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Margaret A. Willis,
FAR Secretariat.

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DEPARTMENT OF ENERGY

Response Actions at FUSRAP Sites in Tonawanda, New York. Notice Regarding Inclusion of the Seaway Site in the Remedial Investigation/Feasibility Study—Environmental Impact Statement for the Tonawanda Sites.

AGENCY: Department of Energy (DOE).
ACTION: Notice Regarding Inclusion of the Seaway site in the ongoing Remedial Investigation/Feasibility Study—Environmental Impact Statement (RI/FS-EIS) or 3 other Formerly Utilized Sites Remedial Action Project (FUSRAP) sites in Tonawanda, New York.

SUMMARY: Notice is hereby given that DOE as part of its FUSRAP, is considering inclusion of the Seaway site in Tonawanda, New York, in the comprehensive environmental review and analysis process which is underway for the Linde and Ashland I and II sites in Tonawanda, New York. This process, which is being conducted in accordance with the National Environmental Policy Act (NEPA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), was initiated when DOE issued a Notice of Intent (NOI) (53 FR 11901) on April 11, 1988, that it would undertake studies to determine the nature, extent, and environmental impacts of existing radioactive contamination at the sites and to evaluate alternative response actions. Inclusion of the Seaway site is being considered primarily because of public comments received since the NOI was issued that support including the Seaway site in the total project.

The purpose of this Notice is to present pertinent background information on the RI/FS-EIS and to solicit comments and suggestions for DOE consideration of whether to expand the scope of the RI/FS-EIS to include Seaway. Federal, State, and local agencies, interested organizations, and individuals desiring to submit comments or suggestions regarding the inclusion of the Seaway site in the RI/FS-EIS are invited to do so. Comments received during the public comment period will be addressed in the environmental documents for these

sites. DOE's decision on how to proceed with Seaway will be published in the Federal Register as well as the Tonawanda area newspapers.

DATES: We request that written comments or suggestions be provided within 30 days of the publication of this Notice.

ADDRESSES: All comments or suggestions on the inclusion of the Seaway site in the RI/FS-EIS, and general questions or comments concerning the FUSRAP project or the individual sites, should be addressed to: Peter J. Gross, Director, Technical Services Division, U.S. Department of Energy, Post Office Box 2001, Oak Ridge, Tennessee 37831-8723, (615) 574-0948.

Questions specifically relating to CERCLA should be forwarded to: John Taeng, Director, Office of Environmental Guidance and Compliance, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 588-0024.

Questions specifically relating to NEPA should be forwarded to: Carol Borgstrom, Director, Office of NEPA Project Assistance, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 588-4600.

SUPPLEMENTARY INFORMATION:

Background

FUSRAP was established in 1974 by the U.S. Atomic Energy Commission (AEC), a statutory predecessor of DOE. The primary objective of FUSRAP is to identify and decontaminate sites where radioactive material was handled or processed under government nuclear programs. The goals of decontamination under FUSRAP are (1) to control radioactive contamination at the sites, in compliance with applicable criteria for the protection of human health and the environment, and (2) to certify the sites are in compliance with radiological criteria and guidelines after decontamination has taken place, to the extent possible.

In April 1988, DOE issued a Notice of Intent (NOI) which initiated plans for conducting the studies necessary to evaluate the extent of, the risk from, and the method to address contamination on four FUSRAP sites in New York State. These studies would integrate the requirements of both NEPA and CERCLA, and the EIS requirements under NEPA would be incorporated into the RI/FS documents of CERCLA. The NOI indicated that DOE planned to prepare an RI/FS-EIS for the four sites: Ashland I and II, Linde, and Colonie. The analyses for these sites were being presented as a single set of documents

to allow DOE to make a comprehensive evaluation of disposal requirements for the FUSRAP sites. The NOI also mentioned that a fifth site, Seaway, was being addressed by a separate, independent process. The environmental documentation for this separate process would be an Engineering Evaluation/Cost Analysis (EE/CA) supplemented as necessary to meet the requirements of NEPA.

Both the RI/FS and EE/CA approaches are established under EPA guidelines developed for compliance with CERCLA. Both approaches identify a range of potential actions applicable to remedying the site contamination and then evaluate those options to select the most appropriate course of action. The major difference in the processes is the extent of documentation required prior to implementation. The RI/FS process is typically applied to complex analyses where many options may be applicable and many alternatives many need to be implemented to resolve all of the site's problems. The EE/CA process is used for expedited response actions where the response action process is less complex and the alternatives are more fully understood. The EE/CA process therefore leads to the selection of the response action in the shortened time frame.

The DOE reasons for proceeding with EE/CA for Seaway were stated in the NOI and are provided here for completeness. "The Seaway site is being treated independently because the scope of the response action is expected to be very limited and does not appear to have the potential to result in a significant impact. Further, the property owner's use of the site is restricted until DOE reaches a decision and implements the response action. The proposed response action would be to stabilize the radioactive waste in-place. Preliminary analysis indicates that this would be suitable because of the current and future use of the site (i.e., an industrial landfill) and the very low average concentration of radioactive waste at the site."

The April 1988 NOI initiated the scoping/planning process for the RI/FS-EIS process and DOE conducted public meetings in the Town of Tonawanda and in Colonie to gather public comments, input, and concerns to be addressed during the course of the environmental review studies. At these meetings, and in subsequently submitted written comments, the citizens of the Tonawanda area, as well as local, County, State, and Federal elected officials, expressed strong concern over the potential that waste from Colonie

could be brought to Tonawanda for disposal. Congress included language in the congressional report which stated that "The conferees agree that DOE should not move or study the move of any FUSRAP waste in the State of New York to the town of Tonawanda New York." DOE has indicated that they will honor this language and has since taken action to separate the environmental review and analysis process for Colonie and the Tonawanda sites.

