

Assistant General Counsel for Materials Litigation and Enforcement, Office of the General Counsel, with both copies addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and the NRC requests that a copy also be transmitted either by facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov).

If a person requests a hearing, he or she shall set forth in the request for a hearing with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309.

If a hearing is requested by a person whose interest is adversely affected, the Commission shall issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

In accordance with 10 CFR 51.10(d) this Order is not subject to Section 102(2) of the National Environmental Policy Act, as amended. The NRC staff notes, however, that with respect to environmental impacts associated with the changes imposed by this Order as described in the safety evaluation, the changes would, if imposed by other than an Order, meet the definition of a categorical exclusion in accordance with 10 CFR 51.22(c)(9) and (10). Thus, pursuant to either 10 CFR 51.10(d) or 51.22(c)(9) and (10), no environmental assessment nor environmental impact statement is required.

For further information see the application from the licensee dated December 2, 2005 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML062220375), as supplemented on June 19 (ADAMS Accession Nos. ML061720498 and ML062220178) and 29 (ADAMS Accession No. ML061840285), July 20 (ADAMS Accession No. ML062050252) and 21 (ADAMS Accession No. ML062060139), and August 4 (ADAMS Accession No. ML062350107) and 22 (ADAMS Accession No. ML062400265), 2006, the staff's requests for additional information dated May 2 (ADAMS Accession No. ML061220262 with clarification dated May 18, 2006, ADAMS Accession No. ML061420119) and 22, 2006 (ADAMS Accession No. ML061380167), and the cover letter to the licensee, attachments to this Order and staff's safety evaluation dated September 1, 2006 (ADAMS Accession No. ML062440086) available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available

records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who have problems in accessing the documents in ADAMS should contact the NRC PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated this 1st day of September 2006.

For the Nuclear Regulatory Commission.

**J. E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E6-14825 Filed 9-5-06; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 40-1162]

### **Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Western Nuclear, Inc., Jeffrey City, WY**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

#### **FOR FURTHER INFORMATION CONTACT:**

Stephen J. Cohen, Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-7182; fax number: (301) 415-5955; e-mail: [sjc7@nrc.gov](mailto:sjc7@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) plans to issue a license amendment to Source Materials License No. SUA-56 held by Western Nuclear, Inc. (the Licensee), to authorize the establishment of alternate concentration limits (ACLs) at its Split Rock uranium mill tailings site in Jeffrey City, Wyoming. The NRC has prepared an Environmental Assessment (EA) in support of the proposed action in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact is appropriate. Final action on the Licensee's amendment request will be taken following publication of this notice. The NRC will issue a technical evaluation report addressing the safety aspects of establishing ACLs at the Licensee's facility.

## **II. EA Summary**

The purpose of the proposed amendment is to authorize the establishment of ACLs instead of ground water protection standards for six constituents at the Licensee's Jeffrey City, Wyoming, facility. Specifically, this amendment will establish ACLs for ammonia, manganese, molybdenum, nitrate, radium-226 and -228, and natural uranium. This amendment will also require the Licensee to establish institutional controls on all properties within the long-term surveillance boundary to preclude domestic ground water use. On October 29, 1999, the Licensee requested that NRC approve the proposed amendment.

The staff has prepared the EA in support of the proposed license amendment. The staff considered impacts to ground water, surface water, land use, ecology, socioeconomic conditions, and historical and cultural resources. Impacts to ground water are mitigated by the use of institutional controls that prevent human consumption of contaminated ground water within the long-term surveillance boundary. However, agricultural and livestock uses have been preserved within the long-term surveillance boundary. A surface water and ground water monitoring program has been established to track ground water contamination, and trigger levels for surface water and ground water have been established, the exceedance of which would require a response from the Licensee.

## **III. Finding of No Significant Impact**

On the basis of the EA, the NRC has concluded that there are no significant environmental impacts from the proposed amendment and has determined not to prepare an environmental impact statement.

