

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement related to the Indian Point Unit 3, dated February 1975.

Agencies and Persons Consulted

In accordance with its stated policy, on October 28, 1998, the staff consulted with the New York State Official, Jack Spath, of the New York State Research and Development Authority regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated September 24, 1998, which is available for public inspection at the Commission's Public Document Room, which is located at The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the 100 Martine Avenue, White Plains Public Library, White Plains, New York, 10601.

Dated at Rockville, Maryland, this 8th day of December, 1998.

For the Nuclear Regulatory Commission.

Alexander W. Dromerick,

*Acting Director, Project Directorate I-1,
Division of Reactor Projects—III, Office of
Nuclear Reactor Regulation.*

[FR Doc. 98-32945 Filed 12-9-98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No.: 070-3085]

Notice of Consideration of Amendment Request for the Babcock and Wilcox Shallow Land Disposal Area in Parks Township, Pennsylvania, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission is considering issuance of an amendment to Special Nuclear Materials License SNM-2001 (SNM-2001) issued to the Babcock and Wilcox Company (B&W) establishing the date that B&W will submit a decommissioning plan for the Shallow Land Disposal Area (SLDA) to NRC. This amendment does not pertain to

NRC's substantive review of the decommissioning plan itself or the merits of any decommissioning alternative that has been proposed for the site in past. Once B&W has submitted a decommissioning plan for NRC review, NRC will publish a separate notice and opportunity for a hearing on the decommissioning plan itself. In addition, the amendment, and opportunity for a hearing, does not pertain to the adjacent Parks Operating facility, which is administered under a separate license (SNM-414).

The SLDA is located in Armstrong County, PA, approximately 23 miles east-northeast of Pittsburgh. The SLDA consists of ten waste disposal trenches comprising approximately 1.2 acres surrounded by a 40-acre fenced buffer area. The SLDA was formerly owned by Nuclear Materials and Equipment Corporation (NUMEC) which also operated the nearby Apollo Nuclear Fuel Fabrication Facility. In the 1960s and 1970s, the SLDA was used by NUMEC to dispose of radioactively contaminated (primarily uranium and thorium) and non-radioactive wastes in accordance with NRC regulations at 10 CFR 20.304. NRC rescinded 10 CFR 20.304 in 1981. In 1967, Atlantic Richfield Company (ARCO) purchased stock in NUMEC and then sold it to B&W in 1971. In September 1994, B&W submitted several remediation alternatives for the SLDA to NRC. B&W's preferred alternative was to stabilize the waste in place by covering the buried waste with a soil and synthetic cover and isolating the waste from the groundwater with slurry walls, grout curtains and other engineered barriers. Based on B&W's proposed alternative for decommissioning the SLDA, NRC published a notice in the **Federal Register** announcing NRC's intent to develop an Environmental Impact Statement (EIS) for the decommissioning of the site. In August 1997, NRC completed development of a draft EIS (DEIS) and published a Notice of Availability in the **Federal Register** on September 4, 1997. NRC withdrew the DEIS on September 24, 1997, so that NRC staff could develop additional information regarding the alternatives presented in the DEIS.

On July 9, 1998, B&W submitted a request to NRC to amend its license, SNM-2001, to require that B&W submit a decommissioning plan for the SLDA to NRC by December 6, 2000. On August 3, 1998, NRC staff informed B&W that it would need to provide NRC with justification for this date. On October 13, 1998, B&W provided this justification. Therefore, NRC has determined that B&W's July 9 1998, and

October 13, 1998, constitute a complete request to amend SNM-2001. However, NRC has not made a final determination on whether the request is acceptable and NRC will continue to review the request in accordance with the criteria in NRC regulations at 10 CFR 70.38(g)(2).

The NRC hereby provides notice that this is a proceeding on an application for amendment of a license falling within the scope of Subpart L "Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings," of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. 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(d). 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 U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738 between 7:45 am and 4:15 pm Federal workdays; or

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

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 requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);

3. The requester'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(d).

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, BWX Technologies, P.O. Box 11165, Lynchburg, Va. 24506-1165 Attention: Mr. Philip 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.

