UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 27, 2009

Mr. James A. Spina, Vice President
Calvert Cliffs Nuclear Power Plant, Inc.
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, MD 20657-4702

SUBJECT: REVISED SCHEDULE FOR APPENDIX K MEASUREMENT UNCERTAINTY RECAPTURE (MUR) POWER UPRATE REQUEST - CALVERT CLIFFS NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2 (TAC NOS. MD9554 AND MD9555)

Dear Mr. Spina:

By application dated August 29, 2008, the Calvert Cliffs Nuclear Power Plant, Inc. (the licensee) submitted license amendment requests for Renewed Operating License Nos. DPR-53 and DPR-69 to increase the licensed core power for the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2. Based on the implementation of more accurate feedwater flow measurement instrumentation, approval is being sought to increase the licensed core power by 1.38 percent from 2700 mega-watts thermal (MWt) to 2737 MWt.

In the application, the licensee requested that the Nuclear Regulatory Commission (NRC) develop a review schedule to support issuance of the license amendments by March 1, 2009. The requested schedule is consistent with NRC goals of completing MUR power uprate reviews within 6 months following the staff's acceptance review. In order to meet this schedule, a verbal agreement was made between the NRC staff and the licensee that all requests for additional information (RAIs) would be provided during the first week of November 2008 and the licensee would provide responses by December 31, 2008.

By letter dated December 30, 2008, the licensee stated that they were unable to provide responses to all RAIs "due to emergent plant related issues and the timing of the completion of the vendor testing and the vendor's flow uncertainty calculations." The licensee stated that they intend to provide responses to the remaining RAIs by February 18, 2009, and requested a revised NRC completion date of April 20, 2009.

The NRC staff is disappointed that the licensee was not able to meet our expectations in responding to the RAIs by the mutually agreed upon date of December 31, 2008. The staff has set a high standard to industry by committing to complete reviews of MUR power uprates within 6 months following the staff's acceptance review. In order to meet this standard, the staff makes a diligent effort to make the necessary staff resources available. In taking these steps, it is expected that licensees will make every reasonable effort to meet their commitments and promptly notify the staff if they suspect otherwise.

The NRC staff acknowledges that the licensee provided a significant portion of the RAI responses by the agreed upon date. In consideration of this, the staff has chosen not to take more stringent actions such as termination or suspension of the amendment requests.

We understand that you intend to provide complete responses to the NRC staff's RAIs by February 18, 2009. We urge you to take the appropriate steps to meet this date and keep the staff informed if additional delays are foreseen. However, we may not have the necessary expertise available to resume the review at that time. Higher priority outage requests for other dockets may result in the staff deferring work on the Calvert Cliffs MUR power uprate. As such, we may not be able to meet your requested completion date of April 20, 2009.

Please feel free to contact me at 301-415-1364 if you believe we have mischaracterized the ongoing review or if there are other mitigating circumstances such as the NRC staff's RAIs were unreasonable, unexpected, or inconsistent with other docketed MUR reviews.

Sincerely,

Douglas V. Pickett

Douglas V. Pickett, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-317 and 50-318

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We understand that you intend to provide complete responses to the NRC staff's RAIs by February 18, 2009. We urge you to take the appropriate steps to meet this date and keep the staff informed if additional delays are foreseen. However, we may not have the necessary expertise available to resume the review at that time. Higher priority outage requests for other dockets may result in the staff deferring work on the Calvert Cliffs MUR power uprate. As such, we may not be able to meet your requested completion date of April 20, 2009.

Please feel free to contact me at 301-415-1364 if you believe we have mischaracterized the ongoing review or if there are other mitigating circumstances such as the NRC staff's RAIs were unreasonable, unexpected, or inconsistent with other docketed MUR reviews.

Sincerely,

/RA/

Douglas V. Pickett, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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