## **IV. Further Information**

Documents related to this action, including the application for amendment, the EA, and other supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are:

Document	ADAMS Accession No.
Ground Water Characterization and Evaluation. Baseline Risk Assessment, Appendix I to Site Closure Plan.	ML003672396, ML003672400 ML003672619
Supplement to October 29, 1999, Split Rock Site Closure Report.	ML010380246
WNI Response to NRC Request of September 6, 2001, for Additional Information on Site Closure Plan for the Split Rock, Wyoming, Site.	ML021710273
Supplemental Data Collection, Program Trip Report.	ML021710422
WNI Response to NRC Request of September 6, 2001, for Additional Information on Site Closure Plan for the Split Rock, Wyoming, Site.	ML022110059
Supplemental Ground Water Modeling Report.	ML030760336
Letter to Robert A. Nelson Regarding Risk Assessment of Ground Water for Agricultural Uses.	ML041490156
Response to Request for Additional Information.	ML050690064
Environmental Assessment for Amendment to Source Materials License SUA-56, Ground Water Alternate Concentration Limits.	ML062130316

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 30th day of August 2006.

For the Nuclear Regulatory Commission.

**Stephen J. Cohen,**

*Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E6-14706 Filed 9-5-06; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Meeting

**DATE:** Weeks of September 4, 11, 18, 25, October 2, 9, 2006.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

### Week of September 4, 2006

*Wednesday, September 6, 2006*

1:50 p.m.

Affirmation Session (Public) (Tentative).

- Pacific Gas & Elec. Co. (Diablo Canyon ISFSI), Docket No. 72-26-ISFSI "Motion by San Luis Obispo Mothers for Peace, Sierra Club, and Peg Pinard for Declaratory and Injunctive Relief with respect to Diablo Canyon ISFSI". (Tentative.)
- AmerGen Energy Company, LLC (License Renewal for Oyster Creek Nuclear Generating Station) Docket No. 50-0219, Legal challenges to LBP-06-07 and LBP-06-11. (Tentative.)
- Pa'ina Hawaii, LLC, LBP-06-4, 63 NRC 99 (2006) and LBP-06-12, 63 NRC 409 (2006). (Tentative.)

### Week of September 11, 2006—Tentative

*Monday, September 11, 2006*

9:30 a.m.

Discussion of Security Issues (Closed—Ex. 1).

1:30 p.m.

Discussion of Security Issues (Closed—Ex. 1 & 3).

*Tuesday, September 12, 2006*

9:30 a.m.

Meeting with Organization of Agreement States (OAS) and conference of Radiation Control Program Directors (CRCPD) (Public Meeting) (Contact: Shawn Smith, 301-415-2620.)

This meeting will be webcast live at the Web address—<http://www.nrc.gov>.

1 p.m.

(Discussion of Security Issues (Closed—Ex. 1).

### Week of September 18, 2006—Tentative

There are no meetings scheduled for the Week of September 18, 2006.

### Week of September 25, 2006—Tentative

There are no meetings scheduled for the Week of September 25, 2006.

### Week of October 2, 2006—Tentative

There are no meetings scheduled for the Week of October 2, 2006.

### Week of October 9, 2006—Tentative

There are no meetings scheduled for the Week of October 9, 2006.

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\*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: Michelle Schroll, (301) 415-1662.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/what-we-do/policy-making/schedule.html>.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify the NRC's Disability Program Coordinator, Deborah Chan, at 301-415-7041, TDD: 301-415-2100, or by e-mail at [DLC@nrc.gov](mailto:DLC@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: August 31, 2006.

**R. Michelle Schroll,**

*Office of the Secretary*

[FR Doc. 06-7479 Filed 9-1-06; 9:46am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293-LR; ASLBP No. 06-848-02-LR]

### Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station); Notice of Reconstitution

Pursuant to 10 CFR 2.321, the Atomic Safety and Licensing Board in the above captioned *Entergy Nuclear Operations, Inc.* proceeding, is hereby reconstituted by appointing Administrative Judge Paul B. Abramson in place of Administrative Judge Nicholas G. Trikouros who, pursuant to 10 CFR 2.313(b)(1), recused himself from the proceeding on August 30, 2006.

In accordance with 10 CFR 2.302, henceforth all correspondence,