

Labor on appropriate actions to protect workers from the hazards associated with occupational exposure to metalworking fluids, will meet in Washington, D.C., on Monday through Wednesday, December 7 through December 9, 1998.

**DATES:** The meeting will be held December 7, from 10 a.m. to approximately 6 p.m.; on December 8, from 8 a.m. to approximately 5 p.m.; and on December 9, from 9 a.m. to approximately 4 p.m.

**ADDRESSES:** The Committee will meet at the Governor's House Hotel, 1615 Rhode Island Avenue, NW., Washington, DC 20036. Telephone: (202) 296-2100.

Mail comments, views, or statements in response to this notice to Dr. Peter Infante, U. S. Department of Labor, OSHA, Directorate of Health Standards Programs, Metalworking Fluids Standards Advisory Committee, Room N-3718, 200 Constitution Avenue, NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Friedman, Director, Office of Information and Consumer Affairs, OSHA, (202) 693-1999.

**SUPPLEMENTARY INFORMATION:** All interested persons are invited to attend the public meetings of the Metalworking Fluids Standards Advisory Committee, at the times and location indicated above. Individuals with disabilities wishing to attend should contact Theresa Berry at (202) 693-1999 (Fax: 202-693-1634) no later than November 30, 1998, to obtain appropriate accommodations.

### Meeting Agenda

The Committee will discuss the NIOSH small business exposure study, industry profile data, air sampling methods, and cancer studies related to metalworking fluids. In addition, work group reports will include medical surveillance issues.

### Public Participation

Written data, views, or comments for consideration by the MWFSAC on the various agenda items listed above may be submitted, preferably with 25 copies, to Dr. Peter Infante at the address provided above. Submissions received by November 27, 1998, will be provided to the members of the Committee. Anyone wishing to make an oral presentation to the Committee on any of the agenda items noted above should notify Dr. Peter Infante at the address listed above. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Requests to make oral

presentations to the Committee may be granted if time permits.

**Authority:** This notice is issued under the authority of sections 6(b)(1) and 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 656), the Federal Advisory Committee Act (5 U.S.C. App. 2), and 29 CFR part 1912.

Signed at Washington, DC.

**Charles N. Jeffress,**

*Assistant Secretary of Labor.*

[FR Doc. 98-31272 Filed 11-20-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-6622]

### Pathfinder Mines Corporation

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Final Finding of No Significant Impact Notice of Opportunity for Hearing.

**SUMMARY:** Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) proposes to amend NRC Source Material License SUA-442 to authorize Pathfinder Mines Corporation (PMC) to reclaim the Shirley Basin uranium mill site located in Carbon County, Wyoming. This license currently authorizes PMC to possess byproduct material in the form of uranium waste tailings generated by the licensee's milling operations at the site. An Environmental Assessment (EA) was performed by the NRC staff in support of its review of PMC's license amendment request, in accordance with the requirements of 10 CFR Part 51. The conclusion of the Environmental Assessment is a Finding of No Significant Impact (FONSI) for the proposed licensing action of approval of a reclamation plan.

### SUPPLEMENTARY INFORMATION:

#### Background

The PMC's Shirley Basin facility is licensed by the NRC under Source Material License SUA-442 to possess byproduct material in the form of uranium waste tailings generated by the licensee's milling operations. Uranium milling started at the Shirley Basin site in 1971, and continued until 1992. A total of 8,564,130 tons of ore was milled using a conventional acid leaching process. The mill has been dismantled, windblown tailings have been retrieved and placed on the tailings pile, and placement of the interim cover to decrease the potential for tailings dispersal and erosion has been completed. Based on its review of

PMC's mill decommissioning plan and its supplemental environmental report, the NRC staff had prepared a supplemental environmental assessment in accordance with the requirements of 10 CFR Part 51, and published in the **Federal Register** on April 3, 1996, the conclusion of the assessment. The conclusion was a FONSI. The current site activities include surface reclamation and continuation of the ground water corrective action program.

PMC submitted a reclamation plan by its letter dated May 22, 1996, and provided additional information by subsequent submittals. The reclamation of the site consists of stabilizing the tailings for at least 1,000 yrs and ensuring that the radon emanation from the tailings pile will not exceed 20 pCi/m<sup>2</sup>/s. The tailings pile will incorporate excavated materials from other areas that are contaminated above the release limit. The reclamation plan requires consolidation and movement of all the contaminated materials from the processing area to the tailing piles.

### Summary of the Environmental Assessment

The NRC staff performed an appraisal of the environmental impacts associated with the reclamation plan for the Shirley Basin site, in accordance with 10 CFR Part 51, Licensing and Regulatory Policy Procedures for Environmental Protection. The license amendment would authorize PMC to stabilize and cover the tailings as proposed. In conducting its appraisal, the NRC staff considered the following information: (1) PMC's 1996 license amendment request, and PMC's subsequent submittals providing additional information; (2) previous environmental evaluations of the facility; (3) data contained in the required environmental monitoring reports; (4) existing license conditions; (5) results of NRC staff site visits and inspections of the facility; and (6) consultations with the U.S. Fish and Wildlife Service, and the Wyoming State Historic Preservation Officer. The technical aspects of the reclamation plan will be discussed separately in a Technical Evaluation Report (TER) that will accompany the final agency licensing action.

