

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Virginia Electric and Power Company (the licensee) to withdraw its March 21, 1996, application for proposed amendments to Facility Operating License Nos. DPR-32 and DPR-37 for the Surry Power Station, Unit Nos. 1 and 2, located in Surry County, Virginia.

The proposed changes would have clarified the requirements for testing charcoal adsorbent in the Auxiliary Ventilation and Control Room Air Filtration Systems.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on April 10, 1996 (61 FR 15999). However, by letter dated November 23, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated March 21, 1996, and the licensee's letter dated November 23, 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 Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

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

For the Nuclear Regulatory Commission.

Gordon E. Edison,

Senior Project Manager, Project Directorate II-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-305]

Wisconsin Public Service Co. (Kewaunee Nuclear Power Plant); Exemption**I**

The Wisconsin Public Service Company (WPSC, the licensee) is the

holder of Facility Operating License No. DPR-43, which authorizes operation of the Kewaunee Nuclear Power Plant. The operating license states, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The Kewaunee Nuclear Power Plant is a pressurized-water reactor facility located at the licensee's site in Kewaunee County, Wisconsin.

II

By letter dated August 6, 1998, WPSC submitted an exemption request to certain requirements in Title 10 of the Code of Federal Regulations, Part 50, Appendix G, "Fracture Toughness Requirements," which invokes ASME, Section XI, Appendix G pressure-temperature limits for reactor pressure vessels (RPVs).

III

The NRC has established requirements in 10 CFR part 50 to protect the integrity of the reactor coolant system pressure boundary. 10 CFR 50.60(a) and 10 CFR part 50, appendix G.IV.2, require (via reference to 10 CFR 50.55a) that pressure-temperature (P-T) limits be established for RPVs during normal operation and vessel hydrostatic testing based on the methodology provided in the 1989 Edition of ASME Section XI, Appendix G. Pursuant to 10 CFR 50.60(b), alternatives to the requirements of 10 CFR part 50, appendix G.IV.2 may be used when an exemption is granted by the Commission. The underlying purpose of 10 CFR 50.60(a) and 10 CFR Part 50, Appendix G, is to establish fracture toughness requirements for the reactor coolant system pressure boundary to provide adequate margins of safety during normal operation, including anticipated operational occurrences and system hydrostatic tests, to which the pressure boundary may be subjected over its service lifetime.

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 NRC staff examined WPSC's rationale to support the exemption request and concluded that the use of Code Case N-588 would also meet the underlying intent of the regulations. The licensee's request for the exemption under the special circumstances of 10 CFR 50.12(a)(2)(ii) was found to be appropriate. Application of the regulation is not necessary to achieve the underlying purpose of the rule because, as stated in the staff Safety Evaluation, dated November 25, 1998, adequate margins of safety on the structural integrity of the reactor coolant pressure boundary are maintained with the application of Code Case N-588. Therefore, the NRC staff has concluded that an exemption to the requirements of 10 CFR 50.60 and 10 CFR part 50, appendix G.IV.2 should be granted to allow WPSC to apply the methodology in ASME Code Case N-588 for the purpose of developing P-T limits for the KNPP RPV.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), an 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 an exemption from the requirements of 10 CFR 50.60(a) and 10 CFR part 50, appendix G.IV.2 to allow WPSC to apply the methods in ASME Code Case N-588 for the evaluation of KNPP pressure-temperature limits.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (63 FR 65265).

This exemption is effective upon issuance.

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

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

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