

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(d).

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Molycorp Incorporated, 300 Caldwell Avenue, Washington, Pennsylvania 15301, Attention Mr. John Daniels, and;

2. The NRC staff, by delivery to the Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between 7:45 am and 4:15 pm Federal workdays, or by mail, addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

For further details with respect to this action, the application for amendment request is available for inspection at the NRC's Public Document Room, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 19th day of May 1999.

For the Nuclear Regulatory Commission.

**John W.N. Hickey,**

*Chief, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 99-13419 Filed 5-25-99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-275 and 50-323]

### Pacific Gas and Electric Company; Diablo Canyon Power Plant, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses No. DPR-80 and No. DPR-82 that were issued to Pacific Gas and Electric Company (the licensee) for operation of the Diablo Canyon Power Plant, Units 1 and 2 (DCPP), located in San Luis Obispo County, California.

#### Environmental Assessment

##### Identification of the Proposed Action

The proposed amendments will revise the existing, or current, Technical Specifications (CTS) for DCPP in their entirety based on the guidance provided in NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," Revision 1, dated April 1995, and in the Commission's "Final Policy Statement on Technical Specifications

Improvements for Nuclear Power Reactors," published on July 22, 1993 (58 FR 39132). The proposed amendments are in accordance with the licensee's amendment request dated June 2, 1997, as supplemented by letters in 1998 dated January 9, June 25, August 5, August 28, September 25, October 16, October 23, November 25, December 4, December 17, and December 30, and in 1999 dated February 24, March 10, April 28, May 11, and May 19.

##### The Need for the Proposed Action

It has been recognized that nuclear safety in all nuclear power plants would benefit from an improvement and standardization of plant Technical Specifications (TS). The "NRC Interim Policy Statement on Technical Specification Improvements for Nuclear Power Plants," (52 FR 3788) contained proposed criteria for defining the scope of TS. Later, the Commission's "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors," published on July 22, 1993 (58 FR 39132), incorporated lessons learned since publication of the interim policy statement and formed the basis for revisions to 10 CFR 50.36, "Technical Specifications." The "Final Rule" (60 FR 36953) codified criteria for determining the content of TS. To facilitate the development of standard TS for nuclear power reactors, each power reactor vendor owners' group (OG) and the NRC staff developed standard TS. For DCPP, the Improved Standard Technical Specifications (ISTS) are in NUREG-1431. This document formed part of the basis for the DCPP Improved Technical Specifications (ITS) conversion. The NRC Committee to Review Generic Requirements (CRGR) reviewed the ISTS, made note of its safety merits, and indicated its support of the conversion by operating plants to the ISTS.

##### Description of the Proposed Change

The proposed changes to the CTS are based on NUREG-1431 and on guidance provided by the Commission in its Final Policy Statement. The objective of the changes is to completely rewrite, reformat, and streamline the CTS (i.e., to convert the CTS to the ITS). Emphasis is placed on human factors principles to improve clarity and understanding of the TS. The Bases section of the ITS has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG-1431, portions of the CTS were also used as the basis for the development of the DCPP ITS. Plant-

specific issues (e.g., unique design features, requirements, and operating practices) were discussed with the licensee, and generic matters were discussed with Westinghouse and other OGs.

This conversion is a joint effort in concert with three other utilities: TU Electric for Comanche Peak Steam Electric Station, Units 1 and 2 (Docket Nos. 50-445 and 50-446); Union Electric Company for Callaway Plant (Docket No. 50-483); and Wolf Creek Nuclear Operating Corporation for Wolf Creek Generating Station (Docket No. 50-482). It was a goal of the four utilities to make the ITS for all the plants as similar as possible. This joint effort includes a common methodology for the licensees in marking-up the CTS and NUREG-1431 Specifications, and the NUREG-1431 Bases, that has been accepted by the staff.

