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SUPPLEMENTARY INFORMATION: The alternatives considered in this DEIS are no action (i.e., continued storage of mustard agent at APG) and locating the pilot facility at one of two potential sites within APG. Although the no action alternative is not viable under Pub. L. 99-145, the Department of Defense Authorization Act of 1986, it was analyzed to provide a comparison with the proposed action. In addition, the no action alternative is considered to be deferral of research and development of the neutralization process as an alternative technology.

The FEIS concludes that mustard agent stored in bulk containers can be pilot tested at APG in a safe and environmental acceptable manner using the water neutralization (hydrolysis) process, followed by biotreatment. At one time, the option of sending the hydrolysate to an off-site biotreatment facility was considered by the Army. However, the Army has been unable to identify a suitable off-site biotreatment facility that would accept the neutralization hydrolysate and also conform to the safety and environmental protection requirements of the proposed action. Accordingly, off-site biotreatment is not addressed further in this EIS.

The Department of the Army prepared a Draft EIS (DEIS) which assessed the potential site-specific health and environmental impacts of the construction, systemization and operation of an on-site facility to pilot test the neutralization/biotreatment process of mustard agent using water at APG, Maryland. A Notice of Availability was published on March 27, 1998 (63 FR 14922), which provided notice that the Draft EIS was available for comment. Comments from the DEIS have been considered and responses are included in this Final EIS. After a 30-day waiting period the Army will publish a Record of Decision.

Dated: July 29, 1998.

Raymond J. Fatz,

*Deputy Assistant Secretary of the Army,
(Environment, Safety and Occupational
Health) OASA (IL&E).*

[FR Doc. 98-20971 Filed 8-5-98; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Notice of Availability; Draft DOE Order and Manual on Radioactive Waste Management

AGENCY: Department of Energy (DOE).

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE) announces the availability of a revised draft DOE Order and Manual on radioactive waste management. These draft documents set forth the requirements that DOE programs and contractors would follow in managing DOE radioactive waste to provide for radiological protection from DOE facilities, operations, and activities in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.*) and other authorities. As part of its mission, DOE generates, stores, treats, and disposes of high-level waste, transuranic waste, low-level waste, and mixed low-level radioactive waste.

DATES: Any comments on the draft Order or Manual (designated draft DOE O 435.1, Radioactive Waste Management, and draft DOE M 435.1, Radioactive Waste Management Manual, respectively) must be received by September 8, 1998 to ensure consideration. Comments received after this date will be considered to the extent practicable.

ADDRESSES: Any written comments should be directed to: Martin Letourneau, Office of Waste Management, EM-35, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874-1290.

Persons wanting to provide oral comments should call 1-800-356-7954. Electronic copies of the draft Order and Manual are available on the Internet at: <<http://www.explorer.doe.gov:1776/htmls/draft.html>> under the title "Series 400 Work Process." Paper copies also may be obtained from the Center for Environmental Management Information, 955 L'Enfant Plaza, North, SW, Suite 8200, Washington, DC, 20024, 1-800-736-3282, in DC 202-863-5084; and DOE Reading Rooms. For locations of the DOE Reading Rooms or other public information repositories containing these documents, please contact the Center for Environmental Management Information at the above address and telephone.

FOR FURTHER INFORMATION CONTACT: For information on draft DOE O 435.1, Radioactive Waste Management, and draft DOE M 435.1, Radioactive Waste Management Manual, or the Order revision process, please contact: Martin Letourneau, at the above address, by

telephone at 301-903-7656, or by e-mail at: martin.letourneau@em.doe.gov.

For general information on the DOE Directives System process, please contact: Howard Landon, United States Department of Energy, Office of Human Resources and Administration, 1000 Independence Ave., SW, Washington, DC 20585-0701, or call 202-586-4716.

SUPPLEMENTARY INFORMATION: The draft Order and Manual on radioactive waste management would revise the existing DOE Order on radioactive waste management, DOE 5820.2A. DOE is revising the existing DOE Order to reflect advances in radioactive waste management practices, and changes within DOE since the existing DOE Order was issued in 1988.

The draft Order and Manual would revise the procedural and managerial requirements for the management of radioactive waste in the existing DOE Order. The scope of the draft Order and Manual include:

- (1) High-level waste management, including closure of high-level waste tank systems and management of associated incidental wastes;
- (2) Transuranic waste management, including safe treatment, storage, and characterization/certification to support disposal at the Waste Isolation Pilot Plant;
- (3) Low-level waste management, with attention to disposal and assessment of potential long-term impacts of the disposal on projected public dose; and
- (4) The management of the radioactive component of mixed wastes to comply with external regulatory requirements, including the Resource Conservation and Recovery Act, which regulates the management of the hazardous component of mixed wastes.

DOE is also preparing an Implementation Guide, which will accompany the final Order and Manual.

The current radioactive waste management Order, DOE 5820.2A, provides that low-level and mixed low-level waste shall be disposed of at a DOE facility, but authorizes the granting of exemptions to allow disposal at a non-DOE facility when such disposal meets certain criteria. DOE is currently conducting a policy analysis of the use of non-DOE facilities for the disposal of DOE's low-level and mixed low-level waste to determine, among other things, whether this practice should be expanded or further restricted. DOE issued a notice of intent and request for public comment regarding this policy analysis on March 19, 1998 (63 FR 13396). Pending completion of that analysis, the section of the draft Manual

pertaining to the use of non-DOE facilities for disposal of low-level and mixed low-level waste is reserved.

