



**FRAMATOME ANP**

An AREVA and Siemens Company

**FRAMATOME ANP, Inc.**

April 23, 2004  
NRC:04:023

Document Control Desk  
ATTN: Chief, Planning, Program and Management Support Branch  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**Response to Draft SER (March 30, 2004) for BAW-10239(P)**

- Ref.: 1. Draft Safety Evaluation for Framatome ANP Topical Report BAW-10239(P), Revision 0, "Advanced Mark-BW Fuel Assembly Mechanical Design Topical Report," (TAC No. MB7551), March 30, 2004.
- Ref.: 2. Letter, James F. Mallay (Framatome ANP) to Document Control Desk (NRC), "Comments on Draft SER for BAW-10239," NRC:04:009, March 18, 2004.

Framatome ANP requests that the final issuance of the safety evaluation report (SER) for the topical report BAW-10239(P), Revision 0, "Advanced Mark-BW Fuel Assembly Mechanical Design Topical Report," be delayed until Framatome ANP provides specific comments on one aspect of the latest draft of the SER (Reference 1). The comments will address the third condition identified in Section 4.0 Conditions and Limitations, which states:

*Licensees referencing this TR must submit the plant-specific evaluations of the fuel to the NRC for review and approval. The specific plant evaluations requiring submittal are articulated in the conclusion section of this SE.*

Framatome ANP believes this condition is unnecessary, as described in the comments on the previous draft SER (Reference 2). We would like an opportunity to discuss this matter, and we will provide additional information to support why this condition is inappropriate.

Very truly yours,

James F. Mallay, Director  
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