This common methodology is discussed at the end of Enclosure 2, "Mark-Up of Current TS"; Enclosure 5a, "Mark-Up of NUREG-1431 Specifications"; and Enclosure 5b, "Mark-Up of NUREG-1431 Bases," for each of the 14 separate ITS sections that were submitted with the licensee's application. For each of the ITS sections, there is also the following enclosures:

- Enclosure 1, "Cross-Reference Tables," the cross-reference table connecting each CTS specification (i.e., LCO, required action, or SR) to the associated ITS specification, sorted by both CTS and ITS specifications.
- Enclosures 3A and 3B, "Description of Changes to Current TS" and "Conversion Comparison Table," the description of the changes to the CTS section and the comparison table showing which plants (of the four licensees in the joint effort) that each change to the CTS applies to.
- Enclosure 4, "No Significant Hazards Considerations," the no significant hazards consideration (NSHC) of 10 CFR 50.91 for the changes to the CTS with generic NSHCs for administrative, more restrictive, relocation, and moving-out-of-CTS changes, and individual NSHCs for less restrictive changes and with the organization of the NSHC evaluation discussed in the beginning of the enclosure.

- Enclosures 6A and 6B, "Differences From NUREG-1431" and "Conversion Comparison Table," the descriptions of the differences from NUREG-1431 Specifications and the comparison table showing which plants (of the four licensees in the joint effort) that each difference to the ISTS applies to.

The common methodology includes the convention that, if the words in an CTS specification are not the same as the words in the ITS specification, but the CTS words have the same meaning or have the same requirements as the words in the ITS specification, then the licensees do not have to indicate or describe a change to the CTS. In general, only technical changes have been identified; however, some non-technical changes have also been identified when the changes cannot easily be determined. The portion of any specification which is being deleted is struck through (i.e., the deletion is annotated using the strike-out feature of the word processing computer program or crossed out by hand). Any text being added to a specification is shown by shading the text, placing a circle around the new text, or by writing the text in by hand. The text being struck through or added is shown in the marked-up CTS and ISTS pages in Enclosures 2 (CTS pages) and 5 (ISTS and ISTS Bases pages) for each ITS section attachment to the application. Another convention of the common methodology is that the technical justifications for the less restrictive changes are included in the NSHCs.

The proposed changes can be grouped into the following four categories: relocated requirements, administrative changes, less restrictive changes involving deletion of requirements, and more restrictive changes. These categories are as follows:

1. Relocated requirements (i.e., the licensee's LG or R changes) are items which are in the CTS but do not meet the criteria set forth in the Final Policy Statement. The Final Policy Statement establishes a specific set of objective criteria for determining which regulatory requirements and operating restrictions should be included in the TS. Relocation of requirements to documents with an established control program, controlled by the regulations or the TS, allows the TS to be reserved only for those conditions or limitations upon reactor operation which are necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety, thereby focusing the scope of the TS. In general, the proposed relocation of items from the CTS to the Updated Safety Analysis Report (USAR), appropriate plant-specific programs, plant procedures, or ITS Bases follows the guidance of NUREG-1431. Once these items have been relocated to other licensee-controlled documents, the licensee may revise them under the provisions of 10 CFR 50.59 or other NRC-approved

control mechanisms, which provide appropriate procedural means to control changes by the licensee.

2. Administrative changes (i.e., the licensee's A changes) involve the reformatting and rewording of requirements, consistent with the style of the ISTS in NUREG-1431, to make the TS more readily understandable to plant operators and other users. These changes are purely editorial in nature, or involve the movement or reformatting of requirements without affecting the technical content. Application of a standardized format and style will also help ensure consistency is achieved among specifications in the TS. During this reformatting and rewording process, no technical changes (either actual or interpretational) to the TS will be made unless they are identified and justified.

3. Less restrictive changes and the deletion of requirements involves portions of the CTS (i.e., the licensee's LS and TR changes) which (1) provide information that is descriptive in nature regarding the equipment, systems, actions, or surveillances, (2) provide little or no safety benefit, and (3) place an unnecessary burden on the licensee. This information is proposed to be deleted from the CTS and, in some instances, moved to the proposed Bases, USAR, or procedures. The removal of descriptive information to the Bases of the TS, USAR, or procedures is permissible because these documents will be controlled through a process that utilizes 10 CFR 50.59 and other NRC-approved control mechanisms. The relaxations of requirements were the result of generic NRC actions or other analyses. They will be justified on a case-by-case basis for the DCCP and described in the safety evaluation to be issued with the license amendment.

