

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 shall 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.

Considering that this exemption will permit Envirocare to exceed the SNM possession limits in 10 CFR part 150 which will be in direct conflict with the Confirmatory Order dated June 25, 1997, the Confirmatory Order is hereby rescinded when this Order becomes effective. Moreover, the provisions in Envirocare's CP will no longer be in effect.

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 principle emphasis of part 70 is criticality safety and safeguarding SNM against diversion or sabotage. The NRC staff believes that criticality safety can be maintained by relying on concentration limits, under the specified conditions. Section 150.11 establishes the quantities of SNM considered not sufficient to form a critical mass. The concentration limits in this notice are considered as an acceptable alternative to the definition provided in § 150.11, thereby assuring the same level of protection. Moreover, storing the SNM within the Envirocare restricted area will increase the security and safeguarding of the SNM.

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

#### IV

Based on the above evaluation, the Commission has determined, pursuant to 10 CFR 70.14, that the exemption of above activities at the Envirocare disposal facility is authorized by law, and will not endanger life or property or the common defense and security and are otherwise in the public interest. Accordingly, by this Order the Commission hereby grants this exemption. The exemption will become effective after the State of Utah has incorporated the above conditions into Envirocare's RML.

Pursuant to the requirements in 10 CFR part 51, the Commission has published an EA for the proposed action wherein it has determined that the granting of this exemption will have no significant impacts on the quality of the human environment. Copies of the EA and SER are available for public inspection at the Commission's Public Document Room, located at 2120 L Street, NW, Washington, DC 20037.

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

For the Nuclear Regulatory Commission.

**Carl J. Paperiello,**

*Director, Office of Nuclear Material Safety and Safeguards.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Number 40-8102]

**Exxon Corp., Highlands, WY**

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

**ACTION:** Final finding of no significant impact.

**SUMMARY:** Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) proposes to amend Exxon Corporation's (Exxon's) Source Material License SUA-1139, to allow alternate concentration limits (ACLs) for groundwater hazardous constituents at the Highland uranium mill site in Converse County, Wyoming. An Environmental Assessment (EA) was performed by the NRC staff in accordance with the requirements of 10 CFR part 51. The conclusion of the EA is a Finding of No Significant Impact (FONSI) for this licensing action.

#### SUPPLEMENTARY INFORMATION:

##### Background

By letter of December 18, 1998, Exxon requested that Source Material License SUA-1139 be amended to allow ACLs for groundwater constituents, nickel, radium-226 & 228 combined, and natural uranium, at Exxon's Highland uranium mill site. Exxon's application for ACLs proposed discontinuing the site groundwater corrective action program (CAP) in order to complete placement of the final radon barrier over the tailings and complete reclamation of the site. In order to terminate the CAP, the licensee must meet 10 CFR part 40, appendix A, Criterion 5B(5), which requires that, at the point of compliance (POC), the concentration of a hazardous constituent must not exceed the established background concentration of that constituent, the maximum concentration limits (MCLs) given in Table 5C of Appendix A, or an alternate concentration limit established by the NRC. The receipt of Exxon's request by NRC and a Notice of Opportunity for a Hearing were published in the **Federal Register** on January 13, 1999.

## Summary of the Environmental Assessment

### Identification of the Proposed Action

The proposed action is an amendment to SUA-1139 to allow the application of ACLs for groundwater hazardous constituents, nickel, radium-226 & 228 combined, and uranium at the Exxon Highland facility, as provided in 10 CFR part 40, appendix A, Criterion 5B(5). The NRC staff's review was conducted in accordance with the "Staff Technical Position, Alternate Concentration Limits for Title II Uranium Mills," dated January 1996.

Based on its evaluation of Exxon's amendment request, the NRC staff has concluded that granting Exxon the request for ACLs will not result in significant impacts. The staff decision was based on information provided by Exxon, demonstrating that its proposed ACLs would not pose a substantial present or potential future hazard to human health and the environment, and are as low as is reasonably achievable (ALARA). A review of alternatives to the requested action indicates that implementation of alternate methods would result in little net reduction of groundwater constituent concentrations.

### Conclusion

The NRC staff concludes that approval of Exxon's amendment request to allow ACLs for groundwater hazardous constituents will not cause significant health or environmental impacts.

