



**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

**Acceptance of Draft Conditions for the SE on BAW-10238**

Ref.: 1. BAW-10238, Revision 1, "MOX Fuel Design Report," Framatome ANP, Inc. May 2003.

The NRC sent draft conditions to Framatome ANP for possible inclusion in its safety evaluation for BAW-10238 and asked for our concurrence and comments. Following is a paraphrase of each of the five conditions and Framatome's comments.

The staff proposes the following conditions for application of the topical report:

- 1) The fuel assembly design is approved for use with mixed oxide fuel.
- 2) The Mark-BW/MOX1 fuel assembly design is licensed for LTA use only to a maximum fuel rod burnup of 60,000 MWd/MThm.
- 3) The Mark-BW/MOX1 fuel assembly design may not be modified from the design presented in BAW-10238 and BAW-10239. (Note: These topical reports permit limited design changes within specified criteria. This condition should reflect the NRC's acceptance of this understanding.)
- 4) The gallium content of the plutonium oxide powder must be limited to 300 ppb. The 300 ppb limit includes the measurement uncertainty.
- 5) The uranium oxide powder used in the MOX fuel pellets must be fabricated using the ADU process.

Framatome ANP understands the rationale for these conditions and concurs with each condition.

We appreciate this opportunity to review and comment on the draft conditions.

Very truly yours,

James F. Mally, Director  
Regulatory Affairs

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