Code of Ethical Angling and asked NMFS to simultaneously address corrective habitat matters with sportfishing regulations.

Response: The Sustainable Fisheries Act of 1996 requires the identification of essential fish habitat in federal fishery management plans.

The following Code of Angling Ethics has been adopted by NMFS:

THE CODE OF ANGLING ETHICS

1. Promotes, through education and practice, ethical behavior in the use of aquatic resources.
2. Values and respects the aquatic environment and all living things in it.
3. Avoids spilling, and never dumps, any pollutants, such as gasoline and oil, into the aquatic environment.
4. Disposes of all trash, including worn-out lines, leaders, and hooks, in appropriate containers, and helps to keep fishing sites litter-free.
5. Takes all precautionary measures necessary to prevent the spread of exotic plants and animals, including live baitfish, into non-native habitats.
6. Learns and obeys angling and boating regulations, and treats other anglers, boaters, and property owners with courtesy and respect.
7. Respects property rights, and never trespasses on private lands or waters.
8. Keeps no more fish than needed for consumption, and never wastefully discards fish that are retained.
9. Practices conservation by carefully handling and releasing alive all fish that are unwanted or prohibited by regulation, as well as other animals that may become hooked or entangled accidentally.
10. Uses tackle and techniques which minimize harm to fish when engaging in ''catch and release'' angling.

Dated: February 11, 1999.

Andrew A. Rosenberg, Ph.D.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–4002 Filed 2–17–99; 8:45 am]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

''FEDERAL REGISTER'' CITATION OF PREVIOUS ANNOUNCEMENT: 64 F.R. 6327.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m., Wednesday, February 24, 1999.

CHANGES IN THE MEETING: The Commodity Futures Trading Commission has changed the meeting to discuss Enforcement Matters to Wednesday, March 3, 1999 at 2:00 p.m.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 418–5100.

Catherine D. Dixon,

Assistant Secretary of the Commission.

[FR Doc. 99–4085 Filed 2–16–99; 10:36 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Navy

Secretarial Authorization for Certain Members of the Department of the Navy To Serve on the Board of Directors, Navy-Marine Corps Relief Society

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: In accordance with 10 U.S.C. 1033, the Secretary of the Navy has authorized certain members of the Navy and Marine Corps to serve, without compensation, on the Board of Directors for the Navy-Marine Corps Relief Society. Officials so authorized, along with the name of the current incumbent to each such position, are as follows:

Chief of Naval Operations, Admiral J.L. Johnson, USN; Commandant of the Marine Corps, General C.C. Krulak, USMC; Chief of Naval Personnel, Vice Admiral D.T. Oliver, USN; Deputy Chief of Staff for Manpower and Reserve Affairs, Headquarters Marine Corps, Lieutenant General J.W. Klimp, USMC; Surgeon General of the Navy, Vice Admiral R.A. Nelson, MC, USN; Commander Naval Supply Systems, Rear Admiral D.E. Hickman, SC, USN; Chief of Chaplains, Rear Admiral B. Holderby, CHC, USN; Judge Advocate General, Rear Admiral J.D. Hutson, JAGC, USN; Master Chief Petty Officer of the Navy, Master Chief J.L. Herdt, USN; Sergeant Major of the Marine Corps, Sergeant Major L.G. Lee, USMC.

Authorization to serve on the Board of Directors has been made for the purpose of providing oversight and advice to, and coordination with, the Navy-Marine Corps Relief Society. Participation of the above officials in the activities of the Society will not extend to participation in day-to-day operations.

FOR FURTHER INFORMATION CONTACT: Commander Mike Quinn, Office of the Judge Advocate General, Administrative Law Division, (703) 604–8228.

(Authority: 10 U.S.C. 1033(c))

Dated: February 4, 1999.

Ralph W. Corey,

Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 99–3907 Filed 2–17–99; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Second Record of Decision on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site

AGENCY: Department of Energy.

ACTION: Record of decision.

SUMMARY: The Department of Energy (DOE) is issuing a Second Record of Decision for processing certain categories of plutonium residues for disposal or other disposition as specified in the Preferred Alternative contained in the Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site (the Final EIS, DOE/EIS–0277F, August 1998). The material categories covered by this Record of Decision are: (1) Incinerator ash residues, (2) Graphite fines residues, (3) Inorganic ash residues, (4) Molten salt extraction/electrorefining salt residues, (5) Direct oxide reduction salt residues (high plutonium concentration), (6) High-efficiency particulate air filter media residues, and (7) Sludge residues.

ADDRESSES: Copies of the Final EIS, the first Record of Decision, and this Second Record of Decision are available in the public reading rooms and libraries identified in the **Federal Register** Notice that announced the availability of the Final EIS (63 FR 46006, August 28, 1998), or by calling the Center for Environmental Management Information at 1–800–736–3282 (toll free) or 202–863–5084 (in Washington, DC).

FOR FURTHER INFORMATION CONTACT: For information on the management of plutonium residues and scrub alloy currently stored at the Rocky Flats Environmental Technology Site, contact: Ms. Patty Bubar, Acting Director, Rocky Flats Office (EM–64), Office of Nuclear Material and Facility Stabilization, Environmental Management, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 301–903–7130.

For information concerning the Final EIS or either Record of Decision, contact: Mr. Charles R. Head, Senior Technical Advisor, Office of Nuclear Material and Facility Stabilization (EM–60), Environmental Management, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202–586–5151.

