

PA020042 (Mar. 1, 2002)  
 PA020051 (Mar. 1, 2002)  
 PA020053 (Mar. 1, 2002)  
 PA020055 (Mar. 1, 2002)  
 PA020060 (Mar. 1, 2002)  
 PA020061 (Mar. 1, 2002)  
 PA020062 (Mar. 1, 2002)  
 PA020065 (Mar. 1, 2002)

#### Volume III

##### Georgia

GA020003 (Mar. 1, 2002)  
 GA020004 (Mar. 1, 2002)  
 GA020006 (Mar. 1, 2002)  
 GA020022 (Mar. 1, 2002)  
 GA020023 (Mar. 1, 2002)  
 GA020031 (Mar. 1, 2002)  
 GA020032 (Mar. 1, 2002)  
 GA020034 (Mar. 1, 2002)  
 GA020040 (Mar. 1, 2002)  
 GA020041 (Mar. 1, 2002)  
 GA020044 (Mar. 1, 2002)  
 GA020050 (Mar. 1, 2002)  
 GA020055 (Mar. 1, 2002)  
 GA020073 (Mar. 1, 2002)  
 GA020083 (Mar. 1, 2002)  
 GA020084 (Mar. 1, 2002)  
 GA020085 (Mar. 1, 2002)  
 GA020086 (Mar. 1, 2002)  
 GA020087 (Mar. 1, 2002)  
 GA020088 (Mar. 1, 2002)

##### Mississippi

MS020031 (Mar. 1, 2002)

#### Volume IV

None

#### Volume V

##### Louisiana

LA020001 (Mar. 1, 2002)  
 LA020005 (Mar. 1, 2002)  
 LA020009 (Mar. 1, 2002)  
 LA020018 (Mar. 1, 2002)

#### Volume VI

None

#### Volume VII

None

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Signed at Washington, DC this 21st day of February 2003.

**Terry Sullivan,**

*Acting Chief, Branch of Construction Wage Determinations.*

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### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-263]

#### Nuclear Management Company, LLC, Monticello Nuclear Generating Plant; Exemption

##### 1.0 Background

The Nuclear Management Company, LLC (the licensee), is the holder of Facility Operating License No. DPR-22 which authorizes operation of the Monticello Nuclear Generating Plant (MNGP). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a boiling water reactor located in Wright County, Minnesota.

##### 2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR) part 50, Section 50.60(a), requires, in part, that except where an exemption is granted by the Commission, all light-water nuclear power reactors must meet the fracture toughness requirements for the reactor coolant pressure boundary set forth in Appendices G and H to 10 CFR part 50.

Appendix G to 10 CFR part 50 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 requirements for these limits are the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, Appendix G, limits.

To address provisions of a proposed amendment to change the P/T limits in the Monticello Technical Specifications, the licensee requested an exemption from the application of specific requirements of 10 CFR part 50, Section 50.60(a) and Appendix G, to allow the use of ASME Code Case N-640, "Alternative Reference Fracture Toughness for Development of P-T Limit Curves." ASME Code Case N-640 permits the use of alternate reference fracture toughness (*i.e.*, use of " $K_{IC}$  fracture toughness curve" instead of " $K_{IA}$  fracture toughness curve," where  $K_{IC}$  and  $K_{IA}$  are "Reference Stress Intensity Factors," as defined in ASME Code, Section XI, Appendices A and G, respectively) for RPV 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, using ASME Code Case N-640 to establish the P/T limits would be less conservative than the methodology currently endorsed by 10 CFR part 50, Appendix G. Therefore, an exemption is required to use ASME Code Case N-640.

The proposed exemption is needed to allow the licensee to implement ASME Code Case N-640 in order to revise the method used to determine RPV P/T limits because continued use of the present curves unnecessarily restricts the P/T operating windows for the reactor coolant system (RCS). Since the 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, procedure, continued operation of MNGP with the current P/T curves without the relief provided by ASME Code Case N-640 would unnecessarily require that the RPV be maintained at a temperature exceeding 212 °F in a limited operating window during pressure tests. Consequently, steam