For further details with respect to this action, the license amendment request is available for inspection at the NRC's Public Document Room, 2120 L Street N.W., Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Dominick A. Orlando, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, telephone (301) 415-6749.

Dated at Rockville, Maryland, this 4th day of December, 1998.

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. 98-32813 Filed 12-9-98; 8:45 am]

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RAILROAD RETIREMENT BOARD

Notice of Public Meeting; Sunshine Act Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on December 16, 1998, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois 60611. The agenda for this meeting follows:

- (1) Semiannual Report on the Status of Consolidation as Required by Office of Management and Budget Bulletin 96-02, Consolidation of Agency Data Centers.
- (2) Report on the White House Conference on Social Security.
- (3) Surviving Divorced Spouses.
- (4) Year 2000 Issues.

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312-751-4920.

Dated: December 7, 1998.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 98-32944 Filed 12-8-98; 11:00 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-23587; File No. 812-11338]

UNUM Life Insurance Company of America, et al.; Notice of Application

December 3, 1998.

AGENCY: The Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order pursuant to Section 26(b) of the Investment Company Act of 1940 (the "1940 Act") approving certain substitutions of securities.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered unit investment trusts to substitute shares of Fidelity Variable Insurance Products Fund II Asset Manager Portfolio and Fidelity Variable Insurance Products Fund Growth Portfolio for shares of Calvert Social Balanced Portfolio of Calvert Variable Series and shares of American Century VP Capital Appreciation of American Century Variable Portfolios Inc. currently held by those unit investment trusts.

APPLICANTS: UNUM Life Insurance Company of America ("UNUM"), UNUM's VA-I Separate Account (the "UNUM Account"), First UNUM Life Insurance Company ("First UNUM"), and First UNUM's VA-I Separate Account (the "First UNUM Account") (the UNUM Account, together with the First UNUM Account, the "Accounts").

FILING DATE: The application was filed on October 2, 1998.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on December 28, 1998, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street,

NW., Washington, DC 20549. Applicants, c/o Rosemary Moore, Esq., UNUM Life Insurance Company of America, 2211 Congress Street, Portland, Maine 04122. Copies to William R. Galeota, Esq., Shea & Gardner, 1800 Massachusetts Avenue, NW., Washington, DC 20036 and Kimberly J. Smith, Esq., Sutherland Asbill & Brennan LLP, 1275 Pennsylvania Avenue, NW., Washington, DC 20004-2415.

FOR FURTHER INFORMATION CONTACT: Ethan D. Corey, Senior Counsel, at (202) 942-0675, or Kevin M. Kirchoff, Branch Chief, at (202) 942-0672, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application may be obtained for a fee from the Public Reference Branch of the Commission, 450 5th Street, NW., Washington, DC 20549 (tel. (202) 942-8090).

Applicants' Representations

1. UNUM is a life insurance company originally chartered under Maine law in 1966. UNUM is a subsidiary of UNUM Holding Company and its wholly-owned parent company, UNUM Corporation. UNUM is the depositor and sponsor of the UNUM Account.

2. First UNUM is stock life insurance company organized under New York law in 1978. First UNUM is a subsidiary of UNUM Holding Company and its wholly-owned parent company, UNUM Corporation. First UNUM is the depositor and sponsor of the First UNUM Account.

3. On October 1, 1996, UNUM completed the sale of its tax-sheltered annuity business to the Lincoln National Life Insurance Company ("Lincoln National"), pursuant to an acquisition agreement with Lincoln National (the "Acquisition Agreement"). Under the Acquisition Agreement, Lincoln National assumed UNUM's obligations under contracts previously issued through the UNUM Account, and Lincoln Life & Annuity Company of New York ("LLANY") assumed First UNUM's obligations under contracts previously issued through the First UNUM Account, other than in each case those obligations under contracts held by contractowners and/or participants who neither consented nor were