For information on DOE's National Environmental Policy Act (NEPA) process, contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585, Telephone: 202–586–4600, or leave a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION:

I. Synopsis of the Decision

The U.S. Department of Energy (DOE) announced issuance of the Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site (Final EIS, DOE/EIS–0277F) on August 28, 1998 (63 FR 46006, August 28, 1998). In the Final EIS, DOE considered the potential environmental impacts of a proposed action to process certain plutonium residues and scrub alloy currently stored at the Rocky Flats Environmental Technology Site (Rocky Flats) near Golden, Colorado in preparation for disposal or other disposition. After consideration of the Final EIS, including public comments submitted on the Draft EIS, and public comments submitted following issuance of the Final EIS, DOE issued a First Record of Decision on November 25, 1998 (63 FR 66136, December 1, 1998), on nine of the categories of material addressed in the Final EIS.

After further consideration of the Final EIS, including public comments submitted on the Draft EIS, and public comments submitted following issuance of the Final EIS, DOE has decided to implement the Preferred Alternative specified in the Final EIS for the remaining categories of material covered in the Final EIS, namely: (1) Incinerator ash residues, (2) Graphite fines residues, (3) Inorganic ash residues, (4) Molten salt extraction/electrorefining salt residues, (5) Direct oxide reduction salt residues (high plutonium concentration), (6) High-efficiency particulate air (HEPA) filter media residues, and (7) Sludge residues.

Implementation of the Preferred Alternative for these materials will involve the following:

1. Up to approximately 32,160 kg of plutonium residues (containing up to approximately 1,970 kg of plutonium) will be processed at Rocky Flats and packaged in preparation for disposal in the Waste Isolation Pilot Plant (WIPP) in New Mexico. This includes all of the residues covered by this Record of Decision, except for the residues discussed in the following paragraph.

2. Approximately 727 kg of direct oxide reduction (DOR) salt residues (containing up to about 139 kg of plutonium) will either be (1) pyro-oxidized (if necessary), followed by repackaging (with blending, if necessary, to no more than 10 percent plutonium), at Rocky Flats, or (2) pyro-oxidized at Rocky Flats (if necessary), followed by acid dissolution/plutonium oxide recovery at the Los Alamos National Laboratory (LANL). DOE expects that no more than approximately 306 kg of the DOR salts will have to be shipped to LANL for processing, with the remainder, and possibly all, of the DOR salts being processed at Rocky Flats. Any plutonium that is separated at LANL will be converted to an oxide and will be placed into safe and secure storage, along with a larger quantity of plutonium already in storage at LANL, until DOE has completed the Surplus Plutonium Disposition Environmental Impact Statement (DOE/EIS–0283, under preparation, draft issued in July 1998; see Section VI. E. 2, below, for additional discussion of the plutonium disposition topic) and made final decisions on the disposition of the separated plutonium. Transuranic wastes generated during the acid dissolution operations at LANL will be sent to WIPP for disposal. Other wastes generated during the chemical separations operations will be disposed of in accordance with LANL's normal procedures for disposing of such wastes.

The only shipments of plutonium residues for offsite processing that might occur under this Record of Decision are shipments of no more than about 306 kg of high assay DOR salt residues to LANL. Shipment of transuranic wastes from processed Rocky Flats plutonium residues was analyzed in National Environmental Policy Act documentation previously completed for WIPP.

The actions summarized above are scheduled to take place at Rocky Flats and LANL between 1999 and 2004.

II. Background

During the Cold War, DOE and its predecessor agencies conducted various activities associated with the production of nuclear weapons. Several intermediate products and wastes were generated as a result of those operations, some of which are still in storage at various DOE sites, including Rocky Flats. Now that the Cold War is over and the United States has ceased production of fissile nuclear weapons materials, DOE is conducting activities to safely manage, clean up, and dispose of (where appropriate) the intermediate products and wastes from prior nuclear weapons production activities. Among the intermediate products and wastes requiring proper management and preparation for disposal or other disposition are approximately 106,600 kg of plutonium residues and 700 kg of scrub alloy currently stored at Rocky Flats.

The Defense Nuclear Facilities Safety Board (Board), in its Recommendation 94–1, addressed health and safety concerns regarding various materials at Rocky Flats, including the plutonium residues and scrub alloy. The Board concluded that hazards could arise from continued storage of these materials in their current forms and recommended that they be stabilized as expeditiously as possible. Approximately 64,400 kg of the plutonium residues in storage at Rocky Flats contain very low concentrations of plutonium and are currently being stabilized under the Solid Residue Treatment, Repackaging, and Storage Environmental Assessment/Finding of No Significant Impact (Solid Residue EA, DOE/EA–1120, April 1996), thus preparing them for disposal. However, the remaining 42,200 kg of plutonium residues, which contain higher concentrations of plutonium, and all 700 kg of scrub alloy (not analyzed in the Solid Residue EA) require processing for stabilization and to prepare them for disposal or other disposition. These materials are addressed in the Final EIS.

The approximately 42,200 kg of plutonium residues consist of several heterogeneous categories of materials (e.g., ashes, salts, combustible materials, sludges, pieces of glass, pieces of graphite). On average, the plutonium residues contain about 6% plutonium by weight, although a small amount of the plutonium residues contains well above the average percentage of plutonium by weight. For example, the 315 kg of plutonium fluoride residues (less than 1 percent of the material addressed in the Final EIS) contains approximately 45% plutonium by weight. The approximately 700 kg of scrub alloy (less than 2 percent of the material addressed in the Final EIS) consists primarily of a metallic alloy of magnesium, aluminum, americium, and plutonium, containing approximately 29% plutonium by weight.

