



FRAMATOME ANP

An AREVA and Siemens Company

FRAMATOME ANP, Inc.

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Plant – Specific Analyses Related to Approved Topical Reports

Framatome ANP held a meeting with the NRC on June 3, 2004, to discuss a particular type of condition that has been included in safety evaluations issued on recently approved topical reports. This condition requires that licensees submit plant-specific analyses as part of their license application requests for new reload fuel. This type of requirement presents unacceptable risks to the applicant. The purpose of the meeting was to gain NRC concurrence to either delete or relax this requirement so that licensees would not perceive this condition as an undue risk in gaining approval to install new fuel.

Framatome ANP summarized a number of attendant issues that contribute to the universal unease felt by licensees considering a change in fuel vendor. Nearly all the issues described by Framatome ANP were related to specific legal issues, unnecessary work requirements for the owner, and past NRC practices in the acceptance of topical reports intended for future licensing actions.

At the conclusion of the discussion, the NRC asked Framatome ANP to formally describe the matters supporting its request to delete or modify this type of condition. This letter responds to that request. Attachment 1 provides a detailed description of the key issue, which is the risk perceived by a licensee, and the effect this risk has on current and prospective licensees. Also, this attachment describes several other factors that directly contribute to making this issue of paramount importance to licensees and that demonstrate why including this type of condition in safety evaluations is unwarranted and is contrary to past regulatory practice.

The NRC raised an additional issue during the meeting concerning whether a declaration should be made by the NRC that a plant meets its safety limits when the owner applies new methods to a reload analysis. The NRC requested that we comment on this matter, and this is addressed in Attachment 2.

Framatome ANP and several of its customers request that an agreement be reached in which this type of condition is not included in future topical reports. We also ask that conditions already included in the safety evaluations of topical reports either be deleted or be interpreted to permit compliance while recognizing the practicality of past NRC practices, which allow an orderly review of license application requests without imposing unacceptable risks. Section 7 of Attachment 1 addresses these recommendations.

Very truly yours,

James F. Mallay, Director
Regulatory Affairs

Enclosure

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cc: M. C. Honcharik
Project 728