

February 29, 2000

Template # NRR-058

Mr. John Paul Cowan
Vice President, Nuclear Operations
Florida Power Corporation
ATTN: Manager, Nuclear Licensing (NA1B)
Crystal River Energy Complex
15760 W. Power Line Street
Crystal River, Florida 34428-6708

SUBJECT: CRYSTAL RIVER UNIT 3 - ISSUANCE OF AMENDMENT REGARDING THE ENVIRONMENTAL PROTECTION PLAN (TAC NO. MA6999)

Dear Mr. Cowan:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 190 to Facility Operating License No. DPR-72 for Crystal River Unit 3. This amendment is in response to a Florida Power Corporation request dated October 12, 1999. The proposed amendment would revise the Crystal River Unit 3 Technical Specifications, Appendix B, "Environmental Protection Plan (Non-Radiological)" to incorporate the reasonable and prudent measures, and the terms and conditions, of the Incidental Take Statement in the Biological Opinion issued by the National Marine Fisheries Service, and forwarded to you by our letter dated July 15, 1999.

A copy of the related Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's biweekly Federal Register notice.

Sincerely,

/RA/

Leonard A. Wiens, Senior Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-302

Enclosures: 1. Amendment No. 190 to DPR-72
2. Safety Evaluation

cc w/enclosures: See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 29, 2000

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Vice President, Nuclear Operations
Florida Power Corporation
ATTN: Manager, Nuclear Licensing (NA1B)
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Crystal River, Florida 34428-6708

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Sincerely,

A handwritten signature in black ink, appearing to read "L. A. Wiens".

Leonard A. Wiens, Senior Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-302

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cc w/enclosures: See next page



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

FLORIDA POWER CORPORATION
CITY OF ALACHUA
CITY OF BUSHNELL
CITY OF GAINESVILLE
CITY OF KISSIMMEE
CITY OF LEESBURG
CITY OF NEW SMYRNA BEACH AND UTILITIES COMMISSION,
CITY OF NEW SMYRNA BEACH
CITY OF OCALA
ORLANDO UTILITIES COMMISSION AND CITY OF ORLANDO
SEMINOLE ELECTRIC COOPERATIVE, INC.

DOCKET NO. 50-302

CRYSTAL RIVER UNIT 3 NUCLEAR GENERATING PLANT

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 190
License No. DPR-72

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Florida Power Corporation, et al. (the licensees), dated October 12, 1999, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

- E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C(2) of Facility Operating License No. DPR-72 is hereby amended to read as follows:

Technical Specifications

The Technical Specifications contained in Appendix B, as revised through Amendment No. 190 , are hereby incorporated in the license. Florida Power Corporation shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Richard P. Correia, Chief, Section 2
Project Directorate II
Division of Project Licensing Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the
Technical Specifications

Date of Issuance: February 29, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 190

TO FACILITY OPERATING LICENSE NO. DPR-72

DOCKET NO. 50-302

Replace the following pages of the Appendix "B" Technical Specifications with the attached pages. The revised pages are identified by amendment number and contain vertical lines indicating the area of change.

Remove Page

Cover
1-1
2-1
3-1
3-2
3-3
4-1
4-2

Insert Page

Cover
1-1
2-1
3-1
3-2

4-1
4-2

APPENDIX B - PART II

TO FACILITY OPERATING LICENSE NO. DPR-72
CRYSTAL RIVER UNIT 3

FLORIDA POWER CORPORATION
DOCKET NO. 50-302

ENVIRONMENTAL PROTECTION PLAN
(NON-RADIOLOGICAL)
TECHNICAL SPECIFICATIONS

1.0 Objectives of the Environmental Protection Plan

The Environmental Protection Plan (EPP) is to provide for protection of environmental values during operation and additional construction of the Crystal River Unit 3. The principal objectives of the EPP are as follows:

1. Verify that Crystal River Unit 3 is operated in an environmentally acceptable manner, as established by the Final Environmental Statement (FES) and other NRC environmental impact assessments.
2. Coordinate NRC requirements and maintain consistency with other Federal, State and local requirements for environmental protection.
3. Keep NRC informed of the environmental effects of Crystal River Unit 3 operation and additional construction, and of actions taken to control those effects.

Environmental concerns identified in the FES which relate to water quality matters are regulated by way of licensee's National Pollutant Discharge Elimination System (NPDES) Permit implemented by the State of Florida, Department of Environmental Protection (FDEP) through the Industrial Wastewater Facility Permit (hereafter referred to as the NPDES Permit).