The results of the staff's appraisal are documented in an EA placed in the docket file. Based on its review, the NRC staff has concluded that there are no significant environmental impacts associated with the proposed action.

### Conclusions

The NRC staff has examined actual and potential impacts associated with

the reclamation of the Shirley Basin site, and has determined that the requested amendment of Source Material License SUA-442, authorizing implementation of the reclamation plan, will not have long-term detrimental impacts on the environment. The following statements summarize the conclusions resulting from the staff's environmental assessment, and support the FONSI:

(1) An acceptable environmental and effluent monitoring program is in place to monitor effluent releases and to detect if applicable regulatory limits are exceeded. Radiological effluents from facility operations have been and are expected to remain below the regulatory limits;

(2) Present and potential risks of environmental damage from the proposed reclamation were assessed. Given the remote location, limited activities requested, small area of impact, and past activities on the site, the staff determined that the risk factors for environmental hazards are insignificant.

Because the staff has determined that there will be no significant impacts associated with approval of the license amendment, there can be no disproportionately high and adverse effects or impacts on minority and low-income populations. Consequently, further evaluation of Environmental Justice concerns, as outlined in Executive Order 12898 and NRC's Office of Nuclear Material Safety and Safeguards Policy and Procedures Letter 1-50, Revision 1, is not warranted.

#### Alternatives to the Proposed Action

The proposed action is to amend NRC Source Material License SUA-442, for reclamation of the Shirley Basin site, as requested by PMC. Therefore, the principal alternatives available to NRC are to:

(1) Approve the license amendment request as submitted; or

(2) Amend the license with such additional conditions as are considered necessary or appropriate to protect public health and safety and the environment; or

(3) Deny the amendment request.

Based on its review, the NRC staff has concluded that the environmental impacts associated with the proposed action do not warrant either the limiting of PMC's future operations or the denial of the license amendment. Additionally, in the TER for this action, the staff will document its evaluation of the licensee's proposed action with respect to the criteria for reclamation, specified in 10 CFR Part 40, Appendix A. Therefore, the staff considers that

Alternative 1 is the appropriate alternative for selection.

#### Finding of No Significant Impact

The NRC staff has prepared an EA for the proposed amendment of Source Material License SUA-442. On the basis of this assessment, the NRC staff has concluded that the environmental impacts that may result from the proposed action would not be significant, and therefore, preparation of an Environmental Impact Statement is not warranted.

The EA and other documents related to this proposed action are available for public inspection and copying at the NRC Public Document Room, in the Gelman Building, 2120 L Street N.W., Washington, DC 20555.

#### Notice of Opportunity for Hearing

The NRC hereby provides notice that this is a proceeding on an application for a licensing action falling within the scope of Subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operators Licensing Proceedings," of the Commission's Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders in 10 CFR Part 2 (54 FR 8269). Pursuant to § 2.1205(a), any person whose interest may be affected by this 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 from 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 of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

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

Each request for a hearing must also be served, by delivering it personally or by mail to:

(1) The applicant, Pathfinder Mines Corporation, 935 Pendell Boulevard, P.O. Box 730, Mills, Wyoming 82644, Attention: Tom Hardgrove; and

(2) The NRC staff, by delivery to the Executive Director of 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.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the Commission's regulations, a request for a hearing filed by a person

other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

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

(3) The requestor's areas of concern about the licensing 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).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

#### FOR FURTHER INFORMATION CONTACT:

Mohammad Haque, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T7-J9, Washington, D.C. 20555. Telephone 301/415-6640.

Dated at Rockville, Maryland, this 16th day of November 1998.

For the Nuclear Regulatory Commission.

**Joseph J. Holonich,**

*Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 98-31217 Filed 11-20-98; 8:45 am]

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#### SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-23538; File No. 812-11310]

#### DG Investor Series, et al.; Notice of Application

November 16, 1998.

**AGENCY:** Securities and Exchange Commission (the "SEC").

**ACTION:** Notice of application for an order under Section 17(b) of the Investment Company Act of 1940 (the "Act") for an exemption from Section 17(a) of the Act.

**SUMMARY OF APPLICATION:** Applicants, DG Investor Series ("DG Series") and The Infinity Mutual Funds, Inc. ("Infinity Funds"), request an order to permit certain series of Infinity Funds to acquire all of the assets and liabilities of certain series of DG Series. Because of certain affiliations, applicants may not rely on Rule 17a-8 under the Act.

**FILING DATES:** The application was filed on September 18, 1998. Applicants have agreed to file an amendment during the