

same as that covered by the Peoria Regional Office.

The newly created Subregion will be designated as Subregion 33.

The last list of Regional and Subregional Offices was published at 53 FR 10305-10308, March 30, 1988.

Accordingly, the NLRB revises its Statement of Organization and Functions to reflect the addition of Subregion 33, Peoria, Illinois, and the elimination of Region 33.

Dated: Washington, DC, August 29, 2000.

By direction of the Board. National Labor Relations Board.

Lester A. Heltzer,

Acting Executive Secretary.

[FR Doc. 00-22554 Filed 8-31-00; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-400-LA; ASLBP No. 99-762-02-LA]

Carolina Power & Light Company; Notice of Reconstitution

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board in the Carolina Power & Light Company proceeding, with the above-identified Docket Number, is hereby reconstituted by appointing Administrative Judge Thomas D. Murphy in place of Administrative Judge Frederick J. Shon. This Licensing Board reconstitution is a result of Judge Shon's retirement.

As reconstituted, the Board is comprised of the following Administrative Judges: G. Paul Bollwerk, III, Chairman, Dr. Peter S. Lam, Thomas D. Murphy.

All correspondence, documents, and other material shall be filed with the Licensing Board in accordance with 10 CFR 2.712. The address of the new member is: Administrative Judge Thomas D. Murphy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Issued at Rockville, Maryland, this 28th day of August 2000.

G. Paul Bollwerk III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 00-22493 Filed 8-31-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-237 and 50-249]

Commonwealth Edison Company (Dresden Nuclear Power Station, Units 2 and 3); Exemption

I

The Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating Licenses Nos. DPR-19 and DPR-25 which authorize operation of the Dresden Nuclear Power Station, Units 2 and 3 (Dresden). The licenses provide, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility consists of boiling water reactors (Units 2 and 3) located on the licensee's Dresden site in Grundy County, Illinois. This exemption refers to both units.

II

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix G, requires that pressure-temperature (P-T) limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR Part 50, Appendix G states, "The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions." Appendix G of 10 CFR Part 50 specifies that the PT limits must meet the safety margin requirements specified in the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code) Section XI, Appendix G.

To address provisions of the proposed amendments to the technical specification (TS) P-T limits, in its submittal of February 23, 2000, the licensee requested that the staff exempt Dresden from application of specific requirements of 10 CFR Part 50, Section 50.60(a) and Appendix G, and substitute use of ASME Code Cases N-588 and N-640. Code Case N-588 permits the postulation of a circumferentially-oriented flaw (in lieu of an axially-oriented flaw) for the evaluation of the circumferential welds in RPV P-T limit curves. Since the pressure stresses on a circumferentially-oriented flaw are lower than the pressure stresses on an axially-oriented flaw by a factor of two, using Code Case N-588 for establishing the P-T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G and, therefore, an

exemption to apply the Code Case would be required by 10 CFR 50.60(a). Code Case N-640 permits the use of an alternate reference fracture toughness (K_{Ic} fracture toughness curve instead of K_{Ia} fracture toughness curve) for reactor vessel materials in determining the P-T limits. Since the K_{Ic} fracture toughness curve shown in ASME Code, Section XI, Appendix A, Figure A-2200-1 provides greater allowable fracture toughness than the corresponding K_{Ia} fracture toughness curve of ASME Code, Section XI, Appendix G, Figure G-2210-1 (the K_{Ia} fracture toughness curve), using Code Case N-640 for establishing the P-T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G and, therefore, an exemption to apply the Code Case would also be required by 10 CFR 50.60(a).

Code Case N-588

The licensee has proposed an exemption to allow the use of ASME Code Case N-588 in conjunction with ASME Code, Section XI, 10 CFR 50.60(a) and 10 CFR Part 50, Appendix G, to determine the P-T limits.

The proposed amendments to revise the P-T limits for Dresden rely, in part, on the requested exemption. These proposed P-T limits have been developed using the postulation of a circumferentially-oriented reference flaw as the limiting flaw in a RPV circumferential weld in lieu of an axially-oriented flaw required by the 1989 Edition of ASME Code, Section XI, Appendix G.

Postulating the Appendix G (axially-oriented flaw) reference flaw in a circumferential weld is physically unrealistic and overly conservative because the length of the flaw would extend well beyond the girth of the circumferential weld and into the adjoining base metal material. Industry experience with the repair of weld indications found during preservice inspection, and data taken from destructive examination of actual vessel welds, confirms that any remaining flaws are small, laminar in nature, and do not transverse the weld bead orientation. Therefore, any potential defects introduced during the fabrication process, and not detected during subsequent nondestructive examinations, would only be expected to be oriented in the direction of weld fabrication. A defect with a circumferential orientation is, therefore, postulated for circumferential welds.

