

with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, D.C. 20506, or call 202/682-5691.

Dated: May 6, 1999.

**Kathy Plowitz-Worden,**

*Panel Coordinator, Panel Operations,  
National Endowment for the Arts.*

[FR Doc. 99-12221 Filed 5-13-99; 8:45 am]

BILLING CODE 7537-01-M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Electrical and Communications Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

*Name:* Special Emphasis Panel in Electrical and Communications Systems (1196).

*Date and Time:* May 31-June 1, 1999; 8:30 AM-5 PM.

*Place:* Rooms 330 & 340, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Persons:* Dr. Saifur Rahman, Program Director, Control, Networks, and Computational Intelligence (CNCI), Division of Electrical and Communications Systems, National Science Foundation, 4201 Wilson Blvd., Room 675, Arlington, VA 22230. Telephone: (703) 306-1339.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate \*\* Regular Research \*\* proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: May 10, 1999.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 99-12198 Filed 5-13-99; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Information and Intelligent Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Information and Intelligent Systems(#1200).

*Date and Time:* May 27-May 28, 1999 8 a.m.-5 p.m.

*Place:* Holiday Inn Capitol 550 C Street, SW Washington, DC 20024.

*Type of Meeting:* Closed.

*Contact Persons:* Dr. Gary Strong, Deputy Director, Division of Information and Intelligent Systems, Room 1115, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306-1928.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate Information and Data Management proposals as part of the selection process for awards.

*Reason for closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: May 10, 1999.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 99-12197 Filed 5-13-99; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8989]

### Environmental Assessment and Finding of No Significant Impact for Exemption From Certain NRC Licensing Requirements for Special Nuclear Material for Envirocare of Utah, Inc.

#### Background

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an Order pursuant to Section 274f of the Atomic Energy Act that would exempt Envirocare of Utah, Inc. (Envirocare) from certain NRC regulations. The exemption would allow Envirocare, under specified conditions, to possess waste containing special nuclear material (SNM), in greater mass quantities than specified in 10 CFR Part

150, at Envirocare's low-level waste (LLW) disposal facility located in Clive, Utah, without obtaining an NRC license pursuant to 10 CFR Part 70. A description of the operations at the facility and staff's safety analysis for the exemption are discussed in the companion Safety Evaluation Report (SER).

#### Environmental Assessment

##### Identification of Proposed Action

Staff proposes to exempt Envirocare from the licensing requirements in 10 CFR Part 70. The exemption would permit Envirocare to possess SNM without regard for mass. Rather than relying on mass to ensure criticality safety, concentration-based limits are being applied, such that accumulations of SNM at or below these concentration limits would not pose a criticality safety concern. The methodology used to establish these limits is discussed in the SER. The exemption is contingent on Envirocare complying with specific conditions in the exemption. These conditions are as follows:

1. Concentrations of SNM in individual waste containers must not exceed the following values at time of receipt:

Radionuclide	Maximum concentration (pCi/g)	Measurement uncertainty (pCi/g)
U-235 <sup>a</sup> .....	1900	285
U-235 <sup>b</sup> .....	1190	179
U-235 <sup>c</sup> .....	160	24
U-235 <sup>d</sup> .....	680	102
U-233 .....	75,000	11,250
Pu-236 .....	500	75
Pu-238 .....	10,000	1,500
Pu-239 .....	10,000	1,500
Pu-240 .....	10,000	1,500
Pu-241 .....	350,000	50,000
Pu-242 .....	10,000	1,500
Pu-243 .....	500	75
Pu-244 .....	500	75

<sup>a</sup>For uranium below 10 percent enrichment and a maximum of 20 percent MgO of the weight of the waste.

<sup>b</sup>For uranium at or above 10 percent enrichment and a maximum of 20 percent MgO of the weight of the waste.

<sup>c</sup>For uranium at any enrichment with unlimited MgO or beryllium.

<sup>d</sup>For uranium at any enrichment with sum of MgO and beryllium not exceeding 49 percent of the weight of the waste.

The measurement uncertainty values in column 3 above represent the maximum one-sigma uncertainty associated with the measurement of the concentration of the particular radionuclide.

The SNM must be homogeneously distributed throughout the waste. If the SNM is not homogeneously distributed, then the limiting concentrations must not be exceeded on average in any contiguous mass of 145 kilograms.

2. Except as allowed by notes a, b, c, and d in Condition 1, waste must not contain "pure forms" of chemicals containing carbon,

fluorine, magnesium, or bismuth in bulk quantities (e.g., a pallet of drums, a B-25 box). By "pure forms," it is meant that mixtures of the above elements such as magnesium oxide, magnesium carbonate, magnesium fluoride, bismuth oxide, etc. do not contain other elements. These chemicals would be added to the waste stream during processing, such as at fuel facilities or treatment such as at mixed waste treatment facilities. The presence of the above materials will be determined by the generator, based on process knowledge or testing.