Although the average concentration of plutonium in the 42,200 kg of residues is small, there is still enough plutonium present (about 2,600 kg) to subject the residues to a special set of requirements (referred to as ''safeguards and security'' requirements) to maintain control of the materials and ensure that the plutonium in them is not stolen or diverted for illicit use, perhaps in a nuclear weapon. The 700 kg of scrub alloy, with its

greater plutonium concentration, is also subject to safeguards and security requirements. Prior to disposal or other disposition of the residues and scrub alloy, action must be taken to reduce the plutonium concentration in the materials, make the plutonium more difficult to remove from the materials, or otherwise implement steps to ensure that the plutonium would not be stolen or diverted for illicit purposes. This process is referred to as ''termination of safeguards'' or ''meeting safeguards termination limits''.

Accordingly, the Purpose and Need for Agency Action addressed in the Final EIS was to evaluate action alternatives for processing the approximately 42,200 kg of plutonium residues and 700 kg of scrub alloy currently in storage at Rocky Flats to address the health and safety concerns regarding storage of the materials, as raised by the Board in its Recommendation 94–1, and to prepare the materials for offsite disposal or other disposition (including termination of safeguards, when appropriate). The action alternatives evaluated would be implemented in a manner that supports closure of Rocky Flats by 2006 and limits worker exposure and waste production. Disposal or other disposition would eliminate the health and safety concerns associated with indefinite storage of these materials.

Subsequent to completion of the Final EIS, DOE completed consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act. Section 7 of the Endangered Species Act provides Federal agencies with the authority to determine whether a proposed Federal action may affect protected species or habitats and, if the agency determines that it will not (i.e., makes a ''no effect'' determination), then no consultation with the Fish and Wildlife Service is required. Rather than specifying a ''no effect'' determination, the Final EIS concludes that the proposed processing of plutonium residues and scrub alloy is not likely to adversely affect threatened or endangered species or critical habitats in areas involved in this proposal. (Although indicating some effect on threatened or endangered species, a ''not likely to adversely affect'' determination falls short of a determination that a species or critical habitat is likely to be adversely affected overall by the proposed action.)

Upon further review of the likely impacts of the proposed processing, DOE concludes that a ''no effect'' determination would have been more appropriate in this case because DOE does not believe that the proposed processing will affect protected species or critical habitats overall. Therefore, no consultation with the Fish and Wildlife Service is required.

The decision process reflected in this Record of Decision complies with the requirements of the National Environmental Policy Act (42 U.S.C. Sec. 4321 *et seq.*) and DOE's NEPA implementing regulations at 10 CFR Part 1021. Further, section 308 of the Fiscal Year 1999 Energy and Water Development Appropriations Act (Public Law 105–245) specifies that: ''None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date.'' The decisions specified in this Record of Decision comply with the requirements of P.L. 105–245.

As noted above and in accordance with a plan described in Section 1.4.2 of the Final EIS, DOE has already issued a first Record of Decision on the other categories of materials (plutonium residues and scrub alloy) within the scope of the Final EIS. The material categories covered by the First Record of Decision are: (1) Sand, slag and crucible residues, (2) Direct oxide reduction salt residues (low plutonium concentration), (3) Combustible residues, (4) Plutonium fluoride residues, (5) Ful Flo filter media residues, (6) Glass residues, (7) Graphite residues, (8) Inorganic (metal and other) residues, and (9) Scrub alloy. All of these materials will also be processed in accordance with the Preferred Alternative specified in the Final EIS.

III. Alternatives Evaluated in the Final EIS

DOE evaluated the following alternatives for management of the Rocky Flats plutonium residues covered by this Record of Decision. These alternatives are the same as the alternatives described in the first Record of Decision, although the processing technologies listed here are those that apply to the material categories covered by this Second Record of Decision:

III. A. Alternative 1 (No Action—Stabilize and Store)

This alternative consists of stabilization or repackaging to prepare the material for interim storage as described in the Rocky Flats Solid Residue Environmental Assessment. Under this alternative, further processing to prepare the materials for disposal or other disposition would not occur. Under this alternative, approximately 40 percent of the Rocky Flats plutonium residues would be left in a form that would not meet the requirements for termination of safeguards, thus making these materials ineligible for disposal. Thus, while implementation of this alternative would address the immediate health and safety concerns associated with near-term storage of the materials, the health and safety risks associated with potential long-term storage of these materials would remain.

III. B. Alternative 2 (Processing Without Plutonium Separation)

Under this alternative, the materials would be processed to convert them into forms that would meet the requirements for termination of safeguards. The materials would be ready for shipment to WIPP in New Mexico for disposal.

The technologies evaluated for use under this alternative for the material categories covered by this Record of Decision are listed in Table 1.

TABLE 1.—ALTERNATIVE 2 PROCESSING TECHNOLOGIES

Material category	Processing technology
Incinerator ash residues and Inorganic ash residues	Calcination followed by vitrification.
	Cold Ceramification (incinerator ash residues only).
	Calcination followed by blend down.
Graphite fines residues	Vitrification.
	Blend down.
Molten salt extraction/electrorefining salt residues	Blend down.
DOR salt residues (high plutonium concentration)	Blend down.
HEPA filter media residues	Calcination followed by vitrification.
	Blend down.

TABLE 1—ALTERNATIVE 2 PROCESSING TECHNOLOGIES—Continued

Material category	Processing technology
Sludge residues	Sonic wash. Calcination followed by vitrification. Blend down.

