

February 27, 2003

Mr. James F. Klapproth, Manager
Engineering and Technology
GE Nuclear Energy
175 Curtner Avenue
San Jose, CA 95125

SUBJECT: RESPONSE TO LETTER DATED JANUARY 14, 2003, REGARDING GE
NUCLEAR ENERGY LICENSING TOPICAL REPORT NEDC-33004P,
REVISION 1, "CONSTANT PRESSURE POWER UPRATE" (TAC NO. MB2510)

Dear Mr. Klapproth:

By letter dated January 14, 2003, GE Nuclear Energy (GENE) informed the U.S. Nuclear Regulatory Commission of their concern about the impasse regarding the approval of Licensing Topical Report (LTR) NEDC-33004P, Revision 1, "Constant Pressure Power Uprate," (CPPU). In particular, you noted that our current position of imposing "an implementation restriction, which does not allow more than one approved amendment (e.g., MELLLA, CPPU) to be implemented in one plant operating cycle..... is outside of normal practice." As you know, this review has been rather long and arduous. This restriction was a result of our interpretation of how LTR NEDC-33004P, Revision 1, would be applied based on our reading of the LTR and our discussions in meetings and conference calls with GENE. Our understanding of the LTR was that GENE would impose this restriction on any licensee that proposed to use this LTR. In subsequent calls and meetings, we determined that this was not your intent and this is one of the major reasons why we withdrew our approval of the LTR.

As you are aware as a result of a conference call on January 17, 2003, and a subsequent meeting on January 22, 2003, GENE has agreed to revise the CPPU LTR to reflect the following:

- A. Licensees proposing to reference the CPPU LTR as a basis for a power uprate license amendment request and proposing to obtain a license amendment to incorporate one or more of the plant changes mentioned in the seven restrictions applicable to the CPPU LTR must first request and obtain a license amendment for the associated change in accordance with the CPPU LTR. This would allow a plant to implement both changes concurrently.
- B. Licensees proposing to utilize fuel designs other than GE-14 fuel may not reference the CPPU LTR as a basis for their power uprate since the CPPU LTR process applies only to GE fuel and GE accident analysis methods.
- C. Licensees may reference the CPPU LTR for areas other than those involving reactor systems and fuel issues which are not impacted by the fuel design.

- D. Licensees should afford the staff sufficient time to complete its review of all associated licensing basis changes prior to submittal and request for the implementation of the power uprate when referencing the CPPU LTR.

The staff received the latest revision of the CPPU LTR on February 6, 2003, and hopes to complete its review and issue a safety evaluation by the end of March 2003. If you have any questions, please contact Alan Wang of my staff at (301) 415-1445.

Sincerely,

/RA/

Brian W. Sheron, Associate Director
for Project Licensing and Technical Analysis
Office of Nuclear Reactor Regulation

Project No. 710

cc:

Mr. George B. Stramback
Regulatory Services Project Manager
GE Nuclear Energy
175 Curtner Avenue
San Jose, CA 95125

Mr. Charles M. Vaughan, Manager
Facility Licensing
Global Nuclear Fuel
P.O. Box 780
Wilmington, NC 28402

Mr. Glen A. Watford, Manager
Nuclear Fuel Engineering
Global Nuclear Fuel
P.O. Box 780
Wilmington, NC 28402

- D. Licensees should afford the staff sufficient time to complete its review of all associated licensing basis changes prior to submittal and request for the implementation of the power uprate when referencing the CPPU LTR.

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***For previous concurrences
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