regarding the proposed transactions to the extent they effect an indirect transfer of control of the DAEC license. On February 26, 1997, a notice of consideration of approval of application regarding corporate restructuring was published in the **Federal Register** (62 FR 8783). An Environmental Assessment and Finding of No Significant Impact was published in the **Federal Register** on May 5, 1997 (62 FR 24515).

Under 10 CFR 50.80, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. Upon review of the information submitted in the letter of September 27, 1996, and other information before the Commission, the NRC staff has determined that the proposed merger will not affect the qualifications of IESU as a holder of the license, and that the transfer of control of the license, to the extent effected by the proposed merger, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth herein. These findings are supported by a Safety Evaluation dated August 28, 1997.

III

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), 2201(o), and 2234, and 10 CFR 50.80, *it is hereby ordered* that the Commission approves the application regarding the merger agreement between IESI, WPLH, and IPC subject to the following: (1) IESU shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from IESU to its parent or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding 10 percent of IESU's consolidated net utility plant, as recorded on IESU's books of account; and (2) should the merger not be completed by June 30, 1998, this Order shall become null and void unless, upon application and for good cause shown, this date is extended.

This Order is effective upon issuance.

IV

By October 6, 1997, any person adversely affected by this Order may file a request for a hearing with respect to issuance of the Order. Any person requesting a hearing shall set forth with particularity how such person's interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is to be held, the Commission will issue an order designating the time and place of such hearing.

The issue to be considered at any such hearing shall be whether this Order should be sustained.

Any request for a hearing must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Copies also should be sent to the Office of the General Counsel and to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Alvin H. Gutterman, Morgan, Lewis and Bockius LLP, 1800 M Street, NW., Washington, DC 20036–5869, attorney for IESU.

For further details with respect to this action, see the application dated September 27, 1996, which is 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 Cedar Rapids Public Library, 500 First Street, SE, Cedar Rapids, IA 52401.

Dated at Rockville, Maryland, this 28th day of August, 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97–23472 Filed 9–3–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–3085]

Draft Environmental Impact Statement—Decommissioning of the Babcock & Wilcox Shallow Land Disposal Area in Parks Township, Pennsylvania

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has published a Draft Environmental Impact Statement (DEIS) regarding the proposed decommissioning of the Babcock & Wilcox (B&W) Shallow Land Disposal Area (SLDA) in Parks Township, Pennsylvania. This DEIS describes and evaluates the potential environmental impacts of B&W's proposed approach to decommissioning the radiologically contaminated waste. The B&W preferred approach would allow radioactive material to remain on-site. The wastes would be stabilized by installing an engineered cover system and a system of hydrologic barriers and controls surrounding the trench areas to provide groundwater protection. The coal mine underlying the SLDA would be stabilized by injecting grout into the voids under the trenches to prevent subsidence. Institutional controls would be required in perpetuity to prevent inadvertent intrusion into the waste. The DEIS evaluates the radiological and nonradiological impacts associated with the B&W proposed action and four alternative actions, including no action. Based on the evaluations in this DEIS, the staff's preliminary conclusion is that another alternative, modified stabilization in-place, would protect public health and the environment and would be less costly than the other alternatives. This alternative would include institutional controls and backfilling of the coal mine, but the engineered barriers and cap would not be implemented. For any of the alternatives, off-site impacts would be low and no off-site dose is expected. The DEIS is a preliminary analysis of the environmental impacts of B&W's proposed approach and alternative actions. The issuance of a final EIS, and any NRC decisionmaking based on a final EIS, will not be made until public comments on the DEIS are received and evaluated.

DATES: Written comments on the DEIS should be received at the address listed below by December 15, 1997. Comments received after this date will be considered if it is practical to do so, but NRC is able to assure consideration only for comments received on or before this date.

To the extent practicable, NRC staff will grant reasonable requests for extensions of time for comment up to fifteen (15) days.

ADDRESSES: Mail written comments to David L. Meyer, Chief, Rules and Directives Branch, Mail Stop T–6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Deliver comments to 11545 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm, Federal workdays.

Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC 20555. A single copy of the DEIS

(NUREG–1613) may be requested by those considering public comment by writing to the U.S. Nuclear Regulatory Commission, Printing and Graphics Branch, Washington, DC 20555–0001. A copy of the DEIS is available for inspection and/or copying in the NRC Public Document Room, 2120 L St. NW., Washington, DC 20555–0001. A copy is being made available for public inspection at the local Public Document Room in the Apollo Memorial Library, 219 North Pennsylvania Avevue, Apollo, Pennsylvania 15613; telephone number (412) 478–4214.

FOR FURTHER INFORMATION CONTACT: Dr. Phyllis Sobel, Low-Level Waste and Decommissioning Projects Branch, Mail Stop T7F–27, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001. Telephone 301–415–6714.