Following resolution of the issue of the environmental analysis and review process for Colonie, public concern, as represented to DOE, now revolves around two issues: (1) The removal of all waste from the Town of Tonawanda, and (2) the desire for an EIS on the waste in the Seaway landfill. Regarding the ultimate disposition of the contaminated material, DOE must first complete the RI/FS-EIS process to fully evaluate the impacts of applicable remedial action alternatives. To be responsive to the public's desire for an EIS related to the Seaway site, DOE is now considering incorporating the analysis of the Seaway site in the ongoing RI/FS-EIS process for the other Tonawanda FUSRAP sites. DOE has suspended the separate Seaway process and developed an approach for including the Seaway in the RI/FS-EIS for the other Tonawanda sites, pending comment from affected parties on the approach. DOE is most interested in receiving comments from the affected public, interested parties, elected officials, and State and Federal agencies.

The following information provides pertinent background information related to this action including brief site descriptions and an overview of the schedule for completion of the RI/FS-EIS.

Site Descriptions

Linde Site—The Linde site is an operating manufacturing facility employing about 1,700 individuals. A portion of the site was operated for the processing of uranium from 1942 through 1948 by Union Carbide's Linde Air Products Corporation as part of a Federal research and development program for the Manhattan Engineer District. The total volume of radioactive wastes expected to be generated by decontamination of the Linde facility is estimated to be about 26,000 cubic yards. The wastes are low-activity, long-lived radioactive wastes consisting primarily of uranium contaminated soil and rubble. (For a further description of the site, see the April 11, 1988 NOI.)

Ashland I Site—The Ashland I site is a portion of the Ashland Oil Company's Tonawanda refinery which is no longer

in service. The site was used for the disposal of uranium tailings generated from processing activities at the Linde facility in the 1940's. It is estimated that about 84,000 cubic yards of contaminated soil currently exist at Ashland I. (For a further description of the site, see the April 11, 1988 NOI.)

Seaway Site—The Seaway Industrial Park is an operating landfill of about 100 acres. The site is currently owned by the Seaway Industrial Park Development Co., Inc., and operated by Browning Ferris Industries (BFI), through its subsidiary Niagara Landfill, Inc. The site contains a mound of refuse and fill material which is about 85 feet high at some points. In 1974, Ashland Oil Company transported approximately 6,000 cubic yards of radioactivity contaminated soils from the Ashland I property to the adjacent Seaway property and dumped it in three separate areas toward the northern end of the site. Area A consists of 10 acres. Area B is a small area, about 0.5 acre directly south of Area A. Area C covers about 1.5 acres in a narrow crescent shape to the southwest of Area B. Since its placement in 1974, portions of the waste residue have become buried under refuse and fill material. Areas B and C are entirely covered with up to 40 feet of material, and about 40 percent of Area A is covered by a layer of refuse that ranges up to 10 feet in depth. Because the contaminated soils move to the Seaway site have mixed with previously uncontaminated soil, it is currently estimated that the radiologically contaminated material on the Seaway site totals about 117,000 cubic yards. BFI has been requested by the New York State Department of Environmental Conservation (NYSDEC) to refrain from further covering of Area A with refuse.

Ashland II Site—The Ashland II site is separated from the Seaway site by a small strip of land owned by Niagara Mohawk. The site is not presently occupied or developed. The radioactively contaminated portion of the site is a fill area covering about 2 acres and the contamination is estimated to be about 48,000 cubic yards. (For further description of the site, see the April 11, 1988 NOI.)

Considering the contamination present at all four of the Tonawanda sites, the total waste volume is projected to be approximately 275,000 cubic yards with an estimated total curie content of less than 130 Ci.

Schedule for the RI/FS-EIS Process

Provided congressional funding for the FUSRAP is maintained at projected

levels, DOE could issue a draft RI/FS-EIS and a draft Proposed Plan for the Tonawanda sites in 1992 if a final decision is made to include Seaway. These reports will be issued for a 45-day public review and comment period. Also at that time, there will be a public hearing so that oral as well as written comments can be provided on the draft documents. In 1993, DOE expects to issue the final RI/FS-EIS and Proposed Plan, which will include the response to public comments received on the draft reports. The DOE will select a remedial action alternative for each of the sites in one or more Records of Decision to be issued no sooner than 30 days after the final RI/FS-EIS is issued. If the Seaway EE/CA process proceeds independently, a response action could be selected as early as the winter of 1990.

Public participation in the environmental review and analysis process is encouraged. Public information meetings will be held when significant new phases of the work are planned (i.e., when important new information becomes available) or when community concern warrants a meeting. Fact sheets, technical reports, newsletters, and other information relating to the DOE activities at these four sites will be placed in the Kenmore Branch Library at the address noted below: Kenmore Branch Library, 160 Delaware Road, Village of Kenmore, New York 14217.

Nothing in this Notice or the documents to be prepared is intended to represent a statement on the applicability of NEPA to remedial actions under CERCLA.

Dated at Washington DC, this 5th day of December 1989.

Peter N. Brush,

Acting Assistant Secretary, Environment, Safety and Health.

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Pittsburgh Energy Technology Center Financial Assistance Award; Intent to Award Grant to the Radian Corp.

AGENCY: U.S. Department of Energy.

ACTION: Notice of Noncompetitive Financial Assistance (Grant) Award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.14, the Pittsburgh Energy Technology Center intends to award a Financial Assistance Action based on an unsolicited proposal submitted by the Radian Corporation. The applicant is