4. More restrictive requirements (i.e., the licensee's M changes) are proposed to be implemented in some areas to impose more stringent requirements than are in the CTS. In some cases, these more restrictive requirements are being imposed to be consistent with the ISTS. Such changes have been made after ensuring the previously evaluated safety analysis for the DCCP was not affected. Also, other more restrictive technical changes have been made to achieve consistency, correct discrepancies, and remove ambiguities from the TS. Examples of more restrictive requirements include: placing a Limiting Condition for Operation (LCO) on plant equipment which is not required by the CTS to be operable; more restrictive requirements to restore inoperable equipment; and more restrictive surveillance requirements.

There are other proposed changes to the CTS that may be included in the proposed amendments to convert the CTS to the ITS. These are beyond-scope issues (BSIs) in that they are changes to both the CTS and the ISTS. For the DCCP, these are the following:

1. The proposed change to ITS 3.1.7 adds a new action for more than one digital rod position indicator (DRPI) per group inoperable.

2. The proposed change to ITS Surveillance Requirements (SR) 3.2.1.1 and 3.2.1.1 would revise the frequency to within 24 hours for verifying the axial heat flux hot channel factor is within limit after achieving equilibrium conditions.

3. The proposed change to ITS SR 3.6.3.7 adds a note to not require leak rate test of containment purge valves with resilient seals when penetration flow path is isolated by test-tested blank flange.

4. The proposed change to ITS 3.1.3 and 5.6.5 adds moderator temperature coefficient to the Core Operating Limits Report.

5. The proposed change to ITS 3.9.1 and 5.6.5 adds refueling boron concentration to the Core Operating Limits Report.

6. The proposed change adds an allowance to CTS SR 6.8.4.i for the reactor coolant pump flywheel inspection program (ITS 5.5.7) to permit an exception to the examination requirements specified in the CTS SR (i.e., regulatory position C.4.b of NRC Regulatory Guide (RG) 1.14, Revision 1) that is consistent with WCAP-14535, "Topical Report on Reactor Coolant Pump Flywheel Inspection Elimination."

7. Quarterly channel operational tests (COTs) would be added to CTS Table 4.3-1 for the power range neutron flux-low and intermediate range neutron flux. The CTS only require a COT prior to startup for these functions. A new Note 19 would be added to require that the new quarterly COT be performed within 12 hours after reducing power below P-10 for the power range and intermediate range instrumentation (P-10 is the dividing point marking the applicability for these trip functions), if not performed within the previous 92 days. A new Note 20 would be added to state that the P-6 and P-10 interlocks are verified to be in their required state during all COTs on the power range neutron flux-low and intermediate range neutron flux trip functions.

8. The proposed change would revise requirements concerning overtime by replacing CTS 6.2.2.f with a reference to administrative procedures for the control of working hours.

9. The proposed change would revise CTS 6.2.4 to eliminate the title of Shift Technical Advisor. The engineering expertise is maintained on shift, but a separate individual would not be required as allowed by a Commission Policy Statement.

10. The proposed change would revise the dose rate limits in the Radioactive Effluent Controls Program for releases to areas beyond the site boundary to reflect 10 CFR Part 20 requirements.

11. The proposed change would revise the Radioactive Effluents Controls Program to include clarification statements denoting that the provisions of CTS 4.0.2 and 4.0.3, which allow extensions to surveillance frequencies, are applicable to these activities.

12. CTS provides alternative high radiation area access control alternatives pursuant to 10 CFR 20.203(c)(2). The proposed change would revise CTS 6.12 to meet the current requirements in 10 CFR Part 20 and the guidance in NRC Regulatory Guide 8.38, "Control of Access to High and Very High Radiation Areas in Nuclear Power Plants" for such access controls.

13. The proposed change would delete the CTS 6.9.1.7 requirement to provide documentation of all challenges to the power operated relief valves (PORVs) and safety valves on the reactor coolant system. The proposed change is based on Generic Letter 97-02, "Revised Contents of the Monthly Operating Report," which reduced the requirement for submitting such information to the NRC. GL-97-02 did not include these valves for information to be submitted.

14. The proposed change would limit the CTS SRs 4.4.4.1.a and 4.4.4.2 requirements to perform the 92-day surveillance of the pressurizer PORV block valves and the 18-month surveillance of the pressurizer PORVs (i.e., perform one complete cycle of each valve) to only Modes 1 and 2.

15. The proposed change would limit the CTS 4.4.4.2 requirement to perform the 92-day surveillance of the pressurizer PORV block valves in that the SR would not be performed if the PORV block valve is closed to meet Action a of CTS LCO 3.4.4. Action a is for a PORV being inoperable, but capable of being cycled.