SUPPLEMENTARY INFORMATION: NRC has prepared a DEIS that evaluates the environmental impacts and alternatives associated with B&W's proposed action to decommission radiologically contaminated wastes in trenches at the SLDA. NRC noticed its intent to prepare an EIS on the decommissioning of the SLDA facility in Parks Township, Pennsylvania (59 FR 67344) on December 29, 1994, and conducted a public meeting to obtain comments on the intended scope of the EIS in Leechburg, Pennsylvania, on January 26, 1995.

Until 1970, the SLDA at Parks Township, Pennsylvania, was used for the disposal of hazardous and low-level wastes from a nuclear fuel fabrication facility in nearby Apollo, Pennsylvania. The materials placed in the trenches consisted of wastes, scrap and trash. These disposals were made pursuant to the requirements of 10 CFR 20.304, which was in effect at the time. The radioactive materials in the SLDA include natural uranium, enriched and depleted uranium, and lesser quantities of thorium, americium, and plutonium.

The SLDA is currently owned by B&W, which maintains the site under an active NRC license no. SNM–2001 for use in possession, storage, monitoring, and characterization of the SLDA. B&W intends to decommission the site as part of license termination activities. The site requires decommissioning because it contains activities higher than NRC regulations allow for release of the property for unrestricted use and termination of the license. The site is listed in NRC's Site Decommissioning Management Plan because it warrants special NRC oversight to ensure safe and timely decommissioning.

B&W's preferred approach to decommissioning would allow radioactive material to remain on-site. The wastes would be stabilized by installing an engineered cover system and a system of hydrologic barriers and controls surrounding the trench areas to provide groundwater protection. The coal mine underlying the SLDA would be stabilized by injecting grout into the voids under the trenches to prevent subsidence. Institutional controls would be required in perpetuity to prevent inadvertent intrusion into the waste. Because the licensee's proposed decommissioning alternative would allow radioactive material to remain on-site and the quantities of materials in some areas would exceed existing radiological criteria for decommissioning for unrestricted release, approval of the licensee's proposal requires the preparation of an EIS in accordance with the National Environmental Policy Act and NRC's implementing requirements in 10 CFR part 51.

The DEIS evaluates the radiological and nonradiological impacts associated with the B&W proposed action (stabilization in-place) and four alternative actions (no action, disposal off-site, stabilization on-site, and modified stabilization in-place). Under the no action alternative, wastes in the SLDA would be retained in their current configuration within the trenches without any additional processing, stabilization, or controls. This alternative is analyzed in the EIS to provide a baseline for comparison with the other alternatives; however, the no action alternative cannot be considered because the on-site doses exceed NRC's criteria for unrestricted use and thereby require institutional controls. Disposal off-site would involve excavating all wastes, treating the waste, as necessary, to meet disposal facility acceptance criteria, and shipping the waste to an off-site facility licensed for disposal. No wastes would remain in the trenches at the site after remediation, but contaminated soil and rock that are below NRC and EPA cleanup limits would remain on-site. Under the stabilization on-site alternative, all wastes would be excavated, treated, and stored in a newly constructed on-site disposal cell. Under NRC's staff-developed alternative, modified stabilization in-place, institutional controls and backfilling of the coal mine would be used, but the engineered barriers and cap would not be implemented.

The DEIS assesses the impacts of the B&W proposed action and the four alternative actions for socioeconomics, land use, cultural resources, geology, air quality, water quality, human health, biological resources, and wetlands. Additionally an analysis and comparison of the costs and benefits of each alternative has been performed. The analyses indicate that the radioactive and chemical contaminants at the SLDA, in their current condition (i.e., no action alternative) would leach extremely slowly from the trenches and would be heavily diluted to near background levels both by groundwater and by surface water. For any of the alternatives, off-site impacts would be low and no off-site dose is expected.

Based on the evaluations in this DEIS, the staff's preliminary conclusion is that modified stabilization in-place would protect public health and the environment and would be less costly than the other alternatives. Since the uranium is highly immobile, the barriers proposed in the stabilization in-place alternative are not needed to prevent migration. The air quality and noise impacts of the modified stabilization in-place alternative would be similar but not as large as those for the stabilization in-place alternative in that there will be some construction on-site for the mine stabilization and erosion controls around Dry Run. However, the air quality and noise impacts would be less because the cap, slurry wall, and grout curtain would not be built and construction times would be much shorter than for stabilization in-place. Human health impacts of the modified stabilization in-place alternative would be similar to those for stabilization in-place. The costs for modified stabilization in-place would be about 31 percent of the cost for stabilization in-place, but slightly greater (approximately $7 million) than no action because of costs associated with mine stabilization and institutional controls. The stabilization on-site alternative would offer no advantages. The disposal off-site alternative would allow the SLDA property to be released for unrestricted use, but there would be increased risks associated with the removal and processing of the material from the trenches.

