



**FRAMATOME ANP**

An AREVA and Siemens company

**FRAMATOME ANP, Inc.**

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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

**Additional Clarification of Safety Evaluation for EMF-2310(P)(A)**

- Ref.: 1. Letter, Herbert N. Berkow (NRC) to James F. Mallay (Framatome ANP), "Clarification of Safety Evaluation for EMF-2310(P)(A), 'SRP Chapter 15 Non-LOCA Methodology for Pressurized Water Reactors' (TAC No. MB6863)," March 11, 2003.
- Ref.: 2. Letter, James F. Mallay (Framatome ANP) to Document Control Desk (NRC), "Clarification of Safety Evaluation for EMF-2310(P)(A) 'SRP Chapter 15 Non-LOCA Methodology for Pressurized Water Reactors'," NRC:02:055, November 11, 2002.
- Ref.: 3. Letter, Herbert N. Berkow (NRC) to James F. Mallay (Framatome ANP), "Safety Evaluation on Framatome ANP Topical Report EMF-2103(P), Revision 0, 'Realistic Large Break Loss-of-Coolant Accident Methodology for Pressurized Water Reactors' (TAC No. MG7554)," April 9, 2003.

In Reference 1, the NRC replied to Framatome ANP's request for clarification of certain statements made in a safety evaluation (SE) pertaining to non-LOCA methods for PWRs (Reference 2). Similar statements were included in the safety evaluation for the realistic LOCA methodology (Reference 3) and in several RAIs issued to licensees who had submitted license amendment requests (LARs) related to Framatome ANP methodology. Because these statements by the NRC appear to have broad applicability to the licensing process, Framatome ANP (FANP) believed further clarification was needed so that the licensees for whom it provides services would be fully informed of and understand the NRC's expectations when they are submitting future LARs and responding to subsequent RAIs.

Further clarification of the NRC's statements in Reference 1 was obtained through policy-level discussions held earlier this month between Frank Akstulewicz and Jerry Wermiel of the NRC and FANP. In a few cases, the explanations provided by the NRC during the early May discussions differ somewhat from a strict reading of Reference 1. However, the NRC stated that these recent clarifications reflected the original intent of its statements in Reference 1.

As confirmation of our May discussions and the NRC's stated expectations, a summary of the NRC's clarifications to Reference 1 is set forth below.

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1. In Reference 1, the NRC states "each licensee would demonstrate that application of the code was within the design limitations of the code approval." This statement is consistent with normal practice, namely, that licensees are responsible for ensuring that the vendor adheres to the conditions in the SE and the limitations stated in the topical report, and that the methodology is applicable to the licensee's plant. This step is an integral part of the 50.59 process.
2. At numerous points in Reference 1, the NRC refers to the submittal of certain information. During our May discussions, the NRC elucidated its position on making submittals by asking that each licensee affirm in its LAR (or the cover letter thereto) that its 50.59 review process explicitly confirmed (or would confirm) the adequacy of FANP's application of the approved methodology to its plant. The NRC and FANP agreed that this affirmation will satisfy all submittal requests except for the guidelines discussed in Item 3 below and any exceptions that are taken to the approved methodology.
3. The NRC states in Reference 1 that "specific guidelines" for the nodalization scheme be provided as part of the submittal of information. FANP has established detailed guidelines for the users of all its NRC-approved methodologies. These are voluminous documents intended for internal use only and are not deemed appropriate for formal submittal to the NRC. However, FANP would be pleased to provide copies of the front matter of each guideline (title, date, scope of applicability, and table of contents) for information only and to provide full access to these documents for review by NRC personnel at our office in Lynchburg. We believe this review opportunity will satisfy the NRC's intent.

(Note: These guidelines are generically applicable to all plant types addressed in the corresponding topical report and are not plant-specific.)

FANP will continue to justify nodalization schemes that differ from the approved methodology.

4. Finally, the NRC requests that "the range of values" used for plant-specific parameters be provided. The only instance in which the NRC approves a specific range of values is for experimentally determined correlations. The NRC and FANP agree that the statement to be provided by each licensee confirming the scope of the 50.59 review process (see Item 2 above) will encompass this requirement as well.

Three matters of legal importance were also reviewed during our May discussions:

First, FANP stated its concern that the NRC was using the SE process for its topical reports (which apply strictly to FANP) to impose requirements on a licensee. Based on the foregoing clarification, FANP now understands that the NRC simply expects each licensee to submit an affirmation concerning the scope of its 50.59 evaluation process and that we provide access to our user guidelines. Because these expectations are, or can be, readily met in the normal course of the 50.59 process, FANP's concern about the NRC's use of the SE process in this regard essentially disappears.

Second, FANP was concerned about the implication that a position was being established that either surpassed or possibly circumvented the requirements of 50.59. Since the NRC emphatically confirmed its intent to rely on the 50.59 process, this concern vanishes.

Finally, FANP continues to express alarm over the fact that the NRC has not sent letters similar to Reference 1 to, nor imposed requirements similar to those contained in the two referenced SEs on, our competitors. We believe it would be appropriate for the NRC to establish competitive equity by informing the other vendors about its position, some elements of which are entirely new (namely, the licensee affirmation about the scope of its 50.59 review and the availability of user guidelines). Otherwise, there is an implication of anti-competitive action being promulgated.

FANP intends to inform the licensees for whom it provides services of the agreed-upon clarifications so that their expectations and actions are consistent with the NRC's position. To provide a sound basis for this communication, the NRC is requested to acknowledge the agreed-upon clarifications contained in this letter. FANP appreciates the NRC's clarification of these points and expects that further interaction will lead to a satisfactory resolution of the remaining legal issues.

Very truly yours,



James F. Mallay, Director  
Regulatory Affairs

cc: D. G. Holland  
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Project 728