An analysis provided to the ASME Code's Working Group on Operating Plant Criteria (WGOPC) (in which Code Case N-588 was developed) indicated

that if an axial flaw is postulated on a circumferential weld, then based on the correction factors for membrane stress (M_m) given in the Code Case for the inside diameter circumferential (0.443) and axial (0.926) flaw orientations, it is equivalent to applying a safety factor of 4.18 on the pressure loading under normal operating conditions. Appendix G requires a safety factor of two on the contribution of the pressure load in the case of an axially-oriented flaw in an axial weld, shell plate, or forging. By postulating a circumferentially-oriented flaw on a circumferential weld and using the appropriate stress magnification factor, the margin of two (1.5 for pressure testing condition) is maintained for the contribution of the pressure load to the integrity calculation of the circumferential weld. Consequently, the staff determined that the postulation of an axially-oriented flaw on a circumferential RPV weld is a level of conservatism that is not required to establish P-T limits to protect the reactor coolant system (RCS) pressure boundary from failure during pressure testing and normal operations, including heatup, cooldown, and anticipated operational transients.

In summary, the ASME Code, Section XI, Appendix G, procedure was developed for axially-oriented flaws, which is physically unrealistic and overly conservative for postulation flaws of this orientation to exist in circumferential welds. Hence, the NRC staff concurs that relaxation of the ASME Code, Section XI, Appendix G, requirements by application of ASME Code Case N-588 is acceptable and would maintain, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the ASME Code and the NRC regulations to ensure an acceptable margin of safety.

Code Case N-640 (formerly Code Case N-626)

The licensee has proposed an exemption to allow the use of ASME Code Case N-640 in conjunction with ASME Code, Section XI; 10 CFR 50.60(a); and 10 CFR Part 50, Appendix G, to determine P-T limits.

The proposed amendment to revise the P-T limits for Dresden rely in part on the requested exemption. These revised P-T limits have been developed using the K_{Ic} fracture toughness curve, in lieu of the K_{Ia} fracture toughness curve, as the lower bound for fracture toughness.

Use of the K_{Ic} curve in determining the lower bound fracture toughness in the development of P-T operating limits curve is more technically correct than use of the K_{Ia} curve since the rate of

loading during a heatup or cooldown is slow and is more representative of a static condition than a dynamic condition. The K_{Ic} curve appropriately implements the use of static initiation fracture toughness behavior to evaluate the controlled heatup and cooldown process of a reactor vessel. The staff has required use of the initial conservatism or the K_{Ia} curve since 1974 when the curve was codified. This initial conservatism was necessary due to the limited knowledge of RPV materials. Since 1974, additional knowledge has been gained about RPV materials, which demonstrates that the lower bound on fracture toughness provided by the K_{Ia} curve is well beyond the margin of safety required to protect the public health and safety from potential RPV failure. In addition, P-T curves based on the K_{Ic} curve would enhance overall plant safety by opening the P-T operating window with the greatest safety benefit in the region of low temperature operations.

Since the RCS P-T operating window is defined by the P-T operating and test limit curves developed in accordance with the ASME Code, Section XI, Appendix G, continued operation of Dresden with these P-T curves without the relief provided by ASME Code Case N-640 would unnecessarily require that the RPV maintain a temperature exceeding 212 degrees Fahrenheit in a limited operating window during pressure tests. Consequently, steam vapor hazards would continue to be one of the safety concerns for personnel conducting inspections in primary containment. Implementation of the proposed P-T curves, as allowed by ASME Code Case N-640, does not significantly reduce the margin of safety and would eliminate steam vapor hazards by allowing inspections in primary containment to be conducted at lower coolant temperature. Thus, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served.

In summary, the ASME Code, Section XI, Appendix G, procedure was conservatively developed based on the level of knowledge existing in 1974 concerning RPV materials and the estimated effects of operation. Since 1974, the level of knowledge about these topics has been greatly expanded. The NRC staff concurs that this increased knowledge permits relaxation of the ASME Code, Section XI, Appendix G, requirements by application of ASME Code Case N-640, while maintaining, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the ASME Code and the NRC regulations to ensure an acceptable margin of safety.

III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. The staff accepts the licensee's determination that the exemption would be required to approve the use of Code Cases N-588 and N-640. The staff examined the licensee's rationale to support the exemption requests and concurred that the use of the code cases would meet the underlying intent of these regulations. Based upon a consideration of the conservatism that is explicitly incorporated into the methodologies of 10 CFR Part 50, Appendix G; Appendix G of the ASME Code; and Regulatory Guide 1.99, Revision 2, the staff concludes that application of the code cases as described would provide an adequate margin of safety against brittle failure of the RPV and that application of the specific requirements of 10 CFR 50.60(a) and Appendix G in these circumstances is not necessary to achieve the underlying purpose of the rules. This is also consistent with the determination that the staff has reached for other licensees under similar conditions based on the same considerations (Quad Cities Nuclear Power Station, Units 1 and 2, exemption dated February 4, 2000). Therefore, the staff concludes that requesting an exemption under the special circumstances of 10 CFR 50.12(a)(2)(ii) is appropriate and that the methodology of Code Cases N-588 and N-640 may be used to revise the P-T limits for Dresden Nuclear Power Station, Units 2 and 3.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest, and that special circumstances are present. Therefore, the Commission hereby grants Commonwealth Edison Company an exemption from the requirements of 10 CFR Part 50, Section 50.60(a) and 10 CFR Part 50, Appendix G, for Dresden Nuclear Power Station, Units 2 and 3.

