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Dear Mr. Shuaibi:

On December 31, 2002, the NRC published a *Federal Register* notice (67 FR 79950) requesting public comment on draft Review Standard (RS) – 001, "Review Standard for Extended Power Upgrades." The Nuclear Energy Institute (NEI) submits the following comments on behalf of the nuclear industry.

COMMENTS ON SECTION 1, PROCEDURAL GUIDANCE

Use of Precedent

A significant body of Extended Power Uprate (EPU) precedent exists. There are several applications and NRC approvals on record. It would be helpful if a "list of precedents" were maintained either in RS-001 or on the NRC Website.

Use of NRC-Approved Topical Reports

Where an NRC-approved Topical Report is used as the licensing basis for a plant-specific EPU submittal, RS-001 should not be used by the NRC staff as the basis for expanding or re-reviewing the processes, scope, issues, and topics already reviewed and approved during the NRC's Topical Report review and approval process. RS-001 should not be used as the basis for Requests for Additional Information (RAIs) about subjects in a licensee's application that were dispositioned during the NRC staff's approval of EPU-related Topical Reports. The objective of this comment is to preclude RS-001 from inadvertently conflicting with or undermining the long-standing Topical Report review and approval process.

NRC Fee-billing Practices

The NEI Licensing Action Task Force (LATF) has initiated a dialogue with the NRC LATF on the subject of NRC fee-billing practices. Specifically, the NEI LATF has requested that NRC consider including the number of review hours charged by Branch and by reviewer for each project with an NRC TAC number. We understand this data is collected by NRC, and including it on the invoices will enable licensees to accurately budget for NRC Part 170 review fees.

Backfit Rule (10 CFR 50.109)

Given that all plants have plant-specific design features to some extent, the use of RS-001 as a review "standard" may lead to backfit issues. The RS-001 should address this point in some manner. The users of RS-001 need to be mindful of the backfitting constraints articulated by 10 CFR 50.109.

Management Oversight

To supplement the NRR review guidance in LIC-101 (License Amendment Review Procedures, Revision 1), NEI recommends that the role of management in the oversight of NRC staff reviews of EPU applications be summarized and emphasized in Section 1 of RS-001. The regulatory review of an EPU application is an important and resource-intensive activity that warrants additional management emphasis to maximize efficiency and effectiveness.

COMMENTS ON SECTION 2, TECHNICAL REVIEW GUIDANCE

Sub-section 2.1, Reviewing Extended Power Uprate Applications

The review standard suggests that licensees complete several matrices [scope and associated technical review guidance] to identify differences between the Standard Review Plant (NUREG 0800) and the plant's licensing basis. This imposes a burden on licensees to research and prepare the matrices, and could be interpreted to include validation documentation. Licensee preparation could involve significant resources, depending on the level of detail. To avoid the need for excessive documentation, the comparison should be limited to analyses and evaluations submitted for NRC review. Typically these are areas that are not bounded at the current power level or that have a reduction in design margin. Also, the matrices contain a column for "other guidance," such as Regulatory Guides, which are not compliance documents unless the applicant has explicitly committed to them and incorporated them into the licensing basis of the plant.

Sub-section 2.1, Step 2 – Paragraph (1) and Step 3 – Paragraph (3)

These paragraphs encourages licensees “to complete the matrices as part of their application as a quality check to assure that all necessary information has been provided and properly represented, thereby avoiding potential delays, and improving the efficiency of the staff’s review.” The potential effect of this statement is to establish RS-001 as a de facto “compliance standard” for NRC staff reviewers to use in judging the acceptability of the form and content of an EPU application. Clearly, RS-001 is not a regulatory requirement. It is one alternative for compiling the information needed by the NRC staff to review an EPU application.

Sub-section 2.1, Step 2 – Paragraph (3)

This paragraph states that NRC reviewers should “Use the ‘Acceptance Review’ column of the matrices as a checklist to document whether the licensee has addressed the areas of review in sufficient detail to allow the staff to proceed with its detailed review” [*emphasis added*]. We see potential problems with the interpretation by individual reviewers of the phrase “in sufficient detail.” RS-001 should include additional commentary on what constitutes sufficient detail in the context of an EPU review.

Sub-Section 2.1, Selected Matrices

Several matrices seem to impose universal acceptance criteria. For example, Matrix 6 (Reactor Systems), Note 8 (inadvertent operation of ECCS), stipulates that non-safety-grade pressure-operated relief valves should not be credited for event mitigation and pressurizer level should not be allowed to reach a pressurizer water-solid condition. The applicability of such a criterion is a function of the licensing-basis analysis and testing that was performed. NEI recommends that NRC management provide the necessary oversight to ensure that acceptance criteria are based on the documented licensing basis.

Sub-section 2.1, Matrix 4 – Instrumentation and Controls

RS-001 discusses audits of licensee calculations, and seems to make such audits mandatory rather than optional. For example, Matrix 4 relating to I&C setpoints “requires” an audit of at least one instrument setpoint calculation to check the application of the methodology. NEI recommends that RS-001 stipulate the audits as optional, rather than mandatory. Also, audits should be limited to verifying the proper application of a methodology and should not be used to re-open an NRC-approved methodology for further staff review.

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GENERAL COMMENTS

References

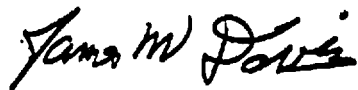
NEI recommends that RS-001 include a stand-alone References section.

Future Revisions of RS-001

Because of the significant effort associated with an EPU application and the subsequent NRC staff review, NEI recommends that the initial use of RS-001 be monitored to identify "lessons learned" that can be incorporated into future revisions of the document.

If you have questions or need additional information, please contact Mike Schoppman at (202) 739-8011 or e-mail mas@nei.org.

Sincerely,



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