16. The proposed change would revise the frequency for performing the trip actuating device operational test (TADOT) in CTS Table 4.3-1 for the turbine trip (functional units 17.a and 17.b) to be consistent with the modes for which the surveillance is required. This would be adding a footnote to the TADOT that states "Prior to exceeding

the P-9 interlock whenever the unit has been in Mode 3."

17. The proposed change would revise the diesel generator (DG) loading requirements for the load rejection test in CTS SR 4.8.1.1.2.b.4 to specify a range of acceptable loads in kW without tripping instead of specifying only a single minimum acceptable kW load. The CTS require that the minimum load for the load rejection test in SR 4.8.1.1.2.b.4 is 2484 kW and the proposed range of loads is  $\geq 2370$  kW and  $\leq 2610$  kW.

18. The proposed change would increase the maximum allowable DG voltage following load rejection in CTS SR 4.8.1.1.2.b.4 from 4580 to 6200 volts.

19. The proposed change would remove the wording "during shutdown" from the frequency of CTS SR 4.8.1.1.1.b.1 for manual bus transfers, SR 4.8.1.1.2.b.4 for emergency diesel generator (EDG) full load testing, and SR 4.8.1.1.2.b.8 for the EDG 24-hour load run testing. The change will facilitate post maintenance testing of an EDG without requiring a plant shutdown.

20. The proposed change incorporates WCAP-13632-P-A, "Eliminate Response Time Testing of Pressure Sensors," into CTS SR 4.3.1.2 and SR 4.3.2.2, to state that the function shall be "verified" rather than "demonstrated." This changes the Bases for ITS SR 3.3.1.16 and SR 3.3.2.10 to allow the elimination of pressure sensor response time testing.

#### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed conversion of the CTS to the ITS for DCP, including the beyond-scope issues discussed above. Changes which are administrative in nature have been found to have no effect on the technical content of the TS. The increased clarity and understanding these changes bring to the TS are expected to improve the operators control of DCP in normal and accident conditions.

Relocation of requirements from the CTS to other licensee-controlled documents does not change the requirements themselves. Future changes to these requirements may then be made by the licensee under 10 CFR 50.59 and other NRC-approved control mechanisms which will ensure continued maintenance of adequate requirements. All such relocations have been found consistent with the guidelines of NUREG-1431, the Commission's Final Policy Statement, and 10 CFR 50.36, as amended.

Changes involving more restrictive requirements have been found to enhance plant safety.

Changes involving less restrictive requirements have been reviewed individually. When requirements have been shown to provide little or no safety benefit, or to place an unnecessary burden on the licensee, their removal from the TS was justified. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of a generic action, or of agreements reached during discussions with the OG, and found to be acceptable for the plant. Generic relaxations contained in NUREG-1431 have been reviewed by the NRC staff and found to be acceptable.

In summary, the proposed revisions to the TS were found to provide control of plant operations such that reasonable assurance will be provided that the health and safety of the public will be adequately protected.

The proposed amendments will not increase the probability or consequences of accidents, will not change the quantity or types of any effluent that may be released offsite, and will not significantly increase the occupational or public exposure. Also, these changes do not increase the licensed power and allowable effluents for the plant. The changes will not create any new or unreviewed environmental impacts that were not considered in the Final Environmental Statement (FES) related to the operation of DCP, dated May 1973 and addendum dated May 1976. Therefore, there are no significant radiological impacts associated with the proposed amendments.

With regard to potential non-radiological impacts, the proposed amendments involve features located entirely within the restricted area for the plant defined in 10 CFR Part 20. They do not affect non-radiological plant effluents and have no other environmental impact. They do not increase any discharge limit for the plant. Therefore, there are no significant non-radiological environmental impacts associated with the proposed amendments.

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

#### *Alternatives to the Proposed Action*

Since the Commission has concluded there is no significant environmental impact associated with the proposed amendments, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the proposed amendments

would be to deny the amendments. Denial of the licensee's application would not reduce the environmental impacts of DCPD operations, but it would prevent the safety benefits to the plant from the conversion to the ITS. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the FES for DCPD.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on April 2, 1999, the staff consulted with the California State official, Mr. Steve Hsu of the Radiologic Health Branch of the State Department of Health Services, regarding the environmental impact of the proposed amendments. The State official had no comments.