All of the technologies specified in Table 1 would be implemented onsite at Rocky Flats. The blend down operation referred to in Table 1 would consist of mixing the plutonium residues within the scope of the Final EIS with other, lower plutonium content residues that are also planned for disposal in WIPP, or with inert material, so that the resulting mixture would be below the safeguards termination limits.

III. C. Alternative 3 (Processing With Plutonium Separation)

Under this alternative, the plutonium residues and scrub alloy would be processed to separate plutonium from the material and concentrate it so that the secondary waste would meet the requirements for termination of safeguards and be ready for disposal, while the separated and concentrated plutonium would be placed in safe and secure storage pending disposition in accordance with decisions to be made under the Surplus Plutonium Disposition Environmental Impact Statement. DOE would not use this plutonium for nuclear explosive purposes.

The technologies evaluated for use under this alternative for the material categories covered by this Record of Decision are listed in Table 2. These technologies would be implemented at the sites specified in Table 2.

TABLE 2.—ALTERNATIVE 3 PROCESSING TECHNOLOGIES

Material category	Processing technology	Processing site
Incinerator ash residues	Purex processing	Savannah River Site.
	Mediated Electrochemical Oxidation.	
Graphite fines residues	Mediated Electrochemical Oxidation	Savannah River Site.
Inorganic ash residues	None.	
Molten salt—extraction/electrorefining salt residues.	Salt distillation	Rocky Flats or LANL.
	Salt scrub followed by Purex processing	Rocky Flats/Savannah River Site.
	Water leach	Rocky Flats.
DOR salt residues (high plutonium concentration).	Salt scrub followed by Purex processing	Rocky Flats/Savannah River Site.
	Water leach	Rocky Flats or LANL.
	Acid dissolution	LANL.
HEPA filter media residues	Mediated Electrochemical Oxidation	Rocky Flats.
Sludge residues (not incl. Item Description Codes [IDCs] 089, 099 and 332).	Acid dissolution	Rocky Flats.

III. D. Alternative 4 (Combination of Processing Technologies)

Under this alternative, the residues would be stabilized and blended down, if necessary, and repackaged in preparation for shipment of the material to WIPP. Blend down would be conducted so that none of the residues processed under this alternative would contain more than 10% plutonium by weight. Termination of safeguards would be accomplished through use of a variance to the safeguards requirements. A variance is the record of a review process whereby DOE's Office of Safeguards and Security approves a proposal by another part of DOE to terminate safeguards on specific quantities of safeguarded materials because of special circumstances that make the safeguards controls unnecessary. The variance to safeguards termination limits that is required to allow implementation of this alternative was approved by the DOE Office of Safeguards and Security after conducting a detailed review and extensive vulnerability assessment regarding the alternative mechanisms that would be used to protect and control access to the material. The Office of Safeguards and Security concluded that the nature of the residues, the relatively low concentration of plutonium in the residues after blend down (if necessary), and the waste management controls that would be in effect during the transportation to and staging at WIPP prior to disposal would be sufficient to provide a level of protection for the materials comparable to that required by safeguards.

III. E. Strategic Management Approaches

Theoretically, it would be possible to process all of the residues using only one of the alternatives listed above (e.g., all the materials would be processed under a single alternative, except for certain material categories for which there is no processing technology under that alternative). Nevertheless, in practice, DOE recognized in preparing the EIS that the most appropriate technologies were likely to be chosen separately for each material category by selecting from among the technologies in all the alternatives. However, there are too many combinations of material categories, processing technologies and processing sites to address each individual combination in the EIS in a manner that would be easily understandable. As a result, in addition to individually evaluating technologies that could be used to implement the alternatives for each material category, DOE also evaluated several ''Strategic Management Approaches.'' These approaches involve compilations of sets of processing technologies which would allow a specific management criterion to be met. The management criteria addressed in the Strategic Management Approaches are as follows:

1. No Action (i.e., Alternative 1 discussed above)

2. Preferred Alternative (Discussed in more detail in Section III. F. below).
3. Minimizing Total Processing Duration at Rocky Flats.
4. Minimizing Cost.
5. Conducting all Processing at Rocky Flats.
6. Conducting the Fewest Actions at Rocky Flats.
7. Processing with the Maximum Amount of Plutonium Separation.
8. Processing without Plutonium Separation.

The decisions on which technology to implement have been made separately for each material category covered by this Record of Decision; the Strategic Management Alternatives were merely illustrative. Nevertheless, evaluation of the Strategic Management Approaches allowed presentation of the environmental impacts of the proposed action as one set of data, instead of separate sets of data representing the impacts from management of each of the material categories individually. Examination of the various Strategic Management Approaches also allowed DOE and the public to determine whether there are any significant differences between the impacts that would result from implementation of one Strategic Management Approach as compared to any other.

III. F. Preferred Alternative

The preferred alternative was constructed by selecting a preferred technology for each material category from among the action alternatives (i.e., Alternatives 2, 3 and 4) described above.

The technologies that comprise the Preferred Alternative for the material categories covered by this Record of Decision are listed in Table 3 (the bases for selection of these technologies are discussed in Section 2.4 of the Final EIS and in Section VI of this Record of Decision). These technologies would be implemented at the sites specified in Table 3.

