

Duke Energy Company
Entergy Operations, Inc.
Florida Power Corporation

Oconee 1, 2, 3
ANO-1
Crystal River 3



AmerGen Energy Company, LLC
FirstEnergy Nuclear Operating Company
Framatome ANP

TMI-1
D-B

Working Together to Economically Provide Reliable and Safe Electrical Power

November 11, 2002
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Document Control Desk
ATTN: Chief, Planning, Program and Management Support Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Credit for Inappropriate Review Time on BAW-2374

On September 25, the B&WOG Executive Committee held a meeting with senior NRC management. One of the subjects discussed was the ongoing review of BAW-2374, Revision 1, "Risk-Informed Assessment of OTSG Tube Thermal Loads Due to Breaks in RCS Upper Hot Leg Large Bore Piping." The B&WOG requested that NRC management provide the attention needed to conclude the review of this report in an expeditious manner, and that this review concentrate on the risk-informed approach suggested by the NRC in January 2001 and fully addressed in this revision of the report. In addition, the B&WOG requested that the NRC provide financial credit for portions of the review that appear to be misdirected and have not addressed the subject of the report. This letter summarizes the basis for B&WOG's request for financial credit.

This report has been under NRC review since March 2001. The focus of the review has changed on several occasions, with the initial review concentrating on the risk-informed nature of the report, as intended by the B&WOG, followed by two different, deterministic-based evaluations. The purpose of this topical report is to justify not modifying the original design basis for the thermal loads on the steam generator tubes. This justification is based on a risk-informed demonstration that the probability of scenarios other than the original design basis, along with the associated core damage frequency and large early release fraction, is exceedingly small compared to the criteria provided in Regulatory Guide 1.174.

In contrast to the approach taken in the topical report, and as suggested by the NRC, recent reviews have concentrated on establishing a new design basis without regard for the original design basis or the risk-informed arguments presented in the topical report. These reviews, initiated sometime prior to July 2001 and continuing at least through June 2002, should not have been conducted. Therefore, the B&WOG should not be held accountable for the expenditures associated with these reviews.

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A detailed review of the invoices issued to the B&WOG during this 12-month period shows NRC expenditures of \$106,234. Therefore, the B&WOG requests that credit be provided for these

Very truly yours,



James F. Mallay, Director
Regulatory Affairs

cc: J. Colaccino
D. G. Holland
Project 693