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Dated at Rockville, Maryland, this 28th day of March 2005.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of Information Services.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346]

### FirstEnergy Nuclear Operating Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of FirstEnergy Nuclear Operating Company (the licensee) to withdraw its October 12, 2001, application for a proposed amendment to Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Station, Unit 1, located in Ottawa County, Ohio.

The proposed amendment would have made necessary revisions to the DBNPS technical specifications to reflect an increase in the authorized rated thermal power from 2772 MWt to 2817 MWt (approximately 1.63 percent), based on the use of Caldon Inc. Leading Edge Flow Meter (LEFM) CheckPlus™ System instrumentation to improve the accuracy of the feedwater mass flow input to the plant power calorimetric measurement.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** December 26, 2001 (66 FR 66467). However, by letter dated December 20, 2004, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated October 12, 2001, and the licensee's letter dated December 20, 2004, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (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 Systems (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, or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 25th day of March 2005.

For the Nuclear Regulatory Commission.

**Jon B. Hopkins,**

*Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-424 and 50-425]

### Southern Nuclear Operating Company, Inc., Vogtle Electric Generating Plant, Units 1 and 2; Exemption

#### 1.0 Background

Southern Nuclear Operating Company, Inc. (SNC, or the licensee) is the holder of Facility Operating License Nos. NPF-68 and NPF-81 that authorize operation of the Vogtle Electric Generating Plant, Units 1 and 2 (Vogtle, Units 1 and 2). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of two pressurized water reactors located in Burke County, Georgia.

#### 2.0 Request/Action

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 that "[t]he minimum temperature requirements \* \* \* pertain to the controlling material, which is either the material in the closure flange or the material in the beltline region with the highest reference temperature. \* \* \* the minimum temperature requirements and the controlling material depend on the operating condition (*i.e.*, hydrostatic pressure and leak tests, or normal operation including anticipated normal operational occurrences), the vessel pressure, whether fuel is in the vessel, and whether the core is critical. The metal temperature of the controlling material, in the region of the controlling material which has the least favorable combination of stress and temperature, must exceed the appropriate minimum temperature requirement for the condition and pressure of the vessel specified in Table 1 [of 10 CFR part 50, Appendix G]." Footnote 2 to Table 1 in 10 CFR Part 50, Appendix G specifies that RPV minimum temperature requirements related to RPV closure flange considerations shall be based on "[t]he highest reference temperature of the material in the closure flange region that is highly stressed by bolt preload."

In order to address provisions of amendments to modify the Vogtle, Units 1 and 2 Technical Specifications to revise the pressure-temperature limits report methodology for each unit, SNC requested in its submittal dated February 26, 2004, that the staff exempt Vogtle, Units 1 and 2 from the application of specific requirements of 10 CFR part 50, Appendix G, as they pertain to the establishment of minimum temperature requirements, for all modes of operation addressed by 10 CFR part 50, Appendix G, based on the material properties of the material of the RPV closure flange region that is highly stressed by the bolt preload. The licensee's technical basis for this exemption request is contained in Enclosure 4 of its February 26, 2004, submittal: WCAP-16142-P, Revision 1, "Reactor Vessel Closure Head/Vessel Flange Requirements Evaluation for Vogtle Units 1 and 2," and a response to an NRC staff request for additional information contained in an SNC letter dated October 22, 2004. The requirements from which SNC requested that Vogtle, Units 1 and 2 be exempted shall be referred to, for the purpose of this exemption, as those requirements related to the application of footnote (2) to Table 1 of 10 CFR part 50, Appendix G.

WCAP-16142-P, Revision 1 included a fracture mechanics analysis of