TABLE 3.—PREFERRED ALTERNATIVE PROCESSING TECHNOLOGIES

Material category	Processing technology	Processing site
Incinerator ash residues	Repackage (Alternative 4)	Rocky Flats.
Graphite fines residues	Repackage (Alternative 4)	Rocky Flats.
Inorganic ash residues	Repackage (Alternative 4)	Rocky Flats.
Molten salt extraction/electrorefining salt residues.	Repackage (Alternative 4)	Rocky Flats.
DOR salt residues (high plutonium concentration).	Pyro-oxidation (if necessary) followed by acid dissolution (Alternative 3).	Rocky Flats and LANL.
	Pyro-oxidation (if necessary) followed by blend down and repackaging (Alternative 4).	Rocky Flats.
HEPA filter media residues	Neutralize (if necessary) and repackage (Alternative 4).	Rocky Flats.
Sludge residues	Filter/dry, if necessary, and repackage (Alternative 4).	Rocky Flats.

IV. Other Factors

In addition to comparing the environmental impacts of implementing the various alternatives, DOE also considered other factors in reaching the decisions announced here. These other factors included issues raised by comments received during scoping, or on the Draft and Final versions of the EIS. The other factors considered are briefly summarized in the following paragraphs.

IV. A. Nonproliferation

Preventing the spread of nuclear weapons has been a fundamental national security and foreign policy goal of the United States since 1945. The current United States policy is summarized in the White House Fact Sheet on Nonproliferation and Export Control Policy, dated September 27, 1993. This policy makes it clear that the United States does not encourage the civil use of plutonium and, accordingly, does not itself engage in plutonium reprocessing for either nuclear power or nuclear explosives purposes. In addition, it is United States policy to seek to eliminate where possible the accumulation of stockpiles of plutonium.

The alternatives analyzed in the Final EIS, including plutonium separation alternatives, would result in varying levels of risk associated with potential use of the plutonium in nuclear weapons, either by the United States or an adversary. None of the alternatives would eliminate the plutonium from the current inventory. Nevertheless, as discussed in Section 4.1.9 of the Final EIS, all of the action alternatives would result in appropriate management of the plutonium residues and scrub alloy to ensure that they are not stolen or diverted for illicit purposes. Furthermore, all of the action alternatives set the stage for significantly reducing the proliferation risk posed by the plutonium in the plutonium residues and scrub alloy by preparing these materials for disposal or other disposition in a form that is highly proliferation resistant (i.e., a form which contains very little plutonium per unit weight, from which the plutonium would be especially difficult to extract, or for which other measures are taken to ensure sufficient security). In addition, because of the potential concern regarding any processing and consolidating of plutonium that might be accomplished by DOE, the Secretary of Energy has committed that any plutonium-239 separated or stabilized for health and safety purposes would be prohibited from use for nuclear explosive purposes (Secretarial Action Memorandum approved on December 20, 1994). This prohibition would apply to plutonium-239 processed through actions implemented by this Record of Decision.

IV. B. Technology Availability and Technical Feasibility

DOE considered technology availability and technical feasibility in identifying processing technologies to be evaluated in the Final EIS and in making the decisions specified in Section VI of this Record of Decision. DOE considered the extent to which technology development would be required and the likelihood of success of such endeavors. All of the technologies evaluated in the Final EIS are technically feasible. In general, however, the more that processing technologies vary from the historical processes and facilities used by DOE, the greater the technical uncertainty and extent to which new facilities or modifications to existing facilities would have to be made (as discussed in Section 4.17.7 of the Final EIS).

IV. C. Timing

DOE considered the degree to which the various technologies that could potentially be used in management of the plutonium residues and scrub alloy would support DOE's plans for cleanup of the radioactive, chemical and other hazardous wastes left after 50 years of nuclear weapons production by the United States, as outlined in the document titled Accelerating Cleanup: Paths to Closure (DOE/EM–0362, June 1998), including the goal of closing Rocky Flats by 2006.

IV. D. Cost

In reaching decisions on processing technologies, an important consideration for DOE was cost. DOE evaluated the costs of implementing the various processing technologies for each material category on both an individual basis and collectively. DOE estimates it would cost from approximately $428 million to $814 million to implement the Strategic Management Approaches (other than No Action) analyzed in the Final EIS. An even larger expenditure (approximately $1.1 billion) would be required to pay for continued storage of the nuclear materials if DOE chose to implement the No Action alternative. On the other hand, DOE expects that the annual costs of operating and maintaining Rocky Flats facilities will decrease as nuclear materials are removed from the site. DOE expects further reductions in costs as the Rocky Flats facilities are deactivated.

V. Comments on the Final EIS

The only comments on the Final EIS were received by DOE prior to issuance of the first Record of Decision. The responses to those comments were provided in Section V of the first Record of Decision.

VI. Decision

DOE has decided to implement the proposed action in the manner described in this section. The alternatives that DOE has decided to implement are presented separately below for each material category because the decisions on the selected technology were based on considerations that are unique to the chemical and physical characteristics of the individual material categories. Furthermore, these decisions are independent of one another and are not connected to the decisions that were made in the first Record of Decision. Although alternative technologies analyzed in the EIS might use certain common facilities or personnel, sufficient facility capacity and personnel are available to allow use of any technology without interfering with any other.

For clarity and brevity, this section also includes the discussion of the environmentally preferable alternative (as required by CEQ regulations [40 CFR 1505.2]) and the basis for selection of the alternative to be implemented.