Background

Under the Atomic Energy Act, DOE is responsible for research, development, and defense production involving nuclear materials, and for managing nuclear materials in a manner that protects the public health and safety. DOE employs service contractors to carry out these responsibilities at various sites in the United States. DOE has broad authority under the Atomic Energy Act to establish policies to carry out its responsibilities and to standardize its approach to using service contractors (42 U.S.C. § 2201). Issuance of a final version of today's draft Order and Manual will be an exercise of that authority.

Orders and Manuals are part of the DOE Directives System. The Directives System is the means by which DOE policies, requirements, and responsibilities are developed and communicated throughout DOE. Orders establish management objectives and requirements, and assign responsibilities. Compliance with Orders is mandatory for contractors to the extent specified in their contract. Manuals, also part of the DOE Directives System, establish requirements that supplement DOE Orders and provide more instruction about how the provisions of the Orders shall be carried out.

It is DOE's policy to use a consistent management system for the development, communication, implementation, and periodic review of its Orders. Most DOE Orders are scheduled for review every two years to determine whether they should be continued, revised, or canceled. Objectives to be achieved when revising a DOE Order include providing more effective program direction, accountability, and performance assurance.

As early as 1990, DOE began analyzing, assessing, and reviewing the existing Order on radioactive waste management, DOE 5820.2A, which was issued in September 1988. In 1991, DOE initiated efforts to revise DOE 5820.2A. During this initial revision effort, the Defense Nuclear Facilities Safety Board (DNFSB), an independent organization with oversight of DOE, began to examine low-level waste management at DOE's defense nuclear facilities in terms of DOE's past, present, and future operations. In September 1994, the DNFSB issued its Recommendation 94-2, Conformance with Safety Standards

at DOE Low-Level Nuclear Waste and Disposal Sites, which found that:

- DOE had not kept pace with the evolution of commercial practices for waste disposal;
- Six years after DOE 5820.2A was issued, the performance assessment process prescribed by the Order had not been completed for any of DOE's low-level waste disposal facilities;
- The performance assessments excluded waste buried prior to September 1988; and
- There was considerable uncertainty in DOE's projections of future low-level waste volumes.

In May 1995, a draft revision to DOE 5820.2A (draft DOE 5820.2B) was reviewed by DOE and the DNFSB staff. Based on the DNFSB's comments and other comments resulting from the internal DOE review, DOE's Office of Environmental Management committed in 1996 to a new approach for revising the existing Order. This new approach involves a five-step process. First, DOE used a systems engineering approach to identify all functions and activities necessary for managing DOE radioactive waste. Second, the hazards that would be posed by performing these functions and activities were assessed, and actions that would mitigate the hazards were identified. Third, existing requirements (e.g., other DOE directives, Nuclear Regulatory Commission regulations, and Environmental Protection Agency standards) were reviewed and assessed to determine if existing requirements adequately addressed the identified hazards. Fourth, DOE developed proposed revisions to the procedural and managerial aspects of its requirements to address the identified hazards consistent with existing directives or regulations, and the technical basis for each requirement was documented. Finally, DOE is making the draft Order and Manual available today for public review. Following consideration of any public comments, a final DOE Order and Manual on radioactive waste management, to be designated DOE O 435.1 and DOE M 435.1, will be developed and issued.

In DOE's implementation plan in response to DNFSB Recommendation 94-2, DOE stated that it would issue a final Order and Manual on radioactive waste management by September 30, 1998. DOE also agreed to requests from state regulators, the public, and the National Governors Association that the draft Order and Manual be made available for public review prior to issuance of the final Order and Manual. Any comments on the draft Order and Manual are needed by the date stated at the beginning of this Notice to allow

DOE sufficient time to consider them consistent with DOE's commitment to the DNFSB to issue the final Order and Manual. The provisions of DOE 5820.2A would remain in effect until the effective date of DOE O 435.1 and DOE M 435.1.

Review Under the National Environmental Policy Act

The draft Order and Manual would not change the substantive requirements of the current Order, DOE 5820.2A. The revisions reflected in the Order and Manual include such procedural measures as: requiring more headquarters involvement in reviewing and approving low-level waste disposal facility performance assessments; delegating other authorities to field-level managers; requiring maintenance of operating basis procedures; and greater emphasis on performance-based requirements rather than prescriptive requirements. Because the draft Order and Manual amend or revise the existing Order but do not change its environmental effect, DOE has determined that this revision fits within the class of actions eligible for categorical exclusion found at paragraph A5 of Appendix A to subpart D, 10 CFR Part 1021. DOE has determined that there are no extraordinary circumstances related to the proposed Order and Manual that may affect the significance of the environmental impacts of the proposed Order and Manual, and that the proposed Order and Manual are not "connected" to other actions with potentially significant impacts or to other proposed actions with cumulatively significant impacts. Accordingly, neither an environmental impact statement nor an environmental assessment is required.

Issued in Washington, DC July 31, 1998.

James M. Owendoff,

Acting Assistant Secretary for Environmental Management.

[FR Doc. 98-21040 Filed 8-5-98; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7962-025]

Baldwin Hydroelectric Corporation; Notice Denying Intervention and Rejecting Request for Rehearing

July 31, 1998.

By unpublished order of June 5, 1998, the Director, Office of Hydropower Licensing (Director), granted the