

NUCLEAR REGULATORY COMMISSION**[Docket Number 40-6622]****Pathfinder Mines Corporation****AGENCY:** U.S. Nuclear Regulatory Commission**ACTION:** Amendment of Source Material License SUA-442 to change three reclamation milestone dates.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has amended Pathfinder Mines Corporation's (PMC's) Source Material License SUA-442 to change three reclamation milestone dates. This amendment was requested by PMC in its letter dated October 29, 1999, and the receipt of the request by NRC was noticed in the **Federal Register** on December 16, 1999.

The license amendment modifies License Condition 50 to change completion dates for three site-reclamation milestones. The new dates approved by the NRC extend completion of placement of the interim cover over the tailings pile, completion of placement of the final radon barrier, and completion of placement of the erosion protection cover by two years. PMC attributes the delays to a substantial volume of water still remaining to be evaporated from the tailings system, before an interim cover could be placed. Based on the review of PMC's submittal, the NRC staff concludes that the delays are attributable to factors beyond the control of PMC, the proposed work is scheduled to be completed as expeditiously as practicable, and the added risk to the public health and safety is not significant.

An environmental assessment is not required since this action is categorically excluded under 10 CFR 51.22(c)(11), and an environmental report from the licensee is not required by 10 CFR 51.60(b)(2).

ADDRESS: PMC's amended license, and the NRC staff's technical evaluation of the amendment request are being made available for public inspection at the Commission's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

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 17th day of February 2000.

Thomas H. Essig,

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

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NUCLEAR REGULATORY COMMISSION**[Docket No. 50-483]**

Union Electric Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-30 issued to Union Electric Company (the licensee) for operation of the Callaway Plant, Unit 1 (Callaway) located in Callaway County, Missouri.

The proposed supplemental amendment request dated February 17, 2000, would revise several sections of the Improved Technical Specification (ITSs) to correct 6 editorial errors made in the application dated May 15, 1997, (and supplementary letters) for the ITSs or in the certified copy of the ITSs that was submitted in the licensee's letters of May 27 and 28, 1999. The ITSs were issued by the staff's letter of May 28, 1999, and will be implemented to replace the current TSs by April 30, 2000. The intent of the application is to correct the ITSs before they are implemented. None of the proposed changes alter any of the requirements in the ITSs.

The proposed changes to the ITSs are the following.

(1) The correct word "Dump" will replace the incorrect word "Pump" in the table of contents, on ITS page 3, Section 3.7.4, to state the correct name of the section, "Atmospheric Steam Dump Valves."

(2) Specification 3.1.8 will be added to item a.7 on ITS page 5.0-29 of Section 5.6.5, "CORE OPERATING LIMITS REPORT (COLR)," because this specification also references the shutdown margin in the COLR.

(3) The word "BASIS" will be spelled correctly in Section 1.1, "Definitions," for the title of staggered test basis on ITS page 1.1-6.

(4) A period will be added after the B in "B 1.2" to state Required Action B.1.2

for limiting condition for operation (LCO) 3.4.15 on ITS page 3.4-37.

(5) The apostrophe in the acronym MSSV's will be deleted in Condition B of LCO 3.7.1 on ITS page 3.7-1.

(6) The word "subsystems" will be replaced by "subsystem" because the word should not be plural, in Required Action A.2.4 of LCO 3.8.5 on ITS page 3.8-25.

The application of February 17, 2000, is a supplemental letter to the licensee's January 14, 2000, application for corrections to the ITSs. In its letter of January 14, 2000 (ULNRC-04172), the licensee proposed to correct 8 editorial errors made in either (1) the application dated May 15, 1997, (and supplementary letters) for the ITSs, or (2) the certified copy of the ITSs that was submitted in the licensee's letters of May 27 and 28, 1999. The notice of consideration for the application of January 14, 2000, will be published in the **Federal Register** on February 23, 2000.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The licensee stated in their supplemental application of February 17, 2000, that the no significant hazards consideration submitted in its original application of January 14, 2000, also applied to the corrections in this supplemental application. The licensee's no significant hazards consideration is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes involve corrections to the ITS that are associated with the original conversion application and supplements or the certified copy of [the] ITS. The changes are considered as administrative changes and do not modify,

add, delete, or relocate any technical requirements of the Technical Specifications. As such, the administrative changes do not effect initiators of analyzed events or assumed mitigation of accident or transient events.

Therefore, these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes do not involve a physical alteration of the plant (no new or different type of equipment will be installed) or changes in methods governing normal plant operation. The proposed changes will not impose any new or eliminate any old requirements.

Thus, the changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed changes will not reduce a margin of safety because they have no effect on any safety analyses assumptions. The changes are administrative in nature.

Therefore, the changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and

Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 27, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be

entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a

hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW, Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the supplemental application for amendment dated February 17, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, and accessible electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room).

Dated at Rockville, Maryland, this 18th day of February, 2000.

For the Nuclear Regulatory Commission.

Jack N. Donohew,

Senior Project Manager, Section 2, Project Directorate IV and Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-302]

Florida Power Corporation, et al; Crystal River Unit 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR-72, issued to Florida Power Corporation (the licensee), for operation of Crystal River Unit 3, located in Citrus County, Florida.

Environmental Assessment

Identification of the Proposed Action

The proposed amendment would revise the Crystal River Unit 3, Technical Specifications, Appendix B, "Environmental Protection Plan (Non-Radiological)" (EPP), to incorporate the reasonable and prudent measures, and the terms and conditions, of the Incidental Take Statement included with the Biological Opinion issued by the National Marine Fisheries Service (NMFS), which was forwarded to the licensee by the Commission on July 15, 1999. The proposed amendment will ensure that the information in the Biological Opinion is included in the EPP, and also makes several administrative changes to correct outdated information.

The proposed action is in accordance with the licensee's application for amendment dated October 12, 1999.

The Need for the Proposed Action

The proposed action would incorporate the reasonable and prudent measures and the terms and conditions of the Incidental Take Statement of the Biological Opinion issued by NMFS into the Crystal River Unit 3 operating license.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that implementation of the Incidental Take Statement in the Crystal River Unit 3 Environmental Protection Plan would support the National Marine Fisheries Service conclusion that the continued operation of the cooling water intake system at the Crystal River Energy Complex is not likely to jeopardize the continued existence of threatened or endangered sea turtle species under NMFS jurisdiction. The Incidental Take Statement identifies actions that have been, or will be, taken by Crystal River

to ensure the takes of endangered sea turtles are limited. These actions include a capture and release program for endangered sea turtles stranded on the intake canal bar racks, a program to monitor for endangered sea turtles at the cooling water intakes on a regular basis, and the maintenance of records of sea turtle strandings and takes.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in Crystal River not implementing the Incidental Take Statement which would lead to takes of endangered sea turtles outside the NMFS Biological Opinion. The environmental impacts of the proposed action are less than the alternative action.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for Crystal River Unit 3.

Agencies and Persons Consulted

In accordance with its stated policy, on January 12, 2000, the staff consulted with William Passetti, Chief, Department of Health, Bureau of Radiation Control, for the state of Florida, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the