#### **Finding of No Significant Impact**

Based upon the environmental assessment, the Commission concludes that the proposed amendments will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's application dated June 2, 1997, as supplemented by letters in 1998 dated January 9, June 25, August 5, August 28, September 25, October 16, October 23, November 25, December 4, December 17, and December 30, and in 1999 dated February 24, March 10, April 28, May 11, and May 19, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Rockville, Maryland, this 20th day of May 1999.

For the Nuclear Regulatory Commission.

**Steven D. Bloom,**

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

[FR Doc. 99-13420 Filed 5-25-99; 8:45 am]

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## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-482]

### **Union Electric Company; Callaway Plant, Unit 1; Environmental Assessment and Finding of No Significant Impact**

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

#### **Environmental Assessment**

##### *Identification of the Proposed Action*

The proposed amendment will revise the Current Technical Specifications (CTS) for Callaway Plant, Unit 1 in their entirety based on the guidance provided in NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," Revision 1, dated April 1995, and in the Commission's "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors," published on July 22, 1993 (58 FR 39132). The proposed action is in accordance with the licensee's amendment request dated May 15, 1997, as supplemented by (1) the letters in 1998 dated June 26, August 4, August 27, September 24, October 21 (two letters), November 23, November 25, December 11, and December 22, and (2) the letters in 1999 dated February 5, March 9, April 7, April 21 and April 30.

##### *The Need for the Proposed Action*

It has been recognized that nuclear safety in all nuclear power plants would benefit from an improvement and standardization of plant Technical Specifications (TS). The NRC's "Interim Policy Statement on Technical Specification Improvements for Nuclear Power Plants" (52 FR 3788), contained proposed criteria for defining the scope of TS. Later, the NRC's "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors," published on July 22, 1993 (58 FR 39132), incorporated lessons learned since publication of the interim policy statement and formed the basis for revisions to 10 CFR 50.36, "Technical Specifications." The "Final Rule" (60 FR 36953) codified criteria for determining the content of TS. To facilitate the development of standard TS for nuclear power reactors, each power reactor vendor owners' group (OG) and the NRC staff developed standard TS. For Callaway Plant, Unit 1,

the Improved Standard Technical Specifications (ISTS) are in NUREG-1431. This document formed part of the basis for the Callaway Plant, Unit 1 Improved Technical Specifications (ITS) conversion. The NRC Committee to Review Generic Requirements (CRGR) reviewed the ISTS, made note of its safety merits, and indicated its support of the conversion by operating plants to the ISTS.

##### *Description of the Proposed Change*

The proposed changes to the CTS are based on NUREG-1431 and on guidance provided by the Commission in its Final Policy Statement. The objective of the changes is to completely rewrite, reformat, and streamline the CTS (i.e., to convert the CTS to the ITS). Emphasis is placed on human factors principles to improve clarity and understanding of the TS. The Bases section of the ITS has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG-1431, portions of the CTS were also used as the basis for the development of the Callaway Plant, Unit 1 ITS. Plant-specific issues (e.g., unique design features, requirements, and operating practices) were discussed with the licensee, and generic matters with Westinghouse and other OGs.

This conversion is a joint effort in concert with three other utilities: Pacific Gas & Electric Company for Diablo Canyon Power Plant, Units 1 and 2 (Docket Nos. 50-275 and 50-323); TU Electric for Comanche Peak Steam Electric Station, Units 1 and 2 (Docket Nos. 50-445 and 50-446); and Wolf Creek Nuclear Operating Corporation for Wolf Creek Generating Station (Docket No. 50-482). It was a goal of the four utilities to make the ITS for all the plants as similar as possible. This joint effort includes a common methodology for the licensees in marking-up the CTS and NUREG-1431 specifications, and the NUREG-1431 Bases, that has been accepted by the staff.

This common methodology is discussed at the end of Enclosure 2, "Mark-Up of Current TS;" Enclosure 5a, "Mark-Up of NUREG-1431 Specifications;" and Enclosure 5b, "Mark-Up of NUREG-1431 Bases," for each of the 14 separate ITS sections that were submitted with the licensee's application. Each of the 14 ITS sections also includes the following enclosures:

- Enclosure 1, "Cross-Reference Table," provides the cross-reference table connecting each CTS specification (i.e., limiting condition for operation, required action, or surveillance requirement) to the associated ITS