filed by Westinghouse on October 5, 1998, and supplemented by Consumers Energy on November 18, 1998. For further details with respect to this action, see the application for a CoC for the Wesflex System, dated February 3, 1998, as supplemented March 4, March 18, August 21, August 27, September 2, and September 3, 1998. The exemption request and CoC application are

docketed under 10 CFR Part 72, Docket 72–1026. The exemption request and the non-proprietary version of the CoC application are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20555.

Dated at Rockville, Maryland, this 18th day of February, 1999.

For the Nuclear Regulatory Commission.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 99–5199 Filed 3–2–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes on March 24–25, 1999. The meeting will take place at the address provided below. Topics of discussion will include revisions to proposed 10 CFR Part 35, ''Medical Use of Byproduct Material''; analysis of comments on the draft rule text that were received during the public comment period; and issues associated with prostate implant therapy. All sessions of the meeting will be open to the public with the exception of the first session, which has been set aside to provide required Annual Ethics Training for committee members. This session will be closed to discuss information, the release of which would constitute a clearly unwarranted invasion of personal privacy.

DATES: The March 24, 1999, meeting will be held from 9:00 a.m. to 5:00 p.m. to accommodate Annual Ethics Training for members from 8:00 to 9:00 a.m. The March 25, 1999, meeting will be held from 8:00 a.m. to 12:00 p.m.

ADDRESSES: U.S. Nuclear Regulatory Commission, Two White Flint North Auditorium, 11545 Rockville Pike, Rockville, MD 20852–2738.

FOR FURTHER INFORMATION, CONTACT: Mary Louise Roe, U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, MS T9F31, Washington, DC 20555, Telephone (301) 415–7809, e-mail mlr1@nrc.gov.

Conduct of the Meeting

Judith Stitt, M.D., will chair the meeting. Dr. Stitt will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit a reproducible copy to Mary Louise Roe (address listed previously), by March 19, 1999. Statements must pertain to the topics on the agenda for the meeting. Electronic submissions may be sent to mlr1@nrc.gov.

2. Questions from members of the public will be permitted, during the meeting, at the discretion of the Chairman.

3. The transcript and written comments will be available for inspection, and copying, for a fee, at the NRC Public Document Room, 2120 L Street, NW, Lower Level, Washington, DC 20003–1527, telephone (202) 634–3273, on or about April 19, 1999. Minutes of the meeting will be available on or about May 18, 1999.

4. Seating for the public will be on a first-come, first-served basis.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations*, Part 7.

Dated: February 25, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99–5197 Filed 3–2–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF STATE

[Public Notice No: 2984]

Advisory Committee on Historical Diplomatic Documentation; Notice of Meeting

Reissue Public Notice Number 2971, 64 FR 7938 (published February 17, 1999) with a new location as Public Notice No. 2984.

The Advisory Committee on Historical Diplomatic Documentation will meet in the State Annex-1, Conference Room L315, at 2401 E Street NW, Washington, D.C.

Dated: February 22, 1999.

William Z. Slany,

Executive Secretary.

[FR Doc. 99–5256 Filed 3–2–99; 8:45 am]

BILLING CODE 4710–45–U

STATE DEPARTMENT

[Public Notice #2990]

Overseas Presence Advisory Panel (OPAP) Meeting; Closed Meeting

The Department of State announces a meeting of the Overseas Presence Advisory Panel on Tuesday, March 9, 1999 at 9:00 a.m. at the U.S. Department of State. The panel is charged with advising the Secretary of State with respect to the level and type of representation required overseas in the face of new foreign policy priorities, a heightened security situation and extremely limited resources. Pursuant to Section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b[c] [1], it has been determined the meeting will be closed to the public. The agenda calls for the discussion of classified and sensitive information relative to intelligence and operational policies of all the U.S. Government agencies at Embassies and Consulates the Department of State supports abroad.

The Department regrets the short notice due to the urgency of the issues and coordination of multiple schedules.

For more information contact Peter Petrihos, Overseas Presence Advisory Panel, Department of State, Washington, DC 20520; phone: 202–647–6477.

Dated: February 25, 1999.

Ambassador William H. Itoh,

Executive Secretary, Overseas Presence Advisory Panel.

[FR Doc. 99–5257 Filed 3–1–99; 11:09 am]

BILLING CODE 4710–35–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements, Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 7, 1998, (63 FR 67504).