Pursuant to 10 CFR 51.32, an environmental assessment and finding of no significant impact has been prepared and published in the **Federal**

Register (65 FR 51344). Accordingly, based upon the environmental assessment, the Commission has determined that the granting of this exemption will not result in any significant effect on the quality of the human environment.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 25th day of August 2000.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00-22498 Filed 8-31-00; 8:45 am]

BILLING CODE 7590-01-U

NUCLEAR REGULATORY COMMISSION

[Docket No. SSD 99-27 and ASLBP No. 00-778-06-ML]

Graystar, Inc.; Notice of Reconstitution

Pursuant to the authority contained in 10 CFR 2.721 and 2.1207, the Special Assistant in the captioned 10 CFR part 2, Subpart L proceeding is hereby replaced by appointing Administrative Judge Thomas D. Murphy in place of Administrative Judge Frederick J. Shon. This reconstitution is a result of Judge Shon's retirement.

All correspondence, documents, and other material shall be filed with the Presiding Officer in accordance with 10 CFR 2.1203. The address of the new Special Assistant is: Administrative Judge Thomas D. Murphy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

Issued at Rockville, Maryland, this 28th day of August 2000.

G. Paul Bollwerk, III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 00-22494 Filed 8-31-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278]

PECO Energy Company, et al. (Peach Bottom Atomic Power Station, Units 2 and 3); Exemption

I

PECO Energy Company (PECO or the licensee) holds, along with other co-licensees, Facility Operating Licenses Nos. DPR-44 and DPR-56, which authorize operation of the Peach Bottom Atomic Power Station, Units 2 and 3 (Peach Bottom or the facilities). The facilities consist of two boiling water reactors located at the licensee's site in York County, Pennsylvania. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect.

II

Section III.F of Appendix R to Title 10 of the Code of Federal Regulations (10 CFR), Part 50 requires that automatic fire detection systems (capable of operating with or without offsite power) be installed in all areas of the plant that contain or present an exposure fire hazard to safety-related or safe shutdown systems or components. By letter dated December 31, 1998, as supplemented on January 14 and April 14, 2000, the licensee requested an exemption from Section III.F of Appendix R regarding the provisions for an automatic fire detection capability in 8 fire zones in fire area 50 (the common area between both turbine buildings), 2 fire zones within fire area 6S (a portion of the Unit 2 reactor building), and 2 fire zones within fire area 13N (a portion of the Unit 3 reactor building). Specifically, these fire zones are (A) the Condenser Bays Fire Zones 50-78W and 50-78V; (B) Equipment hatchway and adjoining equipment rooms, Fire Zone 50-78B; (C) Main Turbine Lube Oil Storage Tank Rooms, Fire Zones 50-88 and 50-89; (D) Reactor Feedwater Turbine Area Corridors, Fire Zone 50-78A; (E) Steam Jet Air Ejector Room, Fire Zone 50-78EE; (F) Feedwater Heater Room, Fire Zone 50-99; and (G) Reactor Water Cleanup System

Equipment, Fire Zones 6S-42, 6S-5M, 13N-36, and 13N-13M.

The Commission, pursuant to 10 CFR 50.12(a)(1), may grant exemptions from the requirements of 10 CFR Part 50 that are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security. The Commission, however, pursuant to 10 CFR 50.12(a)(2), will not consider granting an exemption unless special circumstances are present. Under 10 CFR 50.12(a)(2)(ii), special circumstances are present when application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of the rule is to reasonably assure the capability to achieve and maintain safe shutdown in the event of a fire.

III

The staff has completed its evaluation of PECO's request for an exemption as follows.

Background

A. Fire Zone 50-78W in the Unit 2 Turbine Building consists of three rooms: the Condenser Pit (Room 22 on Elevation 102'-0"), the Moisture Separator Area (Room 138 on Elevation 116'-0"), and the Unit 2 Piping Area (Room 223 on Elevation 135'-0"). Fire Zone 50-78V in the Unit 3 Turbine Building consists of two rooms: the Moisture Separator Area (Room 181 on Elevation 116'-0") and the Unit 3 Pipe Area (Room 272 on Elevation 135'-0"). The primary fire hazards associated with these areas include turbine lubricating oil lines and cables.

Rooms 22, 138, 181, 223, and 272 are fully protected by an automatic wet pipe sprinkler system. This system is, in general, designed and installed in accordance with NFPA 13 and meets the sprinkler spray density for Ordinary Hazard Group 1 and Extra Hazard Group 1 classification. The combustible loading in the area, as described in the licensee's Fire Protection Program manual, is low consisting primarily of cable insulation.

The following table summarizes the post-fire safe shutdown functions in these rooms:

SUMMARY OF FIRE ZONE 50-78W

Room	Post-fire safe shutdown function
Unit 2 Condenser Pit (Room 22)	Unit 2 Condensate Storage Tank Leven Indication.
Unit 2 Moisture Separator Area (Room 138)	No post-fire shutdown equipment or components located in this room.