

Conservation concurred with the draft EA.

The NRC staff has determined that consultation under Section 7 of the Endangered Species Act is not required because the proposed action is administrative in nature and will not affect listed species or critical habitat.

The NRC staff has determined that the proposed action is not a type of activity that has potential to cause effect on historic properties because it is administrative in nature. Therefore, consultation under Section 106 of the National Historic Preservation Act is not required.

References

Unless otherwise noted, a copy of this document and the references listed below will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

1. Nuclear Fuel Services, Inc., Letter to U.S. Nuclear Regulatory Commission, "Request for Exemption from 10 CFR 70.25(f) Requirements for Portions of the BLEU Preparation Facility at Building 333," October 27, 2003, ADAMS No. ML033030311.

2. U.S. Department of Energy, Letter to U.S. Nuclear Regulatory Commission, "Assurance of Funding for Decommissioning the Equipment and Facilities Associated with the BLEU Project at Nuclear Fuel Services, Inc. Erwin Site," October 20, 2003, ADAMS No. ML033010362.

3. Nuclear Fuel Services, Inc., Letter to U.S. Nuclear Regulatory Commission, "License Amendment Request for BLEU Preparation Facility," October 11, 2002, ADAMS No. ML023380210.

4. U.S. Nuclear Regulatory Commission, "Environmental Assessment for Renewal of Special Nuclear Material License No. SNM-124," January 1999, ADAMS No. ML031150418.

5. U.S. Nuclear Regulatory Commission, "Environmental Assessment for Proposed License Amendments to Special Nuclear Material License No. SNM-124 Regarding Downblending and Oxide Conversion of Surplus High-Enriched Uranium," June 2002, ADAMS No. ML021790068.

6. U.S. Nuclear Regulatory Commission, "Environmental Assessment and Finding of No Significant Impact for the BLEU Preparation Facility," September 17, 2003, ADAMS No. ML032390428.

III. Finding of No Significant Impact

Pursuant to 10 CFR part 51, the NRC staff has considered the environmental consequences of amending NRC Materials License SNM-124 to exempt NFS from the financial assurance

requirements in 10 CFR 70.25(f) for the BPF. On the basis of this assessment, the Commission has concluded that environmental impacts associated with the proposed action would not be significant and the Commission is making a finding of no significant impact. Accordingly, preparation of an environmental impact statement is not warranted.

IV. Further Information

For further details, see the references listed above. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Room O-1F21, 11555 Rockville Pike, Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Document Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or (301) 415-4737, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, the 3rd day of November 2003.

For the Nuclear Regulatory Commission.

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[FR Doc. 03-28182 Filed 11-7-03; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 147th meeting on November 19-20, 2003, Dallas Ballroom D, Texas Station Hotel, 2101 Texas Star Lane, Las Vegas, Nevada.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Wednesday, November 19, 2003

10:30 a.m.-10:40 a.m.: Opening Statement (Open)—The Chairman will open the meeting with brief opening remarks, outline the topics to be discussed, and indicate items of interest.

10:40 a.m.-11:10 a.m.: DOE Opening Remarks (Open)—The Committee will be welcomed and receive introductory comments from John Arthur, Deputy Director, Office of Repository Development, Department of Energy.

11:10 a.m.-12:15 p.m.: Yucca Mountain Program Status (Open)—The Committee will hear presentations by and hold discussions with representatives of DOE regarding the status of the development of the License Application, the Licensing Support Network, and the resolution of Key Technical Issues (KTI) including the DOE "bundling" process. In addition there will be an update on several items discussed during the Committee's 2002 visit to Nevada.

1:30 p.m.-4:30 p.m.: Repository Design Status (Open)—The Committee will hear presentations by and hold discussions with representatives of DOE regarding the surface facility design, pre-closure safety assessment, and other Yucca Mountain Repository design issues.

4:45 p.m.-5:30 p.m.: DOE Approach to Drift Degradation Analyses (Open)—The Committee will hear presentations by and hold discussions with representatives of DOE on the Department's approach to evaluating drift degradation within the Yucca Mountain geologic environment.

5:30 p.m.-6 p.m.: Stakeholder Interactions (Open)—The Committee will reserve this time for interactions with stakeholders and meeting participants.

Thursday, November 20, 2003

8:30 a.m.-8:35 a.m.: Opening Statement (Open)—The Chairman will make opening remarks regarding the conduct of today's sessions.

8:35 a.m.-9:30 a.m.: Igneous Activity Status Report (Open)—The Committee will hear presentations by and hold discussions with representatives of DOE regarding the Igneous Activity Consequence Modeling Peer Review Recommendations and the DOE path forward.

9:30 a.m.-10 a.m.: Inyo County Carbonate Drilling Program Status (Open)—The Committee will hear presentations by and hold discussions with representatives of Inyo County (California) regarding its deep carbonate aquifer drilling program.

10:15 a.m.-10:45 a.m.: Nye County Early Warning Drilling Program Status (Open)—The Committee will hear presentations by and hold discussions with representatives of Nye County regarding the status of its early warning drilling program.