The analysis of alternative technologies presented in the Final EIS indicates that all of the alternative technologies, including those in the Preferred Alternative and the No Action alternative, would have only small impacts on the human environment on or around the DOE management sites and on the populations along transportation routes (see Sections 4.23 and 4.24 of the Final EIS). Using conservative assumptions (i.e., assumptions that tend to overestimate risks), the potential risks from incident-free operations and postulated accidents that are of most interest would be those associated with radiation exposure to workers performing processing operations on the plutonium residues or near loaded transportation containers, and transportation routes. The Final EIS also estimates (1) the risks from incident-free operations and postulated accidents associated with chemical releases and transportation accidents; (2) the amounts of various wastes and other materials that would result from implementation of the various alternative technologies; (3) the cost of implementing the various alternative technologies; (4) the effect on nuclear weapons nonproliferation; and (5) air quality impacts.

Environmentally Preferable Alternative

Although there are differences among the estimated impacts for the various alternatives, the impacts would be small for any of the alternative technologies, and the magnitude of the differences in potential impacts between alternatives is small. In addition, the nature of the potential impacts is such that comparing them is a very judgmental process. For example, under the salt distillation at Rocky Flats alternative (Alternative 3) for electrorefining and molten salt extraction residues (not including IDC 409), only 519 drums of transuranic waste would be generated, whereas the blend down at Rocky Flats alternative for this material (Alternative 2) would generate 10,802 drums of transuranic waste. However, salt distillation would also result in generation of 569 kg of separated plutonium, whereas blend down would result in no separated plutonium. Comments received from members of the public on the Draft EIS demonstrate that different individuals would make different value judgements as to which of these product/waste materials is of most concern. In addition to having no indisputable means of identifying which waste or product stream would be most important to minimize, there is no indisputable way to trade off differences between the amounts of various types of waste and separated plutonium against differences in levels of radiological risk or chemical hazards, or between risks to workers versus risks to the public (risks to the public would be lower than those to workers for all technologies evaluated in the Final EIS).

In general, because of the small risks that would result from any of the action alternatives (as demonstrated by Tables in Sections 2.10, 4.2, 4.3, 4.6 and 4.7 of the Final EIS) and the absence of any clear basis for discerning an environmental preference, DOE considers that no one of the action alternatives is clearly environmentally preferable over any other action alternative. On the other hand, under the No Action alternative, the materials would be left in storage at Rocky Flats with no defined disposal path. There would be additional risk associated with both the indefinite storage and whatever processing may ultimately be determined to be necessary to prepare the material for ultimate disposition. There would also be risks from potential degradation of storage facilities and containers. Accordingly, in consideration of the long-term risks that would be associated with implementation of the No Action alternative, DOE considers that all of the action alternatives are environmentally preferable over the No Action alternative.

The processing technologies that DOE has decided to implement are as follows for each material category addressed in this Record of Decision:

VI. A. Incinerator Ash Residues

VI. A. 1. Selected Alternative

DOE has decided to repackage the incinerator ash residues to prepare them for disposal in WIPP (Alternative 4). Material that is above 10 percent plutonium by weight will be blended with low plutonium concentration material from the same Item Description Code (IDC), or with inert material, to reach the 10 percent plutonium limit.

VI. A. 2. Basis for the Decision

Repackaging at Rocky Flats was chosen as the technology to be implemented for this material category because it is the simplest and least costly of all processing technologies considered, and the one that will allow

DOE to complete processing and ready the material for disposal most expeditiously. This approach will also allow use of resources that would otherwise be required to manage these residues to accelerate other activities required to close the site.

VI. B. Graphite Fines Residues

VI. B. 1. Selected Alternative

DOE has decided to repackage the graphite fines residues to prepare them for disposal in WIPP (Alternative 4). Material that is above 10 percent plutonium by weight will be blended with low plutonium concentration material from the same IDC, or with inert material, to reach the 10 percent plutonium limit.

VI. B. 2. Basis for the Decision

Repackaging at Rocky Flats was chosen as the technology to be implemented for this material category because it is the simplest and least costly of all processing technologies considered, and the one that will allow DOE to complete processing and ready the material for disposal most expeditiously. This approach will also allow use of resources that would otherwise be required to manage these residues to accelerate other activities required to close the site.

VI. C. Inorganic Ash Residues

VI. C. 1. Selected Alternative

DOE has decided to repackage the inorganic ash residues to prepare them for disposal in WIPP (Alternative 4). Material that is above 10 percent plutonium by weight will be blended with low plutonium concentration material from the same IDC, or with inert material, to reach the 10 percent plutonium limit.

VI. C. 2. Basis for the Decision

Repackaging at Rocky Flats was chosen as the technology to be implemented for this material category because it is the simplest and least costly of all processing technologies considered, and the one that will allow DOE to complete processing and ready the material for disposal most expeditiously. This approach will also allow use of resources that would otherwise be required to manage these residues to accelerate other activities required to close the site.

VI. D. Molten Salt Extraction/ Electrorefining Salt Residues

VI. D. 1. Selected Alternative

DOE has decided to repackage the molten salt extraction/electrorefining salt residues to prepare them for disposal in WIPP (Alternative 4). Material that is above 10 percent plutonium by weight will be blended with low plutonium concentration material from the same salt category, or with inert material, to reach the 10 percent plutonium limit.

VI. D. 2. Basis for the Decision

Repackaging at Rocky Flats was chosen as the technology to be implemented for this material category because it is the simplest of all processing technologies considered and the one that will allow the site to complete processing and ready the material for disposal most expeditiously. This approach will also allow use of the resources that would otherwise be required to manage these residues to accelerate completion of other activities required to close the site. Finally, selection of repackaging avoids the technical uncertainty (discussed in Section 4.17.7 of the Final EIS) that would be associated with implementation of the least expensive alternative, i.e., salt distillation.