The following statements summarize the conclusions resulting from the EA:

1. Currently, all concentrations of hazardous constituents of concern to NRC meet the proposed groundwater ACLs for the site at the POC wells.
2. Present and potential health risks were assessed for various exposure scenarios, using conservative approaches. The result of these assessments indicates that present and potential future hazardous constituent concentrations at the specified POEs will not pose significant risks to human health and the environment. The POEs are located within or at the long-term care area boundary which will be maintained for long-term care by the U.S. Department of Energy following termination of the Exxon license.
3. Climatological extremes and sparse vegetation indicate that future use of groundwater is likely to be limited to seasonal livestock (e.g., cattle) and wildlife (e.g., pronghorn antelope) watering. Domestic use of groundwater from the tailings dam sandstone at the site is highly unlikely because of the

low volume of water available in the unit, and the remote location of the site.

4. Additional corrective action will have little effect on the net reduction of constituent concentrations of concern to the NRC and, therefore, will have little impact on groundwater quality.

Because the staff has determined that there will be no significant impacts associated with approval of the amendment request, there can be no disproportionately high and adverse effects or impacts on minority and low-income populations. Except in special cases, these impacts need not be addressed for EAs in which a FONSI is made. Special cases may include regulatory actions that have substantial public interest, decommissioning cases involving onsite disposal in accordance with 10 CFR 20.2002, decommissioning/decontamination cases which allow residual radioactivity in excess of release criteria, or cases where environmental justice issues have been previously raised. Consequently, further evaluation of "Environmental Justice" concerns, as outlined in NRC's Office of Nuclear Material Safety and Safeguards Policy and Procedures Letter 1-50, Rev. 1, is not warranted.

### Alternatives to the Proposed Action

Since the licensee has demonstrated that the proposed ACL values will not pose substantial present or potential hazards to human health and the environment, and that the proposed ACLs are ALARA, considering practicable corrective actions, establishing other standards more stringent than the proposed ACLs was not evaluated. Furthermore, since the NRC staff has concluded that there are no significant environmental impacts associated with the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated. The principal alternative to the proposed action would be to deny the requested action. The licensee evaluated various alternatives, including continuation of the CAP, and demonstrated that those alternatives would result in little net reduction of constituent concentrations. Because the environmental impacts of the proposed action and the no-action alternative are similar, there is no need to further evaluate alternatives to the proposed action.

### Finding of No Significant Impact

The NRC staff has prepared an EA for this action. On the basis of this assessment, the NRC staff has concluded that the environmental impacts that may result from this action would not be significant, and, therefore, preparation

of an Environmental Impact Statement is not warranted.

The EA and other documents related to this action are being made available for public inspection at the NRC's Public Document Room at 2120 L Street, NW (Lower Level).

### FOR FURTHER INFORMATION CONTACT:

Mohammad W. Haque, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415-6640.

Dated at Rockville, Maryland, this 14th day of May, 1999.

For the Nuclear Regulatory Commission.

### N. King Stablein,

Acting Chief, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

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## SECURITIES AND EXCHANGE COMMISSION

[Release Nos. IC-23841, 812-11414]

### AIM Advisor Funds, Inc., et al.; Notice of Application

May 14, 1999.

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

**ACTION:** Notice of application for an order under sections 6(c), 12(d)(1)(J), and 17(b) of the Investment Company Act of 1940 (the "Act") for exemptions from sections 12(d)(1)(A) and (B) and 17(a) of the Act, and under section 17(d) of the Act and rule 17d-1 under the Act to permit certain joint transactions.

*Summary of the Application:* The requested order would permit certain registered management investment companies to invest uninvested cash and cash collateral in affiliated money market funds in excess of the limits in sections 12(d)(1)(A) and (B) of the Act.

*Applicants:* AIM Advisor Funds, Inc., AIM Eastern Europe Fund, AIM Equity Funds, Inc., AIM Funds Group, AIM Growth Series, AIM International Funds, Inc., AIM Investment Funds, AIM Investment Securities Funds, AIM Series Trust, AIM Special Opportunities Funds, AIM Summit Fund, Inc., AIM Tax-Exempt Funds, Inc., AIM Variable Insurance Funds, Inc., Emerging Markets Debt Portfolio, Floating Rate Portfolio, Global Investment Portfolio, Growth Portfolio, G.T. Global Floating Rate Fund, Inc., G.T. Global Variable Investment Series, G.T. Global Variable Investment Trust, Short-Term