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Project 710

U.S Nuclear Regulatory Commission  
Document Control Desk  
Washington, D.C. 20852-2738

Attention: Brian W. Sheron,  
Associate Director for Project Licensing & Technical Analysis

**Subject: NRC Approval SE for GE Licensing Topical Report NEDC-33004P, *Constant Pressure Power Uprate, Revision 2 (TAC No. MB 2510)***

This letter requests your assistance in resolving the remaining issues impacting issuance of the NRC Safety Evaluation (SE) for the GE Constant Pressure Power Uprate (CPPU) Licensing Topical Report (LTR) (refer to the Reference 1 letter). The CPPU LTR was initially submitted in 2001, was favorably reviewed by the ACRS in early 2002, and received a favorable staff Safety Evaluation in mid 2002 (Reference 2), which was subsequently retracted (Reference 3). The delay in re-issuance of the staff SE, covering the already completed review, has resulted in delaying submittal of one utility extended uprate request (delaying uprate at least one cycle at two plants) and is jeopardizing the submittal schedules for two other utilities (effecting two plants).

The withdrawal letter was based on a disagreement regarding the acceptability of other changes being submitted and implemented in parallel with a CPPU. Further, the NRC position, as stated in Reference 3, is that the multiple submittal process "would significantly reduce the efficiency gains of applying this topical report by requiring the staff to conduct extensive plant-specific analyses to support power uprates." GE believes:

- (1) The multiple submittal process as proposed by the CPPU LTR does not increase the scope of review for the proposed changes. In addition, it provides the NRC with the clarity of separate effects, which is the type of information requested by the NRC and ACRS in numerous previous submittals,
- (2) The multiple submittal process is applied sequentially to the plant design and licensing basis, and provides the NRC with an updated plant licensing basis for each separate submittal,
- (3) The multiple submittal process and separate effects allow more focused NRC review and significantly enhances the identification of generic dispositions, which reduces overall NRC review resources, and

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- (4) The multiple submittal approach provides utilities with essential flexibility to formulate and plan the technical changes.

The subject disagreement is limited to the review scope of the Reactor Systems Branch (SRXB). Since the August 12, 2002 (Reference 3) letter was received, GE has been working extensively with the SRXB to further define and clarify various scenarios that may occur, involving plants using GE and non-GE fuels. In addition, GE has provided substantial information regarding the aspects of potential parallel submittals, as well as the approved fuel introduction and reload licensing processes.

At this juncture, GE and the Staff have agreed to reduce the scope of the LTR (temporarily exclude the non-GE and mixed fuel vendor core aspects from the discussion) and focus on a CPPU SE covering only GE fuel and methods. Although we have agreed to limit the scope, we have again reached an impasse with the SRXB regarding submittals where GE fuel and methods are used.

The current SRXB position imposes an implementation timing restriction, which does not allow more than one approved amendment (e.g., MELLLA, CPPU) to be implemented in one plant operating cycle. Such a restriction is outside the normal practice and is without technical basis. To GE's knowledge, there is no regulatory restriction on licensee implementation of more than one approved License Amendment during the same operating cycle. For example, the current NRC position would require a utility to implement MELLLA and CPPU in separate cycles. It would also prohibit implementation of a new GE-fuel design (e.g., GE14, which was licensed using NRC approved methods and processes) in parallel with CPPU. Because implementation of advanced fuel designs and MELLLA is required to realize the full benefit of CPPU, the current NRC position imposes a substantial financial penalty on the utility.

The GE experience base clearly demonstrates the acceptability of the CPPU approach, which is based on approved GE fuel introduction and reload analysis processes. These same fuel introduction and reload processes in conjunction with a constant pressure power uprate were deemed acceptable for the Brunswick power uprate approved in 2002. In addition, there are a number of examples where the NRC has previously approved extended power uprate implementations in parallel with new GE fuel introduction, MELLLA, new source term and other changes.

#### Action Requested

GE regrets the need to escalate this issue to NRC management. However, the lack of progress with the limited scope SE and the current impasse lead us to believe that your expedited review of the situation is necessary so that a favorable SE is issued and extended power uprate applications can proceed in a timely manner.

Please contact George Stramback at (408) 925-1913 or the undersigned if there are any questions. We would be pleased to provide additional background and details.

Sincerely,

A handwritten signature in black ink, appearing to read 'JFK', with a long horizontal line above it.

J. F. Klapproth, Manager  
Engineering and Technology

Project No: 710

References:

1. GE Letter MFN 02-085, GB Stramback to NRC, *GE Proprietary Licensing Topical Report NEDC-33004P, "Constant Pressure Power Uprate," Revision 2 (TAC No. MB2510)*, dated November 15, 2002
2. NRC letter, CF Holden to JF Klapproth, *Review of GE Nuclear Energy Licensing Topical Report, NEDC-33004P, Revision 1, "Constant Pressure Power Uprate" (TAC No. MB2510)*, dated June 20, 2002
3. NRC letter JA Zwolinski to JF Klapproth, *Review of GE Nuclear Energy Licensing Topical Report NEDC-3304P, Revision 1, "Constant Pressure Power Uprate" (TAC No. MB2510)*, dated August 12, 2002.

cc: GA Holahan (NRC)  
AB Wang (NRC)  
JA Zwolinski (NRC)  
GB Stramback (GE/San Jose)  
GA Watford (GE/San Jose)