VI. E. Direct Oxide Reduction Salt Residues (High Plutonium Concentration)

VI. E. 1. Selected Alternative

DOE has decided to take the following action for the high plutonium concentration direct oxide reduction salt residues:

a. As much of the high plutonium concentration direct oxide reduction salt residues as possible, and probably all, will be pyro-oxidized (if necessary), and then repackaged (with blending to no more than 10 percent plutonium, if necessary) at Rocky Flats to prepare them for disposal in WIPP (Alternative 4).

b. If any of the high plutonium concentration direct oxide reduction salt residues are found to be unsuitable for processing as described in the preceding paragraph, they would be transported to LANL where the plutonium could be separated from the residues by acid dissolution (Alternative 3).[1]. Prior to shipment, these residues would be pyro-oxidized at Rocky Flats (if necessary). The recovered plutonium would be converted into an oxide and placed into safe and secure storage, along with a larger quantity of plutonium already in storage at LANL, until DOE has completed the Surplus Plutonium Disposition Environmental Impact Statement (DOE/EIS–0283, under preparation, draft issued in July 1998; see Section VI. E. 2, below, for additional discussion of plutonium disposition) and made final decisions on the disposition of the separated plutonium. Transuranic wastes generated during the acid dissolution operations would be sent to WIPP for disposal. Other wastes generated during the chemical separations operations would be disposed of in accordance with LANL's normal procedures for disposing of such wastes. DOE expects that, at most, approximately 306 kg of the DOR salts might be shipped to LANL for processing, with the remainder, and probably all, of the DOR salts being processed at Rocky Flats.

VI. E. 2. Basis for the Decision

Repackaging at Rocky Flats was chosen as the technology to be implemented for as much of this material category as possible because it is the simplest and least costly of all processing technologies considered and the one that will allow the site to complete processing and ready the material for disposal most expeditiously. This approach will also allow use of the resources that would otherwise be required to manage these residues to accelerate completion of other activities required to close the site.

Acid dissolution/plutonium oxide recovery at LANL was selected as the technology to be implemented for any material in this category that cannot be repackaged as discussed above because this process will result in shorter exposures of the workers to radiation than would be experienced with the blend down process in Alternative 2, thus providing health and safety benefits to the workers. Selection of acid dissolution also avoids the technical uncertainty associated with the water leach plutonium separation process (see Section 4.17.7 of the Final EIS).

The Final EIS specified that any plutonium separated under any alternative analyzed in this EIS would be disposed of using the immobilization process. (Final EIS, page 2–2.) Upon further review, DOE has decided for the following reasons not to make a determination at this time on the disposition of any plutonium separated under the decisions announced in this ROD. In December 1996, DOE published the Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic Environmental Impact Statement (DOE/EIS–0229, the PEIS). That PEIS analyzed, among other things, the potential environmental consequences of alternative strategies for the long-term storage and disposition of weapons-usable plutonium that has

[1] As stated in the Final EIS, Appendix B, end of Section B.3.3.3, there are no Resource Conservation and Recovery Act hazardous waste codes associated with any of the DOR salts.

been or may be declared surplus to national security needs. DOE announced the Record of Decision for that PEIS in January 1997, which outlines an approach to plutonium disposition that would allow for both the immobilization of some of the surplus plutonium, and the use of some of the surplus plutonium as mixed oxide (MOX) fuel in existing domestic, commercial reactors (62 FR 3014, January 21, 1997).

As a follow-on analysis to that PEIS, DOE is in the process of preparing the Surplus Plutonium Disposition Environmental Impact Statement, which addresses the extent to which each of the two surplus plutonium disposition approaches (immobilization and MOX) would be implemented. Thus, at the present time, DOE has not decided the extent to which either the immobilization or the MOX approach to surplus plutonium disposition would be implemented. Moreover, as noted above, even after completion of the Surplus Plutonium Disposition Environmental Impact Statement, DOE does not expect to make decisions about which, if any, of the surplus plutonium would be used in MOX fuel until shortly before any such material would be transferred to a MOX fuel fabrication facility. Thus, DOE believes at this time it is appropriate not to make any commitment as to which approach would be implemented for the disposition of any plutonium to be separated under the decisions announced in this Second Record of Decision.

The plutonium declared to be surplus includes any weapons-useable plutonium resulting from the stabilization (for health and safety reasons) of the Rocky Flats DOR salt residues discussed under this Second Record of Decision. As a result, weapons-useable plutonium that is separated under actions from this Second Record of Decision is a candidate for both of the surplus weapons-useable plutonium disposition alternatives that have been identified by DOE (i.e., MOX and immobilization).

VI. F. HEPA Filter Media Residues

VI. F. 1. Selected Alternative

DOE has decided to neutralize and dry the HEPA filter media in IDC 338, as necessary, and then repackage them in preparation for disposal in WIPP. DOE has determined that the other HEPA filter media do not need to be neutralized and dried. They will be repackaged in preparation for disposal in WIPP.

VI. F. 2. Basis for the Decision

The average concentration of plutonium in the HEPA filter media residues is less than 10 percent, allowing them to be prepared for disposal in WIPP with little processing. Selection of the repackaging alternative (Alternative 4) allows DOE to use resources that would otherwise be required to process the HEPA filter media to accelerate completion of other activities required to process other residues and close the site. It also allows DOE to avoid the technical uncertainty (discussed in Section 4.17.7 of the Final EIS) that would be associated with selection of the less expensive vitrification technology or the uncertainty (also discussed in Section 4.17.7 of the Final EIS) associated with whether the less expensive blend down alternative would be sufficient to eliminate the safety concerns associated with nitric acid contaminated filters.

