

management of the response to severe accidents can best be determined by the Licensee, the NRC staff has determined that the Licensee may elect to adopt a risk-informed functional requirement in lieu of the current 30 minute time limit for indication of hydrogen concentration as imposed by the Orders dated March 14, 1983, and as described by TMI Action Item II.F.1, Attachment 6 in NUREG-0737. The applicable functional requirement is as follows:

Procedures shall be established for ensuring that indication of hydrogen concentration in the containment atmosphere is available in a sufficiently timely manner to support the role of the information in the Arkansas Nuclear One Emergency Plan (and related procedures) and related activities such as guidance for severe accident management. Hydrogen monitoring will be initiated on the basis of (1) the appropriate priority for establishing indication of hydrogen concentration within containment in relation to other activities in the control room, (2) the use of the indication of hydrogen concentration by decisionmakers for severe accident management and emergency response, and (3) insights from experience or evaluation pertaining to possible scenarios that result in significant generation of hydrogen that would be indicative of core damage or a potential threat to the integrity of the containment building. Affected licensing-basis documents and other related documents will be appropriately revised and/or updated in accordance with applicable NRC regulations.

The Licensee's technical specifications and 10 CFR 50.44 require the Licensee to maintain the ability to monitor hydrogen concentration in containment. However, the details pertaining to the design and manner of operation of the hydrogen monitoring system are determined by the Licensee.

### III

Following various discussions with the staff, the Licensee submitted a letter dated September 9, 1998, in which it provided a commitment to operate and maintain the containment hydrogen monitors for ANO-1 and ANO-2 in accordance with the applicable functional requirement described in Section II above. The Licensee stated that the adoption of the functional requirement statement would initially result in extending the time requirement for hydrogen monitors from 30 minutes to 90 minutes after the initiation of safety injection.

I find that the Licensee's commitment as set forth in its letter of September 9, 1998, is acceptable and conclude that with this commitment the plant's safety is reasonably assured. In view of the foregoing, I have determined that public health and safety require that the Licensee's commitment be confirmed by

this Order. During its discussions with the NRC staff, the Licensee agreed to waive its right to a hearing with respect to issuance of this Order.

### IV

Accordingly, pursuant to Sections 103, 104b, 161b, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, *it is hereby ordered that:*

(1) NRC License Nos. DPR-51 and NPF-6 are modified as follows:

The Licensee may elect to either maintain the 30-minute time limit for indication of hydrogen in containment, as described by TMI Action Plan Item II.F.1, Attachment 6, in NUREG-0737 and required by the Confirmatory Orders of March 14, 1983, or modify the time limit in the manner specified in Sections II and III of this Order.

(2) The licensee's commitments in its letter of September 9, 1998, see Section III, above, are confirmed.

The Director, Office of Nuclear Reactor Regulation, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

### V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings and Adjudications Staff, Washington, D.C. 20555-0001. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001; to the Deputy Assistant General Counsel for Hearings and Enforcement at the same address; to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011; and to Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, DC 20005-3502, attorney for the Licensee. If such a person requests a hearing, that person will set forth with particularity the manner in which his interest is adversely affected by this Order and will address the criteria set forth in 10 CFR 2.714(d).

If the hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing will be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above will be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV will be final when the extension expires if a hearing request has not been received.

Dated at Rockville, Maryland, this 28th day of September 1998.

For the Nuclear Regulatory Commission

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-26558 Filed 10-2-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289]

### GPU Nuclear, Inc., et al.; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of GPU Nuclear, Inc., et al., (the licensee) to withdraw its April 10, 1996, application as supplemented by letter dated May 24, 1996, for proposed amendment to Facility Operating License No. DPR-50 for the Three Mile Island Nuclear Station, Unit No. 1, located in Dauphin County, Pa.

The proposed amendment would have extended the Technical Specification (TS) surveillance interval from 18 to 24 months for selected instruments pursuant to the guidance contained in Generic Letter 91-04. The proposed amendment would also have deleted certain surveillances related to the Makeup, Purification, and Chemical Addition Systems.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on July 17, 1996 (61 FR 37300). However, by letter dated September 18, 1998, the licensee withdrew the proposed change request.

For further details with respect to this action, see the application for amendment dated April 10, 1996, as supplemented May 24, 1996, and the licensee's letter dated September 18, 1998, which withdrew the application for license amendment. The above documents 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 Law/Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, P.O. Box 1601, Harrisburg, PA 17105.

Dated at Rockville, Maryland, this 25th day of September 1998.

For the Nuclear Regulatory Commission.

**Timothy G. Colburn,**

*Senior Project Manager, Project Directorate I-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-26561 Filed 10-2-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Number 40-2259]

### Pathfinder Mines Corporation

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Amendment of source material license SUA-672 to change two 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-672 to change two reclamation milestone dates. This amendment was requested by PMC in its letter dated July 23, 1998, and the receipt of the request by NRC was noticed in the **Federal Register** on August 12, 1998.

The license amendment modifies License Condition 61 to change completion dates for two site-reclamation milestones. The new dates approved by the NRC extend completion of placement of the final radon barrier and placement of the erosion protection cover by three years and three months. PMC attributes the delays to substantial settlement still remaining to occur on the tailings system, before a final cover can 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, and the proposed work is scheduled to be

completed as expeditiously as practicable. Furthermore, because of the previous placement of an interim cover over the Lucky Mc tailings impoundment pursuant to License Condition 61A(2), and the ongoing radiation safety and environmental monitoring programs, the staff concludes that a delay in completion of placement of the final radon barrier cover and the erosion protection cover will not result in any significant added risk to the public health and safety and the environment.

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).

**SUPPLEMENTARY INFORMATION:** 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 Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415-6640.

Dated at Rockville, Maryland, this 29th day of September, 1998.

**Joseph J. Holonich,**

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

[FR Doc. 98-26564 Filed 10-2-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-483]

### Union Electric Co.; Notice of Consideration of Issuance of Amendment to Facility Operating License 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 the Union Electric Company (UE or the licensee), for operation of the Callaway Plant (CW), located in Callaway County, Missouri.

The proposed amendment, requested by the licensee in a letter dated May 15, 1997, as supplemented by letters dated June 26, August 4, August 27, and September 24, 1998, would represent a full conversion from the current Technical Specifications (CTS) to a set

of improved Technical Specifications (ITS) based on NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," Revision 1, dated April 1995. NUREG-1431 has been developed by the Commission's staff through working groups composed of both NRC staff members and industry representatives, and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve the Technical Specifications for nuclear power plants. As part of this submittal, the licensee has applied the criteria contained in the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (Final Policy Statement)," published in the **Federal Register** on July 22, 1993 (58 FR 39132), to the CTS, and, using NUREG-1431 as a basis, proposed an ITS for CW. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule change that was published in the **Federal Register** on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

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 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 is 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 includes the convention that, if the words in the CTS specification are not the same as the words in the ITS specification but they mean the same or have the same requirements as the words in the ITS specification, the licensee does not indicate or describe a change to the CTS.

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 14 ITS sections, there is also the following: Enclosure 1, the cross reference table connecting each CTS specification (i.e., limiting condition for operation, required action, or surveillance