

measure of protection as the existing standard.

## 2. Ohio Valley Coal Company (The)

[Docket No. M-2005-008-C]

Ohio Valley Coal Company (The), 56854 Pleasant Ridge Road, Alledonia, Ohio 43902 has filed a petition to modify the application of 30 CFR 75.380 (Escapeways; bituminous and lignite mines) to its Powhatan No. 6 Mine (MSHA I.D. No. 33-01159) located in Belmont County, Ohio. Due to deteriorating roof conditions throughout the portion of Main North which extends from the junction of A-West Submain to the Portal of Hope, the petitioner proposes to mine and/or rehabilitate a set of entries parallel to the existing Main North entries. The petitioner states that the majority of the development will consist of rehabilitation of existing entries and crosscuts, and some extraction of coal in areas between the existing gate sections. The petitioner will use specific terms and conditions listed in this petition when the proposed alternative method is implemented. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

## 3. Eastern Associated Coal Corporation

[Docket No. M-2005-009-C]

Eastern Associated Coal Corporation, P.O. Box 148, Graham, Kentucky 42344 has filed a petition to modify the application of 30 CFR 77.214(a) (Refuse file; general) to its Kopperston Preparation Plant (MSHA I.D. No. 46-03157) located in Wyoming County, West Virginia. The petitioner proposes to backfill four (4) existing mine openings associated with the Longbranch Energy Mine No. 20, with non-acid producing soil. The soil will extend approximately 25 feet into the mine and at least 4 feet in all directions beyond the limits of the mine opening. The petitioner also proposes to cover any exposed coal seam along the mine bench with soil to at least 4 feet above the coal seam. The petitioner has listed in this petition specific terms and conditions that will be followed when the proposed alternative method is implemented. The petitioner asserts that since the existing mine is abandoned, the proposed alternative method would provide at least the same measure of protection as the existing standard.

## 4. Thunder Basin Coal Company, LLC

[Docket No. M-2005-010-C]

Thunder Basin Coal Company, LLC, P.O. Box 406, Wright, Wyoming 82732

has filed a petition to modify the application of 30 CFR 77.700-1 (Grounding metallic sheaths, armors, and conduits enclosing power conductors) to its Black Thunder Mine (MSHA I.D. No. 48-00977), and Coal Creek Mine (MSHA I.D. No. 48-01215) both located in Campbell County, Wyoming. The petitioner requests a modification of the existing standard to permit an alternative method of compliance for the grounding of a diesel electric generator. The petitioner proposes to use a portable diesel-powered electric generator to electrically power shovels while moving them from point to point around the mine. The petitioner also proposes to use a portable diesel electric generator to provide temporary power to mobile equipment where substations are not readily available and where substations cannot easily be installed without major construction work, and to provide temporary power to stationary loads when utility power is unavailable. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

## 5. Powder River Coal Company

[Docket No. M-2005-011-C]

Powder River Coal Company, 1013 E. Boxelder Road, Caller Box 3034, Gillette, Wyoming 82717-3034 has filed a petition to modify the application of 30 CFR 77.700-1 (Grounding metallic sheaths, armors, and conduits enclosing power conductors) to its North Antelope/Rochelle Mine (MSHA I.D. No. 48-01353), Caballo Mine (MSHA I.D. No. 48-01034), and Rawhide Mine (MSHA I.D. No. 48-00993) all located in Campbell County, Wyoming. The petitioner requests a modification of the existing standard to permit an alternative method of compliance for the grounding of a diesel electric generator. The petitioner proposes to use a portable diesel powered electric generator for temporary power and/or to move electrically powered mining equipment in and around the mine. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners, and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

## 6. Goodin Creek Mining Company, Inc.

[Docket No. M-2005-012-C]

Goodin Creek Mining Company, Inc., has filed a petition to modify the application of 30 CFR 75.342 (Methane monitors) to its Mine #2 (MSHA I.D. No.

15-18606) located in Whitley County, Kentucky. The petitioner proposes to use hand-held continuous-duty methane and mounted methane monitors on three-wheel tractors with drag bottom buckets. The petitioner states that the operator will be qualified in the proper use of the detector. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

## Request for Comments

Persons interested in these petitions are encouraged to submit comments via Federal eRulemaking Portal: <http://www.regulations.gov>; e-mail: [zzMSHA-Comments@dol.gov](mailto:zzMSHA-Comments@dol.gov); Fax: (202) 693-9441; or Regular Mail/Hand Delivery/Courier: Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209. All comments must be postmarked or received in that office on or before April 15, 2005. Copies of these petitions are available for inspection at that address.

Dated in Arlington, Virginia this 11th day of March, 2005.

**Rebecca J. Smith,**

*Acting Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 05-5185 Filed 3-15-05; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317 and 50-318]

### Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2; Notice of Consideration of Issuance of Amendment to Renewed Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Renewed Facility Operating License No. DPR-53 and No. DPR-69, issued to Calvert Cliffs Nuclear Power Plant, Inc. (the licensee), for operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 located in Lusby, MD.

The proposed amendments would increase the licensed core power level by 1.38 percent to 2737 MWt (megawatts-thermal) with the installation of the CROSSFLOW™ feedwater flow measurement system.

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.

Within 60 days after the date of publication of this notice, 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 2.309, which is available at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner/requestor 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 general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for 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. The petition must include 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/requestor to relief. A petitioner/requestor who fails to satisfy 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.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)-(viii).

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV); or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415-1101, verification number is (301) 415-1966. A copy of the request for hearing and petition for leave to intervene should

also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). A copy of the request for hearing and petition for leave to intervene should also be sent to Carey Fleming, Esquire, Counsel, Constellation Energy Group, Inc., 750 East Pratt Street, 17th floor, Baltimore, MD 21202, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated January 31, 2005, which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 10th day of March 2005.

For the Nuclear Regulatory Commission.

**Richard V. Guzman,**

*Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-269, 50-270, and 50-287]

### Duke Energy Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The Nuclear Regulatory Commission (NRC, the Commission) is considering issuance of amendments to Renewed Facility Operating License Nos. DPR-38, DPR-47, and DPR-55, issued to Duke Energy Corporation (the licensee), for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Seneca, South Carolina.

The proposed amendments would revise the Technical Specifications to accommodate the replacement of the current analog-based Reactor Protective