VI. G. Sludge Residues

VI. G. 1. Selected Alternative

DOE has decided to repackage all sludge residues in IDCs 089, 099 and 332 to prepare them for disposal in WIPP (Alternative 4). DOE has decided to filter and dry all of the other sludge residues, as necessary, and then repackage them to prepare them for disposal in WIPP (Alternative 4).

VI. G. 2. Basis for the Decision

Repackaging under Alternative 4 was selected for the sludges in IDCs 089, 099 and 332 because they would be difficult to process by other means. Furthermore, their small quantity (about 7 kg bulk [0.95 kg plutonium]) makes them particularly easy to process by repackaging. Use of repackaging under Alternative 4 for the sludges in IDCs 089, 099 and 332 will avoid the technical uncertainties (discussed in Section 4.17.7 of the Final EIS) that would be associated with the vitrification alternative.

Filtration and drying, followed by repackaging under Alternative 4, was selected for the remaining sludge residues because it is the simplest of all processing technologies considered and the one that will allow the site to complete processing and ready the material for disposal most expeditiously. This approach will allow use of the resources that would otherwise be required to manage these residues to accelerate completion of other activities required to close the site. It will also avoid the uncertainty regarding whether the less expensive blend down alternative would be sufficient to address the safety issues related to the nitric acid and solvent contamination of the sludges.

VII. Use of All Practical Means To Avoid or Minimize Harm

Implementation of this decision will result in low environmental and health impacts. However, DOE will take the following steps to avoid or minimize harm wherever possible:

VII. A.

DOE will use current safety and health programs and practices to reduce impacts by maintaining worker radiation exposure as low as reasonably achievable and by meeting appropriate waste minimization and pollution prevention objectives.

VII. B.

DOE will provide a level of health and safety for DOE transportation operations that is equivalent to or greater than that provided by compliance with all applicable Federal, State, Tribal, and local regulations. In addition to meeting applicable shipping containment and confinement requirements of the Nuclear Regulatory Commission regulations on Packaging and Transportation of Radioactive Material (10 CFR Part 71) and Department of Transportation regulations at 49 CFR, all packaging for transportation of the material covered by this Record of Decision will also be certified by DOE. DOE also provides Federal, State, Tribal and local authorities with access to training and technical assistance necessary to allow them to safely, efficiently, and effectively respond to any incident involving transportation of the materials covered by this Record of Decision. Items A and B above will be accomplished under existing business practices in the normal course of implementing this Record of Decision.

VIII. Conclusion

DOE has decided to implement the Preferred Alternative specified in the Final EIS to prepare the plutonium residue categories specified in Sections I and VI of this Record of Decision for disposal or other disposition. This decision is effective upon being made public, in accordance with DOE's NEPA implementation regulations (10 CFR 1021.315). The goal of this decision is to prepare the plutonium residues for disposal or other disposition in a manner that addresses immediate health and safety concerns associated with storage of the materials, and that also supports Rocky Flats closure. Disposal or other disposition of these materials will also eliminate health and safety concerns and costs that would be

associated with indefinite storage of these materials.

Issued in Washington, D.C. this 11th day of February, 1999.

James M. Owendoff,

Acting Assistant Secretary for Environmental Management.

[FR Doc. 99–3987 Filed 2–17–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99–978–000 and EL99–31–000]

Boston Edison Company; Notice of Initiation of Proceeding and Refund Effective Date

February 11, 1999.

Take notice that on February 10, 1999, the Commission issued an order in the above-indicated dockets initiating a proceeding in Docket No. EL99–31–000 under section 206 of the Federal Power Act.

The refund effective date in Docket No. EL99–31–000 will be 60 days after publication of this notice in the **Federal Register**.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–3954 Filed 2–17–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–96–001]

CNG Transmission Corporation; Notice of Amendment

February 11, 1999.

Take notice that on February 9, 1999, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP99–96–001 to amend its pending application filed on December 2, 1998 in Docket No. CP99–96–000. This application is on file with the Commission and available for public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–0400 for assistance).

CNG states that the purpose of the amendment is to revise the facilities CNG proposed to construct and operate at its North Summit Storage Field. Specifically, CNG is withdrawing its request for authorization to convert Well UW–207 from an observation well to a storage well and to construct approximately 3,554 feet of 8-inch diameter pipeline with appurtenant facilities designated as Line No. UP–25.

Any person desiring to be heard or making any protest with reference to said application should on or before March 4, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or person to whom the protests are directed. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Any person who filed to intervene in Docket No. CP99–96–000 need not file again.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for CNG to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–3894 Filed 2–17–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–189–000]

Columbia Gas Transmission Corporation; Notice of Application

February 11, 1999.

Take notice that on February 2, 1999, Columbia Transmission Corporation (Columbia), 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–0146, filed in Docket No. CP99–189–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon in place approximately 0.65 mile of 6-inch pipeline located in Franklin County, Pennsylvania, all as more fully set forth in the application on file with the Commission and open to public inspection. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance.

Specifically, Columbia proposes to abandon approximately 0.65 mile of 6-inch transmission Line 138 and appurtenances located in Franklin County, Pennsylvania. Columbia states that it was authorized to own and operate the facilities proposed for abandonment in Docket No. CP71–132–000. Columbia states that the section of Line 138 for which abandonment in place authority is requested is an uncoated, steel pipeline in need of replacement due to its deteriorating condition. Columbia states that there are no points of delivery from this section of Line 138.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.2111 and the Regulations under the Natural Gas act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas