

January 2, 2008

Mr. Keith Paulson
Senior Technical Manager
Mitsubishi Nuclear Energy Systems, Inc.
4350 Northern Pike, Suite 301
Monroeville, PA 15146

SUBJECT: ACCEPTANCE REVIEW OF THE US-APWR TOPICAL REPORT
MUAP-07008-P, "MITSUBISHI FUEL DESIGN CRITERIA AND
METHODOLOGY"

Dear Mr. Paulson;

By letter dated May 25, 2007, Mitsubishi Heavy Industries, LTD (MHI) submitted for NRC staff review Topical Report MUAP-07008-P, "Mitsubishi Fuel Design Criteria and Methodology." MHI requested NRC staff approval to use this topical report in support of the US-APWR design certification application as well as the current operating fleet. The NRC staff has performed an acceptance review of Topical Report MUAP-07008-P and has determined that the material presented in this topical report is sufficient to begin our comprehensive review in support of the US-APWR design certification application. However, at this time, the NRC staff is not able to provide you with estimated due dates for issuing a request for additional information and a safety evaluation. As you are aware, the U. S. Congress has not authorized NRC funding for FY 2008. The NRC is presently operating under the FY 2007 budget under a FY 2008 continuing resolution. Because the continuing resolution provides the NRC with less funding than the FY 2008 budget, the NRC staff is not able to obtain the technical assistance required for the review of this topical report. The NRC staff will continue to keep you informed on the status of the FY 2008 budget. Once the FY 2008 budget is authorized, the NRC staff will contact you to discuss the estimated due dates for issuing a request for additional information and a safety evaluation.

With regards to MHI's proposal to use this topical report in support of the current operating fleet, the NRC staff finds the fuel design criteria and fuel performance methodology description sufficient to begin our comprehensive review. However, the subject topical report does not contain sufficient fuel assembly design information for the NRC staff to review any given assembly configuration (e.g. APWR, 17x17, 15x15, or 14 x 14). Therefore, separate topical reports documenting the design specifications as well as compliance to relevant design criteria will be required for each assembly and core configuration.

K. Paulson

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These issues were discussed with you in a telephone call on December 4, 2007. Section 170.21 of the Title 10 of the *Code of Federal Regulations* requires that Topical Reports are subject to fees based on the full cost of the review. You did not request a fee exemption; therefore, NRC staff hours will be billed accordingly.

Sincerely,

/RA/

Stephanie M. Coffin, Chief
USAPWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Project No. 0751

cc: See next page

K. Paulson

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Stephanie M. Coffin, Chief
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Division of New Reactor Licensing
Office of New Reactors

Project No. 0751

cc: See next page

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