3. Except as allowed by notes c and d in Condition 1, waste accepted must not contain total quantities of beryllium, hydrogenous material enriched in deuterium, or graphite above one percent of the total weight of the waste. The presence of the above materials will be determined by the generator, based on process knowledge, physical observations, or testing.

4. Waste packages must not contain highly water soluble forms of uranium greater than 350 grams of uranium-235 or 200 grams of uranium-233. The sum of the fractions rule will apply for mixtures of U-233 and U-235. Highly soluble forms of uranium include, but are not limited to: uranium sulfate, uranyl acetate, uranyl chloride, uranyl formate, uranyl fluoride, uranyl nitrate, uranyl potassium carbonate, and uranyl sulfate. The presence of the above materials will be determined by the generator, based on process knowledge or testing.

5. Mixed waste processing of waste containing SNM will be limited to stabilization (mixing waste with reagents), micro-encapsulation, and macro-encapsulation using low-density polyethylene.

6. Envirocare shall require generators to provide the following information for each waste stream:

#### *Pre-shipment*

1. Waste Description. The description must detail how the waste was generated, list the physical forms in the waste, and identify uranium chemical composition.

2. Waste Characterization Summary. The data must include a general description of how the waste was characterized (including the volumetric extent of the waste, and the number, location, type, and results of any analytical testing), the range of SNM concentrations, and the analytical results with error values used to develop the concentration ranges.

3. Uniformity Description. A description of the process by which the waste was generated showing that the spatial distribution of SNM must be uniform, or other information supporting spatial distribution.

4. Manifest Concentration. The generator shall describe the methods to be used to determine the concentrations on the manifests. These methods could include direct measurement and the use of scaling factors. The generator shall describe the uncertainty associated with sampling and testing used to obtain the manifest concentrations.

Envirocare shall review the above information and, if adequate, approve in

writing this pre-shipment waste characterization and assurance plan before permitting the shipment of a waste stream. This will include statements that Envirocare has a written copy of all the information required above, that the characterization information is adequate and consistent with the waste description, and that the information is sufficient to demonstrate compliance with conditions 1 through 4. Where generator process knowledge is used to demonstrate compliance with conditions 1, 2, 3, or 4, Envirocare shall review this information and determine when testing is required to provide additional information in assuring compliance with the conditions. Envirocare shall retain this information as required by the State of Utah to permit independent review.

#### *At Receipt*

Envirocare shall require generators of SNM waste to provide a written certification with each waste manifest that states that the SNM concentrations reported on the manifest do not exceed the limits in Condition 1, that the measurement uncertainty does not exceed the uncertainty value in Condition 1, and that the waste meets conditions 2 through 4.

7. Sampling and radiological testing of waste containing SNM must be performed in accordance with the Utah Division of Radiation Control License Condition 58.

8. Envirocare shall notify the NRC, Region IV office, within 24 hours if any of the above conditions are violated. A written notification of the event must be provided within 7 days.

9. Envirocare shall obtain NRC approval prior to changing any activities associated with the above conditions.

#### *Need for the Proposed Action*

In May 1997, the State of Utah determined that Envirocare had exceeded the SNM possession limits in its State of Utah license. Consequently, NRC Region IV conducted an inspection of the facility in June 1997. The findings of the inspection are discussed in an inspection report and demand for information dated May 21, 1998. As a result of the inspection, NRC issued a Confirmatory Order (Order) on June 25, 1997, which required Envirocare, in part, to reduce its possession of SNM and to submit a compliance plan (CP) to NRC for approval. As part of the approved CP, trucks containing SNM waste can proceed to the disposal cell (assuming the conditions stated in the Order apply) without counting the SNM waste in Envirocare's possession inventory. This waste is considered "in-transit," under the exemption of 10 CFR 70.12, because the carrier is still present.

In a letter dated October 14, 1997, the State of Utah informed NRC that SNM waste was being transferred from rail cars to trucks in the Salt Lake City rail yard and then taken to the Envirocare site either directly or after storage in

transit at a transport facility. To evaluate this practice, the NRC and the U.S. Department of Transportation (DOT) conducted an inspection. The inspection concluded that applicable NRC and DOT regulations were being followed. (The inspection is documented in a report dated April 21, 1998.)

Before the Order and CP, rail shipments were transported directly to a rail siding adjacent to the site. Rail cars were staged on the siding until the waste could be moved onto the site within licensed limits. Subsequent to the Order and CP which, as noted, provide for trucks to proceed directly to the disposal cell without being counted in the SNM possession inventory, it has been operationally advantageous for Envirocare to receive SNM waste via truck. In addition, transfer from rail to truck in Salt Lake City is more economical for the shippers because rolling stock rental fees are reduced. Thus, the Order and CP may have led to a practice of transferring of SNM waste from rail cars to trucks in Salt Lake City. Some trucks and SNM waste are staged at a nearby industrial facility and do not go directly to the disposal site because of the SNM possession limit. Staff concludes that this process has resulted in a change in the mode of transportation of waste to the site (i.e., more truck shipments), leading to a slightly higher probability of a transportation accident. Moreover, the increased waste handling has increased the possibility of container rupture and resultant spillage in a metropolitan area. In addition, SNM waste is being staged while in transit at nearby unlicensed industrial facility. Thus, the current practice—while conforming to applicable NRC and DOT regulations—might be regarded as less safe and may be a direct result of conditions in the CP.

