FRAMATOME COGEMA FUELS

February 11, 2000
GR00-007.doc

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Subject: Submittal of Topical Report BAW-10227P, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel." January 2000.

Gentlemen:

Enclosed are fifteen (15) copies of Topical Report BAW-10227P-A and twelve (12) copies of Topical Report BAW-10227-A. These reports will serve as the accepted versions, proprietary and non-proprietary of BAW-10227P which was recently reviewed and found to be acceptable by the NRC staff. BAW-10227P provides the justification for the in-reactor application of M5 cladding and structural materials.

Copies of the NRC acceptance letter and accompanying SER are included between the title page and the abstract of the report. Copies of responses to NRC requests for additional information are included as Appendices I, J, and K of the report. Appendix H is an evaluation that First Energy used in support of License Amendment Request 98-006 to permit use of M5 advanced alloy.

In accordance with 10 CFR 2.790, FCF requests that BAW-10227P-A be considered proprietary and withheld from public disclosure. An affidavit supporting this request is attached.

Very truly yours,

T A Coleman

T. A. Coleman, Vice President
Government Relations

cc: J. S. Wermiel, NRC
S. L. Wu, NRC
S. N. Bailey, NRC
M. A. Schoppman
R. N. Edwards
C. E. Beyer, PNL
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FRAMATOME TECHNOLOGIES

Framatome Cogema Fuels
3315 Old Forest Road, P.O. Box 10935, Lynchburg, VA 24506-0935
Telephone: 804-832-3000 Fax: 804-832-3663

AFFIDAVIT OF THOMAS A. COLEMAN

A. My name is Thomas A. Coleman. I am Vice President of Government Relations for Framatome Cogema Fuels (FCF). Therefore, I am authorized to execute this Affidavit.

B. I am familiar with the criteria applied by FCF to determine whether certain information of FCF is proprietary and I am familiar with the procedures established within FCF to ensure the proper application of these criteria.

C. In determining whether an FCF document is to be classified as proprietary information, an initial determination is made by the Unit Manager, who is responsible for originating the document, as to whether it falls within the criteria set forth in Paragraph D hereof. If the information falls within any one of these criteria, it is classified as proprietary by the originating Unit Manager. This initial determination is reviewed by the cognizant Section Manager. If the document is designated as proprietary, it is reviewed again by personnel and other management within FCF as designated by the Vice President of Government Relations to assure that the regulatory requirements of 10 CFR Section 2.790 are met.

D. The following information is provided to demonstrate that the provisions of 10 CFR Section 2.790 of the Commission's regulations have been considered:

(i) The information has been held in confidence by FCF. Copies of the document are clearly identified as proprietary. In addition, whenever FCF transmits the information to a customer, customer's agent, potential customer or regulatory agency, the transmittal requests the recipient to hold the information as proprietary. Also, in order to strictly limit any potential or actual customer's use of proprietary information, the substance of the following provision is included in all agreements entered into by FCF, and an equivalent version of the proprietary provision is included in all of FCF's proposals:

"Any proprietary information concerning Company's or its Supplier's products or manufacturing processes which is so designated by Company or its Suppliers and disclosed to Purchaser incident to the performance of such contract shall remain the property of Company or its Suppliers and is disclosed in confidence, and Purchaser shall not publish or otherwise disclose it to others without the written approval of Company, and no rights, implied or otherwise, are granted to produce or have produced any products or to practice or cause to be practiced any manufacturing processes covered thereby.

Notwithstanding the above, Purchaser may provide the NRC or any other regulatory agency with any such proprietary information as the NRC or such other agency may require; provided, however, that Purchaser shall first give Company written notice of such proposed disclosure and Company shall have the right to amend such proprietary information so as to make it non-proprietary. In the event that Company cannot amend such proprietary information, Purchaser shall, prior to disclosing such information, use its best efforts to obtain a commitment from NRC or such other agency to have such information withheld from public inspection.

Company shall be given the right to participate in pursuit of such confidential treatment."

(ii) The following criteria are customarily applied by FCF in a rational decision process to determine whether the information should be classified as proprietary. Information may be classified as proprietary if one or more of the following criteria are met:

a. Information reveals cost or price information, commercial strategies, production capabilities, or budget levels of FCF, its customers or suppliers.

b. The information reveals data or material concerning FCF research or development plans or programs of present or potential competitive advantage to FCF.

c. The use of the information by a competitor would decrease his expenditures, in time or resources, in designing, producing or marketing a similar product.

d. The information consists of test data or other similar data concerning a process, method or component, the application of which results in a competitive advantage to FCF.

e. The information reveals special aspects of a process, method, component or the like, the exclusive use of which results in a competitive advantage to FCF.

f. The information contains ideas for which patent protection may be sought.

The document(s) listed on Exhibit "A", which is attached hereto and made a part hereof, has been evaluated in accordance with normal FCF procedures with respect to classification and has been found to contain information which falls within one or more of the criteria enumerated above. Exhibit "B", which is attached hereto and made a part hereof, specifically identifies the criteria applicable to the document(s) listed in Exhibit "A".

(iii) The document(s) listed in Exhibit "A", which has been made available to the United States Nuclear Regulatory Commission was made available in confidence with a request that the document(s) and the information contained therein be withheld from public disclosure.

(iv) The information is not available in the open literature and to the best of our knowledge is not known by Combustion Engineering, Siemens, General Electric, Westinghouse or other current or potential domestic or foreign competitors of Framatome Cogema Fuels.

(v) Specific information with regard to whether public disclosure of the information is likely to cause harm to the competitive position of FCF, taking into account the value of the information to FCF; the amount of effort or money expended by FCF developing the information; and the ease or difficulty with which the information could be properly duplicated by others is given in Exhibit "B".

I have personally reviewed the document(s) listed on Exhibit "A" and have found that it is considered proprietary by FCF because it contains information which falls within one or more of the criteria enumerated in Paragraph D, and it is information which is customarily held in confidence and protected as proprietary information by FCF. This report comprises information utilized by FCF in its business which afford FCF an

opportunity to obtain a competitive advantage over those who may wish to know or use the information contained in the document(s).

TAColeman

THOMAS A. COLEMAN

State of Virginia)
) SS. Lynchburg
City of Lynchburg)

Thomas A. Coleman, being duly sworn, on his oath deposes and says that he is the person who subscribed his name to the foregoing statement, and that the matters and facts set forth in the statement are true.

TAColeman

THOMAS A. COLEMAN

Subscribed and sworn before me
this 11th day of February 2000.

Wanda L. Wade
Notary Public in and for the City
of Lynchburg, State of Virginia.

My Commission Expires 8/31/01.

EXHIBITS A & B

EXHIBIT A

BAW-10227P-A, Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel

EXHIBIT B

The above listed document contains information which is considered Proprietary in accordance with Criteria b, c, and d of the attached affidavit.