

II. Summary of Environmental Assessment

The licensee has identified three types of waste to be shipped: Solid radioactive, liquid radioactive, and solid low level mixed waste (LLMW). The licensee states that approximately 315 waste shipments to NNSS will be necessary, and anticipates that these shipments will be completed in calendar year 2018.

The ACO estimates that approximately 180,000 cubic feet (5,097 cubic meters) of Class A solid radioactive waste would need to be shipped to NNSS. This waste would be packaged in Intermodal Freight Transport and B-25 box containers for shipment. The B-25 box containers are nominally 4 x 4 x 6 feet steel containers with a bolted lid. The licensee also plans to ship liquid radioactive waste consisting of oils removed from LCF process equipment during disassembly. Solid LLMW, consisting of various electronic components from the LCF, would be packaged into B-25 box containers for disposal. This solid LLMW would first be further processed at the EnergySolutions facility in Oak Ridge, Tennessee, to substantially reduce surface exposure to leaching media, before being shipped to NNSS for disposal.

ACO also would transfer unclassified, low-level contaminated liquid waste to a facility on DOE's Piketon, Ohio, site for further processing. This unclassified waste would not be shipped to NNSS.

The Need for the Proposed Action

By letter dated March 2, 2016, the licensee notified the NRC of its decision to permanently cease LCF operations (ADAMS Accession No. ML16074A405). In preparation for future decommissioning of the LCF, ACO is packaging its classified matter and waste for transport to the NNSS for permanent burial.

Environmental Impacts of the Proposed Action

The NRC staff evaluated the potential environmental impacts associated with the proposed action, and has performed its environmental review in accordance with the requirements in 10 CFR part 51 and associated staff guidance. As detailed in the EA, the staff in preparing the EA reviewed relevant information submitted by the licensee, consulted with the Ohio State Historic Preservation Office (Ohio SHPO), and received input from the Ohio Department of Health.

Packaging and preparation of classified matter and waste for shipping

occurs inside the LCF buildings, and no activities involving land disturbance are planned. Therefore, the NRC staff finds that there would be no impacts to the following resources areas: Land use, geology and soils, water resources, ecology, meteorology, climate, air quality, noise, visual and scenic resources, and socioeconomic resources.

The NRC staff evaluated the radiological impacts to workers and the public. The staff found that the projected radiological doses to workers would be below the dose limits specified in 10 CFR 20.1201, "Occupational dose limits to adults," and that radiological doses to the public would be indistinguishable when compared to background radiation.

The proposed shipments would be made using authorized commercial carriers that would travel primarily on state highways using well-established routes to the final burial site at NNSS. The NRC determined that the relatively small total number of shipments spread over an extended period of time, along with the limited duration of the shipping process, would not significantly affect traffic flow.

The NRC staff also evaluated the cumulative impacts by identifying past, present, and reasonably foreseeable future actions at DOE's Piketon, Ohio, site, and the incremental impacts of ACO's proposed action. The staff determined that the proposed action would not significantly contribute to cumulative impacts. The staff also determined that the proposed action would not affect federally-listed endangered or threatened species or their critical habitats.

Environmental Impacts of the No-Action Alternative

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Under the no-action alternative, all waste generated by LCF operations to date would remain onsite. The no-action alternative does not comply with commitments made during licensing or the decommissioning requirements of 10 CFR 70.38. Therefore, the NRC staff concludes that leaving all of the LCF the waste onsite is not a reasonable alternative to approving the proposed action.

Agencies and Persons Consulted

On May 24, 2017 (ADAMS Accession No. ML17111A766), the NRC consulted with Ohio Department of Health regarding the environmental impacts of the proposed action. The state official concurred with the environmental assessment and finding of no significant

impact (ADAMS Accession No. ML17153A269). The NRC also spoke with the Ohio SHPO and consulted by letter dated April 13, 2017 (ADAMS Accession No. ML17102B319). The Ohio SHPO responded by letter dated May 8, 2017, stating that a finding of No Adverse Effect for the proposed action is appropriate (ADAMS Accession No. ML17144A176).

III. Finding of No Significant Impact

In accordance with the requirements in 10 CFR part 51, the NRC staff has concluded that the proposed action will not significantly affect the quality of the human environment. Therefore, the staff has determined, pursuant to 10 CFR 51.31, that preparation of an environmental impact statement is not required for the proposed action, and that a finding of no significant impact is appropriate.

Dated at Rockville, Maryland, this 5th day of June 2017.

For the Nuclear Regulatory Commission.

Craig G. Erlanger,

Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.

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PENSION BENEFIT GUARANTY CORPORATION

Notice of the American Arbitration Association's Response to Public Comments Related to the Pending Request for Approval of an Alternative Arbitration Procedure

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of the American Arbitration Association's response to public comments.