To resolve this issue, staff explored ways in which rail cars could be allowed to proceed directly to the site. Staff considered that if the SNM waste was shipped in accordance with 10 CFR Part 71, and applicable DOT regulations, that these conditions were sufficiently protective while the waste was on the rail cars, regardless of being located inside or outside the site boundary. Staff further evaluated whether concentration limits could be established to prevent an inadvertent criticality. Considering that concentration limits could be established, an acceptable rationale, therefore, exists for allowing above-ground storage of similar material in a comparable or more dispersed configuration. This rationale, in the staff's view, supports NRC taking action

to alleviate the regulatory constraint that appears to have led to the less than optimal practice, described above, for transporting SNM waste to Envirocare.

#### *Environmental Impacts of the Proposed Action*

Envirocare is licensed by the State of Utah, an NRC Agreement State, under a 10 CFR Part 61 equivalent license for the disposal of LLW. Envirocare is also licensed by Utah to dispose of mixed-radioactive and hazardous wastes. In addition, Envirocare has an NRC license (SMC-1559) to dispose of waste containing 11(e)2 byproduct material. NRC has prepared an environmental impact statement (EIS) (NUREG-1476), SERs, and environmental assessments (EAs) for its licensing action. The State of Utah, in support of its licensing activities, has also prepared SERs. The proposed actions now under consideration would not change the potential environmental effects assessed in these documents.

The regulations regarding SNM possession in 10 CFR part 150 set mass limits whereby a licensee is exempted from the licensing requirements of 10 CFR part 70 and can be regulated by an Agreement State. The licensing requirements in 10 CFR part 70 apply to persons possessing greater than critical mass quantities (as defined in 10 CFR 150.11). The principal emphasis of 10 CFR part 70 is criticality safety and safeguarding SNM against diversion or sabotage. The NRC staff considers that criticality safety can be maintained by relying on concentration limits, under the specified conditions. These concentration limits are considered an alternative definition of quantities not sufficient to form a critical mass to the weight limits in 10 CFR 150.11; thereby, assuring the same level of protection.

Therefore, the NRC concludes that this proposed exemption will have no significant radiological or nonradiological environmental impacts.

#### *Alternatives to the Proposed Action*

The NRC staff considered two alternatives to the proposed action. One alternative to the proposed action would be to not grant the exemption (no-action alternative); therefore, increased handling of SNM waste would continue to occur in Salt Lake City, Utah, and at a nearby industrial site. Although the incremental dose increase to transportation workers and to the public may be small, it is greater than if the shipments continued to the site via rail. The current practice is considered less desirable.

Another alternative would be to grant the exemption without condition. This

option would not provide sufficient protection of health, safety, and the environment.

#### *Agencies and Persons Consulted*

Officials from the State of Utah, Department of Environmental Quality, Division of Radiation Control were contacted about this EA for the proposed action and had no comments.

#### **Finding of No Significant Impact**

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing EA, the NRC finds that the proposed action of granting an exemption from NRC licensing requirements in 10 CFR Part 70 will not significantly impact the quality of the human environment. Accordingly, the NRC has decided not to prepare an EIS for the proposed exemption.

*For Further Information Contact:*  
Timothy E. Harris, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-6613. Fax: (301) 415-5398.

Dated at Rockville, Maryland, this 7th day of May 1999.

For the Nuclear Regulatory Commission.

**John T. Greeves,**

*Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 99-12241 Filed 5-13-99; 8:45 am]

BILLING CODE 7590-01-P

## **PENSION BENEFIT GUARANTY CORPORATION**

### **Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of interest rates and assumptions.

**SUMMARY:** This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's web site (<http://www.pbgc.gov>).

**DATES:** The interest rate for determining the variable-rate premium under part

4006 applies to premium payment years beginning in May 1999. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in June 1999.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (For TTY/TDD users, call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

#### **SUPPLEMENTARY INFORMATION:**

#### **Variable-Rate Premiums**

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the "applicable percentage" (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the "premium payment year"). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in May 1999 is 4.72 percent (i.e., 85 percent of the 5.55 percent yield figure for April 1999).

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between June 1998 and May 1999.

For premium payment years beginning in:	The assumed interest rate is:
June 1998 .....	5.04
July 1998 .....	4.85
August 1998 .....	4.83
September 1998 .....	4.71
October 1998 .....	4.42
November 1998 .....	4.26
December 1998 .....	4.46
January 1999 .....	4.30
February 1999 .....	4.39
March 1999 .....	4.56
April 1999 .....	4.74
May 1999 .....	4.72

#### **Multiemployer Plan Valuations Following Mass Withdrawal**

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest