

associated with normal plant evolutions such as RCP start and swapping operating charging pumps with the RCS in a water-solid condition.

Additionally, the impact on the P/T limits and OPPS setpoints has been evaluated for an increased service period to 15 EFPYs based on ASME Section XI, Appendix G, requirements. The results indicate that OPPS would significantly restrict the ability to perform plant heatup and cooldown, create an unnecessary burden to plant operations, and challenge control of plant evolutions required with OPPS enabled. Implementation of the proposed P-T curves, as allowed by ASME Code Case N-640, does not significantly reduce the margin of safety. 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 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 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. Special circumstances are present whenever, according to 10 CFR 50.12(a)(2)(ii), "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 10 CFR part 50, section 50.60(a), and 10 CFR part 50, appendix G, is to protect the integrity of the reactor coolant pressure boundary in nuclear power plants. This is accomplished through these regulations that, in part, specify fracture toughness requirements for ferritic materials of the reactor coolant pressure

boundary. The NRC staff accepts the licensee's determination that an exemption would be required to approve the use of Code Case N-640.

The NRC staff examined the licensee's rationale to support the exemption request. Based upon a consideration of the conservatism that is explicitly incorporated into the methodologies of 10 CFR part 50, Appendix G; ASME Section XI, appendix G; and Regulatory Guide 1.99, Revision 2, the NRC staff finds that the application of Code Case N-640 will provide results which are sufficiently conservative to ensure the integrity of the reactor coolant pressure boundary and, thus, meet the underlying intent of 10 CFR part 50, section 50.60(a), and 10 CFR part 50, appendix G. This is also consistent with determinations that the NRC staff has reached for other licensees under similar conditions, and based on the same considerations. Therefore, the NRC staff finds that special circumstances set forth in 10 CFR 50.12(a)(2)(ii) are present and that the methodology of Code Case N-640 may be used to revise the P/T limits and the LTOP setpoints for the Beaver Valley Unit 2 RCS.

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. Therefore, the Commission hereby grants FENOC an exemption from the requirements of 10 CFR part 50, section 50.60(a), and 10 CFR part 50, appendix G, for the Beaver Valley Unit 2 reactor coolant system.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant effect on the quality of the human environment. (65 FR 50722).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 6 day of September 2000.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-302]

Florida Power Corporation (Crystal River Unit No. 3); Order Approving Application Regarding Proposed Acquisition By CP&L Holdings, Inc. Of Florida Progress Corporation; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Correction.

SUMMARY: This document corrects a notice appearing in the **Federal Register** on May 31, 2000 (65 FR 34740), in which the Commission issued an order under 10 CFR 50.80 approving the indirect transfer of control of Florida Power Corporation's interest in Crystal River Unit No. 3, Facility License No. DPR-72, that will occur under a proposed share exchange transaction between Florida Progress Corporation and CP&L Holdings, Inc. This action is necessary to correct an erroneous date.

FOR FURTHER INFORMATION CONTACT: Len Wiens, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, telephone 301-415-1495, e-mail: law@nrc.gov.

SUPPLEMENTARY INFORMATION: On page 34741, in the second column, in the fourth complete paragraph, "May 23, 2000," is corrected to read "May 22, 2000."

Dated at Rockville, Maryland, this 5th day of September 2000.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-354]

PSEG Nuclear, LLC; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of PSEG Nuclear, LLC (the licensee) to withdraw Public Service Electric & Gas Company's (PSE&G) December 28, 1998, application for proposed amendment to Facility Operating License No. NPF-57 for the Hope Creek Generating Station (HCGS), located in Salem County, New Jersey.