2.0 Environmental Protection Issues

In the FES-Operating License, dated May 1973, NRC staff considered the environmental impacts associated with the operation of Crystal River Unit 3. Certain environmental issues were identified which required study or license conditions to resolve environmental concerns and to assure adequate protection of the environment. The Appendix B Environmental Technical Specifications (ETS) issued with the license included discharge restrictions and monitoring programs to resolve the issues. Prior to issuance of this EPP, the requirements remaining in the ETS were:

1. The need to control the release of heat (temperature) and chlorine within those discharge concentrations evaluated.
2. The need for aquatic monitoring programs to confirm that thermal mixing occurs as predicted, and that effects on aquatic biota and water quality due to plant operation are no greater than predicted.
3. The need for special studies to document levels of intake entrainment and impingement.

Aquatic issues were addressed by the effluent limitations, monitoring requirements and the Section 316(b) demonstration requirement contained in the effective NPDES Permit formerly issued by the Environmental Protection Agency-Region IV. Note: The FDEP now issues the Industrial Wastewater Facility Permit under the NPDES.

3.0 Consistency Requirements

3.1 Crystal River Unit 3 Design and Operation

The licensee may make changes in station design or operation or perform tests or experiments affecting the environment provided such changes, tests or experiments do not involve an unreviewed environmental question. Changes in plant design or operation or performance of tests or experiments which do not affect the environment are not subject to this requirement.

Before engaging in unauthorized construction or operational activities which may affect the environment, the licensee shall perform an environmental evaluation of such activity.* When the evaluation indicates that such activity involves an unreviewed environmental question, the licensee shall provide a written evaluation of such activities and obtain prior approval from the NRC.

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the FES, supplements to the FES, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) a significant change in effluents (in accordance with 10 CFR 51.22) or power level; or (3) a matter not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include a written evaluation which provides bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question.

Records of modifications to plant structures, systems and components determined to potentially affect the continued protection of the environment shall be retained for the life of the plant. All other records, data and logs relating to this EPP

* Activities are excluded from this requirement if all measurable nonradiological effects are confined to the on-site areas previously disturbed during site preparation and construction.

(continued)

3.0 Consistency Requirements

3.1 Crystal River Unit 3 Design and Operation (continued)

shall be retained for five years or, where applicable, in accordance with the requirements of other agencies.

Activities governed by Section 3.3 of this EPP are not subject to the requirements of this section.

3.2 Reporting Related to the NPDES Permit

1. Violations of the NPDES Permit shall be reported to the NRC by submittal of copies of the reports required by the NPDES Permit.
2. The licensee shall provide the NRC with a copy of any 316(a) or (b) studies and/or related documentation at the same time it is submitted to the permitting agency.
3. Changes and additions to the NPDES Permit shall be reported to the NRC within 30 days following the date the change is approved. If a permit, in part or in its entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted.
4. The NRC shall be notified of changes to the effective NPDES Permit proposed by the licensee by providing NRC with a copy of the proposed change at the same time it is submitted to the permitting agency. The licensee shall provide the NRC a copy of the application for renewal of the NPDES Permit at the same time the application is submitted to the permitting agency.

3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in Crystal River Unit 3 design or operation and performance of tests or experiments which are required to achieve compliance with other Federal, State, or local environmental regulations are not subject to the requirements of Section 3.1.

4.0 Environmental Conditions

4.1 Significant Environmental Events

Any occurrence of a significant event that indicates or could result in significant environmental impact causally related to station operation shall be recorded and promptly reported to the NRC within 24 hours* followed by a written report within 30 days. No routine monitoring programs are required to implement this condition.

The written report shall (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact and plant operating characteristics, (b) describe the probable cause of the event, (c) indicate the action taken to correct the reported event, (d) indicate the corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems, and (e) indicate the agencies notified and their preliminary responses.

Events reportable under this subsection which also require reports to other Federal, State or local agencies shall be reported in accordance with those reporting requirements in lieu of the requirements of this subsection. The NRC shall be provided a copy of such report at the same time it is submitted to the other agency.

The following are examples of significant environmental events: excessive bird impaction events; onsite plant or animal disease outbreaks; mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973; unusual fish kills; and increase in nuisance organisms or conditions.

4.2 Endangered or Threatened Sea Turtles

Endangered or threatened sea turtles shall be protected in accordance with the Incidental Take Statement issued by the National Marine Fisheries Service (NMFS).

* If a significant environmental event occurs over weekends or holidays the report shall be supplied within 24 hours of the first working day following the weekend or holiday.

(continued)

4.0 Environmental Conditions

4.2.1 Incidental Take Statement

The NMFS has reviewed the impact of the Crystal River Energy Complex (CREC) operation on listed species of sea turtles and determined that CREC operations are not likely to result in jeopardy to the Kemp's ridley, green, loggerhead, leatherback, and hawksbill sea turtles. Numerical limits are established by NMFS on live takes, lethal takes causally related to plant operation, and lethal takes not related to plant operations.

4.2.2 NMFS Reasonable and Prudent Measures

In order to provide protection of sea turtles, the following reasonable and prudent measures are appropriate to minimize impacts to sea turtles:

- a. Monitor sea turtle activities around the CREC bar racks and rescue sea turtles stranded on the bar racks, and
- b. Keep records of sea turtle strandings.

4.2.3 NMFS Non-discretionary Terms and Conditions

The following non-discretionary terms and conditions implement the above reasonable and prudent measures:

- a. Continue implementation of the approved Sea Turtle Rescue and Handling Guidelines. Subsequent revisions shall be submitted for review to NMFS and the Florida Fish and Wildlife Conservation Commission.
 - b. Report to the NMFS any injured or killed sea turtle in the intake canal or bar racks within 30 days of the incident.
 - c. Record all sea turtle takes by species, size and date. Verbal notifications and written reports must be provided to the NMFS as required by the Biological Opinion.
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 190 TO FACILITY OPERATING LICENSE NO. DPR-72

FLORIDA POWER CORPORATION

CRYSTAL RIVER UNIT NO. 3

DOCKET NO. 50-302

1.0 INTRODUCTION

In 1998, a Section 7 consultation under the Endangered Species Act of 1973 was initiated as a result of an increase in the frequency of sea turtles taken incidentally and occasionally killed by entrapment in the Crystal River Energy Complex (CREC) cooling water intake canal. The consultation was performed to consider the effects of the continued operation of the cooling water system at the CREC on listed species of sea turtles. Florida Power Corporation (FPC or the licensee) submitted a biological assessment (BA) to the U.S. Nuclear Regulatory Commission (NRC) in a letter dated October 1, 1998, which was reviewed by the NRC staff and forwarded to the National Marine Fisheries Service (NMFS) on October 14, 1998. NMFS issued its biological opinion (BO) to the NRC, which was forwarded to FPC in a letter dated July 15, 1999. The BO concluded that continued operation of the CREC is not likely to jeopardize the continued existence of listed sea turtle species under NMFS jurisdiction. An incidental take statement (ITS) was included in the BO to establish lethal take levels for listed species of sea turtles. The ITS included terms and conditions necessary to monitor and minimize adverse impacts on listed species of sea turtles and included lethal take limits of those sea turtles. NMFS considers these terms and conditions to be reasonable, prudent, and necessary. The NRC staff requested that FPC propose changes to the Crystal River Unit 3 (CR-3) Environmental Protection Plan (EPP), located in Appendix B to Facility Operating License DPR-72, to implement the reasonable and prudent measures, and the terms and conditions, of the ITS. The licensee submitted those proposed changes in a letter dated October 12, 1999.

2.0 EVALUATION

FPC proposed adding a new Section 4.2, titled "Endangered or Threatened Sea Turtles," to specifically address sea turtle protection requirements. Included in this section was a proposed Subsection 4.2.1, "Incidental Take Statement," to address the background of the incidental take statement and basis for the incidental take limits. This section refers to the NMFS determined take limits and states that sea turtle protection shall be in accordance with the ITS issued by NMFS. NMFS indicated that no more than 63 sea turtles are likely to be incidentally taken every 2 years as a result of the proposed action. Thirteen of these takes can be lethal including eight that are expected to be non-causally related to plant operations.

NMFS has stipulated that the following reasonable and prudent measures are necessary and appropriate to minimize impacts of incidental take of the Kemp's ridley, green, loggerhead, leatherback, and hawksbill sea turtles:

1. CREC will monitor sea turtle activities around the bar racks and rescue sea turtles stranded on the bar racks.
2. CREC will keep records of sea turtle strandings at the plants.

These measures were considered necessary to decrease the number of lethal takes caused by plant operations. The implementation of a plan to monitor the cooling water intake structures and to rescue sea turtles stranded on them before they are killed will reduce the number of lethal takes.

The licensee proposed to add Subsection 4.2.2, "NMFS Reasonable and Prudent Measures" to implement these measures. The staff has determined that the proposed subsection meets the intent of the NMFS reasonable and prudent measures and is therefore acceptable.

NMFS also included the following terms and conditions in the Incidental Take Statement:

1. Continue implementation of the procedures outlined in the Sea Turtle Rescue and Handling Guidelines for the CREC dated September 9, 1998. All updates of the rescue plan will be reviewed by the FDEP [Florida Department of Environmental Protection] and NMFS.
2. If any listed species are apparently injured or killed in the intake canal or on the bar racks, a report, summarizing the incident, must be provided to the NMFS Southeast Regional Office's (SERO) Assistant Regional Administrator, Protected Resources Division, within 30 days of the incident.
3. All sea turtle takes at the plant will be recorded by species, size and time of year taken. These records will be made available to the SERO Assistant Regional Administrator, Protected Resources Division, 30 days after the start of each year or upon written request during other parts of the year. If within a two year period, non-lethal takes reach 40 individuals, causally related lethal takes reach 3 individuals, or if takes of non-causally related dead turtles reach 6 individuals, CREC will notify the SERO Assistant Regional Administrator, Protected Resources Division within 5 days. After these levels of take are reached, any subsequent take must be reported to the SERO Assistant Regional Administrator, Protected Resources Division within 24 hours of the take. Final disposition of all sea turtles taken at the plant (live, lethal, or non-causally related lethal) shall be in accordance with the Sea Turtle Rescue and Handling Guidelines for the CREC dated September 9, 1998.

