

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.

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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

Baldwin Hydroelectric Corporation (Baldwin), licensee of the Baldwin Project No. 7962,¹ an extension of time from July 7, 1998, until January 7, 2000 to complete project construction. On July 6, 1998, Trout Unlimited and its New Hampshire and Vermont Councils (Trout Unlimited) moved to intervene in this post-licensing proceeding, and filed a request for rehearing of the order granting the extension.

The Commission entertains motions to intervene in or requests for rehearing of post-licensing proceedings only where the actions at issue involve a substantial or material change in either the plan of project development or the license's terms and conditions, or can adversely affect the rights of property-holders in a manner not contemplated by the license.² Extending the time to finish project construction makes no substantial or material change to the project, nor will it adversely affect any property holder's rights. Therefore Trout Unlimited's motion to intervene is denied and its request for rehearing is rejected.

This notice constitutes final agency action. Requests for rehearing by the Commission of this notice must be filed within 30 days of the date of issuance of this notice, pursuant to 18 CFR 385.713.

David P. Boergers,

Acting Secretary.

[FR Doc. 98-20987 Filed 8-5-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-683-000]

Blazer Energy Corporation; Notice of Petition for Declaratory Order

July 31, 1998.

Take notice that on July 22, 1998, Blazer Energy Corporation (Blazer), a wholly owned subsidiary of Statoil Energy, Inc., 2899 Eisenhower Avenue, Alexandria, VA 22314, filed a petition pursuant to section 385.207(a)(2) of the Commission's Rules of Practice and Procedure for a declaratory order in Docket No. CP98-683-000 requesting that the Commission declare that certain facilities Blazer proposes to acquire from Columbia Gas Transmission Corporation (Columbia) are gathering

facilities exempt from Commission jurisdiction under Section 1(b) of the Natural Gas Act (NGA), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Concurrently with this application, Columbia filed an application, in Docket No. CP98-684-000 (i) to abandon, by sale to Blazer, certain certificated facilities designated as Lines KA-7, KA-12, KA-13, and the Carbon Compressor Station, located in West Virginia; (ii) to abandon the services provided through the facilities to be sold; and (iii) to abandon a point of exchange with CNG Transmission Corporation and permission to amend Columbia's Exchange Agreement X-35 to remove that point.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 21, 1998, 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 385.211 and 18 CFR 385.214) 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 in any proceeding herein must file a motion to intervene in accordance with the Commission's rules.

David P. Boergers,

Acting Secretary.

[FR Doc. 98-20980 Filed 8-5-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-305-001]

Canyon Creek Compression Company; Notice of Compliance Filing

July 31, 1998.

Take notice that on July 29, 1998, Canyon Creek Compression Company (Canyon) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Substitute Third Revised Sheet No. 193 and Second Revised Sheet No. 194 to be effective August 1, 1998.

Canyon states that these tariff sheets were filed in compliance with the Commission's letter order issued July 17, 1998 in Docket No. RP98-305-000 (Letter Order). Canyon believes that the

tariff revisions made in the instant filing will bring Canyon's Tariff into full compliance with the Commission's Order No. 587-G.

Canyon requested waiver of the Commission's Regulations to the extent necessary to permit the tendered tariff sheets to become effective August 1, 1998, pursuant to Order No. 587-G and the Letter Order.

Canyon states that copies of the filing are being mailed to Canyon's customers, interested state regulatory agencies and all parties set out on the official service list in Docket No. RP98-305.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98-20989 Filed 8-5-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-691-000]

Caprock Pipeline Company; Notice of Request Under Blanket Authorization

July 31, 1998.

Take notice that on July 24, 1998, Caprock Pipeline Company (Caprock), P.O. Box 281304, Lakewood, Colorado 80228, filed in Docket No. CP98-691-000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations (18 CFR 157.205, 157.212) under the Natural Gas Act (NGA) for authorization to construct and operate a delivery tap and appurtenant facilities in Yoakum County, Texas, under Caprock's blanket certificate issued in Docket No. CP93-269-000, pursuant to Section 7 of the NGA, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Caprock proposes to construct and operate delivery point facilities on its main transmission system in Texas for

¹ The license was originally issued in 1988, and transferred to Baldwin in 1991. 42 FERC ¶ 62,007 and 57 FERC ¶ 62,203.

² See Kings River Conservation District, 36 FERC ¶ 61,365 (1986).