

June 9, 2004

MEMORANDUM TO: Stephen Dembek, Chief, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

FROM: Michelle C. Honcharik, Project Manager, Section 1 **/RA/**
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF JUNE 3, 2004, CATEGORY 1 MEETING WITH
FRAMATOME ANP TO DISCUSS THE USE OF CONDITION
STATEMENTS IN TOPICAL REPORT SAFETY EVALUATIONS
(TAC NO. MB7338)

On June 3, 2004, a public meeting was held between the NRC staff and representatives of Framatome ANP (FANP) at NRC Headquarters. The purpose of the meeting was to discuss the use of certain condition statements in NRC staff safety evaluations (SEs) for topical reports (TRs).

A formal presentation was made by Jerry Holm, Manager, Product Licensing of FANP. FANP presented information supporting their belief that the inclusion of condition statements similar to "the licensee shall submit a plant-specific analysis" in an SE for an accepted TR is inconsistent with the TR review process, presents unnecessary risk to licensees, and discourages owners from seeking new fuel reloads.

The staff indicated they would not be providing any counterpoints or counter arguments regarding the examples FANP cited, since the slides had not been provided far enough in advance of the meeting to allow the staff adequate time for research. The staff queried FANP about the use of the term "backfit" (first use on slide 15). FANP indicated that they were not using the term "backfit" as defined in the regulation at Section 50.109 of Title 10 of the *Code of Federal Regulations* (10 CFR). Discussion occurred regarding 10 CFR 50.59, specifically the definition of "departure" used in 10 CFR 50.59(6)(2)(viii). An NRC staff member explained to everyone the definition of "departure" according to 10 CFR 50.59(2)(ii).

FANP indicated during the meeting that they will be submitting a letter to the NRC to seek a final agreement or compromise regarding future use of condition statements similar to "the licensee shall submit a plant-specific analysis" in an SE for an accepted TR. FANP also informed the NRC staff that there is no longer any need to delay final issuance of the SE for BAW-10239(P), Revision 0, "Advanced Mark-BW Fuel Assembly Mechanical Design Topical Report," as originally requested in letter dated April 23, 2004.

S. Dembek

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A list of meeting attendees is attached. The presentation slides are available in ADAMS under Accession Number ML041590021.

Project No. 728

Attachment: List of Attendees

cc w/att:

Mr. James F. Mallay
Director, Regulatory Affairs
Framatome ANP
3315 Old Forest Road
Lynchburg, VA 24501

June 9, 2004

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Mr. James F. Mallay
Director, Regulatory Affairs
Framatome ANP
3315 Old Forest Road
Lynchburg, VA 24501

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PDIV-2 Reading

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TMensha (NRR/PMAS)

JWermiel (NRR/DSSA/SRXB)

FAkstulewicz (NRR/DSSA/SRXB)

JUhle (NRR/DSSA/SRXB)

MJohnson (NRR/DSSA)

EMcKenna (NRR/RPRP)

SUttal (OGC)

Package: ML041660027

Meeting Notice: ML041380294

Adams Accession No.: ML041620553

NRC-001

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OFFICIAL RECORD COPY

MEETING WITH FRAMATOME ANP

LIST OF ATTENDEES

JUNE 3, 2004

FRAMATOME ANP

J. Holm
J. Zwetolitz
J. Cudlin
J. Mallay

OTHER

C. Brinkman (Westinghouse)
M. Schoppman (NEI LATF)
G. Darden (Dominion)

NRC

M. Honcharik
J. Wermiel
H. Berkow
F. Akstulewicz
E. McKenna
S. Uttal
J. Uhle