The principal health concern related to leaving wastes on-site would be the effects of possible future human intrusion directly into the waste. Direct intrusion into the waste could be prevented by continuing institutional controls on the site in perpetuity. Under the modified stabilization in-place alternative, institutional controls would be used to: (1) Prevent people from

intruding into the trenches or living on the site; (2) provide for a maintenance program to maintain the soil cap in its present condition and to prevent any erosion of the cap caused by runoff or headward erosion of Dry Run; and (3) provide for a monitoring program to continue monitoring the wells on-site to ensure off-site doses continue to be negligible.

NRC is offering an opportunity for public review and comment on the DEIS in accordance with NRC requirements in 10 CFR 51.73, 51.74, and 51.117. Any comments of Federal, State, and local agencies, Indian tribes, or other interested parties will be made available for public inspection when received. The DEIS is a preliminary analysis of the environmental impacts of B&W's proposed approach. The issuance of a final EIS, and any NRC decisionmaking based on a final EIS, will not be made until public comments on the DEIS are received and evaluated. NRC staff will review the comments, conduct any necessary analyses, and make appropriate revisions in developing the final EIS on the decommissioning of the SLDA facility in Parks Township, Pennsylvania. NRC anticipates completing the EIS on this facility in 1998; however, this schedule may need to be adjusted during the review of public comments.

NRC is also arranging a public meeting on the DEIS to be held in the vicinity of Parks Township, Pennsylvania, during the public comment period in the fall of 1997. The meeting will consist of an overview of the DEIS and an opportunity for the NRC to hear any public comments on the DEIS. NRC will announce the date and location for this meeting in a subsequent **Federal Register** notice in advance of the public meeting.

Opportunity for a Hearing

Pursuant to the Commission's rules in 10 CFR part 2, subpart L, an opportunity for a hearing is hereby offered with respect to the licensee's proposed action, stabilization in place, or any alternative described in the DEIS that the licensee may include in a request to amend its license to incorporate a decommissioning plan. Pursuant to § 2.1205(a), any person whose interest may be affected by the licensee's decommissioning actions (the ''proceeding'') may file a request for a hearing in accordance with § 2.1205(c). A request for a hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to the Rulemakings and Adjudications staff, Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738; or

2. By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Rulemakings and Adjudications staff.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the 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 requester in the proceeding;

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

3. The requester's areas of concern about the proposed 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).

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 licensee, B & W Nuclear Environmental Services, Inc., 2220 Langhorne Road, P.O. Box 10548, Lynchburg, VA 24506–0548 Attention: Mr. Philip R. Rosenthal; and

2. The 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 20555–0001.

Dated at Rockville, Maryland, this 28th day of August 1997.

For the Nuclear Regulatory Commission.

John W. N. Hickey,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97–23475 Filed 9–3–97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Procedures for Meetings

Background

This notice describes procedures to be followed with respect to meetings conducted by the Nuclear Regulatory Commission's (NRC's) Advisory Committee on Reactor Safeguards (ACRS) pursuant to the Federal Advisory Committee Act. These procedures are set forth so that they may be incorporated by reference in future notices for individual meetings.

The ACRS is a statutory group established by Congress to review and report on applications for the licensing of nuclear power reactor facilities and on certain other nuclear safety matters. The Committee's reports become a part of the public record.

The ACRS meetings are conducted in accordance with the Federal Advisory Committee Act; they are normally open to the public and provide opportunities for oral or written statements from members of the public to be considered as part of the Committee's information gathering process. ACRS reviews do not normally encompass matters pertaining to environmental impacts other than those related to radiological safety.

The ACRS meetings are not adjudicatory hearings such as those conducted by the NRC's Atomic Safety and Licensing Board Panel as part of the Commission's licensing process.

General Rules Regarding ACRS Meetings

An agenda is published in the **Federal Register** for each full Committee meeting. There may be a need to make changes to the agenda to facilitate the conduct of the meeting. The Chairman of the Committee is empowered to conduct the meeting in a manner that, in his/her judgment, will facilitate the orderly conduct of business, including making provisions to continue the discussion of matters not completed on the scheduled day on another meeting day. Persons planning to attend the meeting may contact the Chief of the Nuclear Reactors Branch, ACRS, prior to the meeting to be advised of any changes to the agenda that may have occurred. This individual can be contacted (telephone: 301/415–7364) between 7:30 a.m. and 4:15 p.m., Eastern Time.

The following requirements shall apply to public participation in ACRS full Committee meetings:

(a) Persons wishing to submit written comments regarding the agenda items