

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8904]

Establishment of the U.S. Department of Energy as the Long-Term Custodian of the L-Bar Uranium Mill Tailings Site Near Seboyeta, NM, and Termination of the Sohio Western Mining Company Source Materials License for the L-Bar Site**AGENCY:** Nuclear Regulatory Commission.**ACTION:** Notice of establishment of the U.S. Department of Energy (DOE) as the long-term custodian of the L-Bar uranium mill tailings site near Seboyeta, New Mexico, under the general license provisions of 10 CFR 40.28, and termination of the Sohio Western Mining Company specific Source Materials License SUA-1472 for the L-Bar site.**FOR FURTHER INFORMATION CONTACT:** Rick Weller, Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-7287; fax number: (301) 415-5955; e-mail: rmw2@nrc.gov.
SUPPLEMENTARY INFORMATION:**I. Introduction**

On September 22, 2004, the Sohio Western Mining Company (SWMC) transferred ownership of the L-Bar uranium mill tailings site near Seboyeta, New Mexico, to the DOE, as required by 10 CFR 40, Appendix A, Criterion 11, prior to termination of SWMC's specific license. Subsequently, by letter dated October 13, 2004, the DOE submitted the final Long-Term Surveillance Plan (LTSP) for the L-Bar site for review by the U.S. Nuclear Regulatory Commission (NRC). Based on the review of the LTSP, the NRC has determined that the LTSP satisfies the requirements in 10 CFR part 40, Appendix A, Criterion 12, and § 40.28 for the long-term surveillance of a tailings disposal site. Accordingly, notice is hereby given that the NRC has accepted the LTSP for the L-Bar site. This acceptance establishes the DOE as the long-term custodian and caretaker of the L-Bar site under the general license specified in 10 CFR 40.28. In a concurrent action, the NRC has terminated the SWMC specific Source Materials License SUA-1472 for the L-Bar site. These actions complete all requirements for closure of the L-Bar site under the Uranium Mill Tailings Radiation Control Act of 1978, as

amended. These actions do not require an environmental assessment as they are categorically excluded under 10 CFR 51.22(c)(11).

II. Further Information

The NRC has prepared correspondence which documents the actions that establish the DOE as the long-term custodian of the L-Bar site under the general license specified in 10 CFR 40.28 and terminate the SWMC specific Source Materials License SUA-1472 for the L-Bar site. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," copies of this correspondence, as well as the L-Bar LTSP submitted by DOE letter dated October 13, 2004, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are listed below. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

Documents Related to This Notice

1. Letter dated October 13, 2004, from J. Sink, DOE, to G. Janosko, NRC, submitting the final LTSP for the L-Bar site. ML042920474.
2. Letter dated October 21, 2004, from G. Janosko, NRC, to J. Sink, DOE, accepting the final LTSP for the L-Bar site. ML043020020.
3. Letter dated October 21, 2004, from G. Janosko, NRC, to J. Trummel, Kennecott Energy Company, terminating the SWMC specific Source Materials License SUA-1472 for the L-Bar site. ML043020032.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated in Rockville, Maryland, this 5th day of November, 2004.

For the Nuclear Regulatory Commission.

Gary S. Janosko,

Chief, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

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PENSION BENEFIT GUARANTY CORPORATION**Required Interest Rate 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 can be derived 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.go>).**DATES:** The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in November 2004. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in December 2004.**FOR FURTHER INFORMATION CONTACT:** Harold J. Ashier, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (TTY/TDD users may 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 (the "required interest rate") in determining a single-employer plan's variable-rate premium. Pursuant to the Pension Funding Equity Act of 2004, for premium payment years beginning in 2004 or 2005, the required interest rate is the "applicable percentage" (currently 85 percent) of the annual rate of interest determined by the Secretary of the Treasury on amounts invested conservatively in long-term investment grade corporate bonds for the month preceding the beginning of the plan year for which premiums are being paid. Thus, the required interest rate to be used in determining variable-rate premiums for premium payment years