The licensee proposed Subsection 4.2.3, "NMFS Non-discretionary Terms and Conditions" to implement these terms and conditions. (Note: On July 1, 1999, the Florida Marine Research Institute and the Bureau of Protected Species were moved from the FDEP to the Fish and Wildlife Conservation Commission (FWCC). Accordingly, the licensee replaced 'FDEP' with 'FWCC' in the proposed changes to the CR-3 EPP.) The staff has determined that this section is consistent with the intent of the NMFS terms and conditions of the ITS and, therefore, is acceptable.

Other administrative changes are being proposed to the CR-3 EPP. Included in these changes is the clarification that the National Pollutant Discharge Elimination (NPDES) Permit for CR-3 is implemented by the FDEP through the Industrial Wastewater Facility Permit instead of through the Environment Protection Agency (EPA). Additionally, the reference to the State 401 Certification is being deleted. This was previously supplied by the State to the EPA to certify that the EPA NPDES Permit also met all state limitations on effluent discharges. This certification is no longer applicable since the State now issues the Industrial Wastewater Facility Permit. Also included is a change in Section 3.1 to replace an out-of-date reference to 10 CFR 51.5(b)(2) with 10 CFR 51.22, which currently defines the criteria for categorical exclusion from environmental review. Editorial changes have also been included to correct typographical errors and to provide formatted headers and footers. These changes are administrative in nature and are acceptable.

The staff has determined, based on a review of the licensee's submittal, that the FPC proposed changes to the CR-3 Operating License, Appendix B, "Environmental Protection Program (Non- Radiological) Technical Specifications" to the current EPP meet the intent of the requirements of the NMFS Incidental Take Statement and Biological Opinion that resulted from the Section 7 consultation under the Endangered Species Act of 1973. Therefore, the proposed modifications to the CR-3, Operating License, Appendix B, are acceptable.

3.0 STATE CONSULTATION

By Letter dated March 8, 1991, Mary E. Clark of the State of Florida, Department of Health and Rehabilitative Services, informed Deborah A. Miller, Licensing Assistant, U.S. NRC, that the State of Florida does not desire notification of issuance of license amendments.

4.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32 and 51.35, an environmental assessment and finding of no significant impact was published in the Federal Register on February 25, 2000 (65 FR 10120). Accordingly, based upon the environmental assessment, the Commission has determined that issuance of this amendment will not have a significant effect on the quality of the human environment.

5.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: Leonard A. Wiens, NRR

Dated: February 29, 2000

Mr. John Paul Cowan
Florida Power Corporation

CRYSTAL RIVER UNIT NO. 3

cc:

Mr. R. Alexander Glenn
Corporate Counsel (MAC-BT15A)
Florida Power Corporation
P.O. Box 14042
St. Petersburg, Florida 33733-4042

Chairman
Board of County Commissioners
Citrus County
110 North Apopka Avenue
Inverness, Florida 34450-4245

Mr. Daniel L. Roderick, Director
Nuclear Plant Operations (NA2C)
Florida Power Corporation
Crystal River Energy Complex
15760 W. Power Line Street
Crystal River, Florida 34428-6708

Ms. Sherry L. Bernhoft, Director
Nuclear Regulatory Affairs (NA2H)
Florida Power Corporation
Crystal River Energy Complex
15760 W. Power Line Street
Crystal River, Florida 34428-6708

Mr. Michael A. Schoppman
Framatome Technologies Inc.
1700 Rockville Pike, Suite 525
Rockville, Maryland 20852

Senior Resident Inspector
Crystal River Unit 3
U.S. Nuclear Regulatory Commission
6745 N. Tallahassee Road
Crystal River, Florida 34428

Mr. William A. Passetti, Chief
Department of Health
Bureau of Radiation Control
2020 Capital Circle, SE, Bin #C21
Tallahassee, Florida 32399-1741

Mr. Gregory H. Halnon
Director, Quality Programs (SA2C)
Florida Power Corporation
Crystal River Energy Complex
15760 W. Power Line Street
Crystal River, Florida 34428-6708

Attorney General
Department of Legal Affairs
The Capitol
Tallahassee, Florida 32304

Mr. Joe Myers, Director
Division of Emergency Preparedness
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399-2100