SUMMARY: The Pension Benefit Guaranty Corporation invited the American Arbitration Association to respond to the public comments submitted in response to its request for approval of an Alternative Arbitration Procedure under section 4221 of the Employee Retirement Income Security Act of 1974 and PBGC's default arbitration procedures. On March 23, 2016, PBGC published notice of the American Arbitration Association's request in the **Federal Register** to advise interested persons of the request and solicit their views on it. This notice provides the public with the American Arbitration Association's letter response and solicits public comment on the response.

DATES: Comments must be received on or before July 28, 2017.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the Web site instructions for submitting comments.

- *Email:* reg.comments@pbgc.gov.
- *Mail or Hand Delivery:* Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005-4026. Comments received, including personal information provided, will be posted to www.pbgc.gov. Copies of comments may also be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005-4026 or calling 202-326-4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4040.)

FOR FURTHER INFORMATION CONTACT: Bruce Perlin, Assistant Chief Counsel (Perlin.Bruce@PBGC.gov), 202-326-4020, ext. 6818, or Jon Chatalian, Deputy Assistant Chief Counsel (Chatalian.Jon@PBGC.gov), ext. 6757, Office of the Chief Counsel, Suite 340, 1200 K Street NW., Washington, DC 20005-4026; (TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4020.)

SUPPLEMENTARY INFORMATION:

Background

The Pension Benefit Guaranty Corporation (PBGC) administers title IV of the Employee Retirement Income Security Act of 1974 (ERISA). Section 4221(a)(1) of ERISA requires “any dispute” between an employer and a multiemployer pension plan concerning a withdrawal liability determination to be “resolved through arbitration.”

In lieu of PBGC’s default arbitration procedures, under 29 CFR 4221.14, a withdrawal liability arbitration may be conducted in accordance with an alternative arbitration procedure approved by the PBGC in accordance with § 4221.14(c). Under § 4221.14(c), the sponsor of an arbitration procedure may request PBGC approval of its procedures by submitting an application to the PBGC. The application must include: (1) A copy of the procedures for which approval is sought; (2) a description of the history, structure and membership of the organization that sponsors the procedures; and (3) a

discussion of the reasons why, in the sponsoring organization’s opinion, the procedures satisfy the criteria for approval set forth in this section. Under § 4221.14(d), PBGC shall approve an application if it determines that the proposed procedures will be substantially fair to all parties involved in the arbitration of a withdrawal liability dispute and that the sponsoring organization is neutral and able to carry out its role under the procedures.

On November 20, 2015, the American Arbitration Association (AAA) requested approval of an Alternative Arbitration Procedure under section 4221 of the Employee Retirement Income Security Act of 1974 and 29 CFR 4221.14. On March 23, 2016, PBGC published notice of AAA’s Request for Approval of Alternative Arbitration Procedure to advise interested persons of the request and solicit their views on it (81 FR 15578). The comments that PBGC received in response to AAA’s request are available for viewing at: <http://www.pbgc.gov/prac/pg/other/guidance/multiemployer-notices.html> or <https://www.regulations.gov/document?D=PBGC-2016-0001-0001>.

PBGC provided AAA with an opportunity to respond to the comments submitted in response to AAA’s request, as it deemed appropriate. On March 30, 2017, AAA responded to the comments; the response can be viewed at: <http://www.pbgc.gov/prac/pg/other/guidance/multiemployer-notices.html>.

All interested persons are invited to submit written comments to AAA’s March 30, 2017 letter.

All comments will be made part of the administrative record.

Issued in Washington, DC.

W. Thomas Reeder,

Director, Pension Benefit Guaranty Corporation.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80879; File No. SR-FICC-2017-010]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change To Amend the Mortgage-Backed Securities Division Rules Concerning Use of Clearing Fund for Losses, Liabilities or Temporary Needs for Funds Incident to the Clearance and Settlement Business and Make Other Related Changes

June 7, 2017.

On April 11, 2017, Fixed Income Clearing Corporation (“FICC”) filed with the Securities and Exchange Commission (“Commission”) proposed rule change SR-FICC-2017-010 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder.² The proposed rule change was published for comment in the **Federal Register** on April 28, 2017.³ The Commission did not receive any comments on the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is June 12, 2017.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider and take action on the proposed rule change.

Accordingly, pursuant to Section 19(b)(2)(A)(ii)(I) of the Act⁵ and for the reasons stated above, the Commission designates July 27, 2017 as the date by

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 80517 (April 24, 2017), 82 FR 19771 (April 28, 2017) (SR-FICC-2017-010).

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2)(A)(ii)(I).