



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
 WASHINGTON, D.C. 20565-0001

November 20, 1997

Mr. J. H. Taylor, Manager  
 Licensing Services  
 Framatome Technologies Inc  
 P.O. Box 10935  
 Lynchburg, VA 24506-0935

**SUBJECT: FRAMATOME TECHNOLOGIES INC. (FTI) REQUEST TO WITHHOLD  
 PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE**

Dear Mr. Taylor:

By letter dated September 30, 1997, FTI submitted proprietary Report BAW-10227P, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," and nonproprietary Report BAW-10227. Enclosed was an affidavit, dated September 30, 1997, stating that certain information in Report BAW-10227P was considered proprietary by FTI and requesting that the proprietary information should be withheld from public disclosure. The affidavit referenced:

- Exhibit A: FTI Topical Report BAW-10227P, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," dated September 1997.
- Exhibit B: Statement that Exhibit A contains information considered proprietary by FTI in accordance with criteria b, c and d of the attached affidavit.

The affidavit stated that this information has been held in confidence by the B&WOG and should be considered exempt from mandatory public disclosure for the following reasons:

- (a) The information reveals data or material concerning the FTI research or development plans or programs of present or potential competitive advantage to FTI.
- (b) The use of the information by a competitor would decrease their expenditures, in time or resources, in designing, producing or marketing a similar product.
- (c) The information consists of test data or similar data concerning a process, method, component, the application of which results in a competitive advantage to FTI.

We have reviewed the submitted material in accordance with the requirements of 10 CFR 2.790 and, on the basis of statements by you, have determined that the submitted information sought to be withheld does contain proprietary commercial information.



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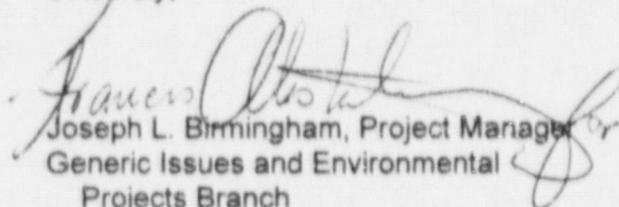
Therefore, we have determined that Exhibit A, which is marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. We have also determined that Report BAW-10227, containing the nonproprietary information in Report BAW-10227P, should be placed in the NRC Public Document Room.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the Nuclear Regulatory Commission. You should also understand that NRC may have cause to review this determination in the future if, for example, the scope of a Freedom of Information Act request included your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of public disclosure.

If you have any questions regarding this matter please contact me by phone 301/415-2829 or email [jl4@nrc.gov](mailto:jl4@nrc.gov).

Sincerely,

  
Joseph L. Birmingham, Project Manager  
Generic Issues and Environmental  
Projects Branch  
Division of Reactor Program Management  
Office of Nuclear Reactor Regulation

Project No. 693

cc: Mr. F. McPhatter, Manager  
Framatome Cogema Fuels  
3315 Old Forest Road  
P.O. Box 10935  
Lynchburg, VA 24506-0935

Therefore, we have determined that Exhibit A, which is marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. We have also determined that Report BAW-10227, containing the nonproprietary information in Report BAW-10227P, should be placed in the NRC Public Document Room.

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If you have any questions regarding this matter please contact me by phone 301/415-2829 or email jlb4@nrc.gov.

Sincerely,  
Frank Akstulewicz/for  
Joseph L. Birmingham, Project Manager  
Generic Issues and Environmental  
Projects Branch  
Division of Reactor Program Management  
Office of Nuclear Reactor Regulation

Project No. 693  
cc: Mr. F. McPhatter, Manager  
Framatome Cogema Fuels  
3315 Old Forest Road  
P.O. Box 10935  
Lynchburg, VA 24506-0935

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