



FRAMATOME ANP

An AREVA and Siemens company

FRAMATOME ANP, Inc.

PROJ 728

May 30, 2003
NRC:03:037

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

Request for Approval of BAW-10238(P), Revision 1, "MOX Fuel Design Report"

- Ref.: 1. Letter, James F. Mallay (Framatome ANP), to Document Control Desk (NRC),
"Request for Review of BAW-10238(NP), Revision 0, MOX Fuel Design Report,"
NRC:02:023, April 30, 2002.
- Ref.: 2. Letter, James F. Mallay (Framatome ANP), to Document Control Desk (NRC),
"Request for Review of BAW-10239(P), Revision 0, Advanced Mark-BW Fuel
Assembly Mechanical Design Topical Report," NRC:02:022, April 30, 2002.

Framatome ANP requests the NRC's review and approval for referencing in licensing actions the topical report BAW-10238(P), Revision 1, "MOX Fuel Design Report." This revised report incorporates comments received from the NRC after its preliminary review of Revision 0. Framatome ANP hereby withdraws BAW-10238(NP), Revision 0, (Reference 1). Proprietary and non-proprietary copies of this report are enclosed. We request that the NRC approve this report by December 31, 2003 to support the design and development of the lead test assemblies.

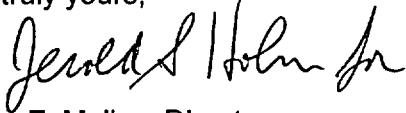
The fuel design to be used in the material disposition program is the Mark-BW/MOX1 design. This 17x17 fuel assembly utilizes the Advanced Mark-BW fuel assembly structure (Reference 2) with a MOX fuel rod design. The fuel rod contains MOX pellets based on the proven rod design and pellet specification used by Framatome ANP for European MOX fuel.

This MOX fuel design confirms the safe and reliable operation of the fuel design that will be used for the disposition of the WG plutonium. Based on this demonstration, Framatome ANP requests the NRC's approval of implementation of up to four lead assemblies and batch implementation of the MOX fuel design with a fuel rod maximum burnup limit of 50,000 MWd/MThm. Framatome ANP also requests the NRC's approval for extended irradiation of the lead assemblies for a third cycle with a fuel rod maximum burnup limit of 60,000 MWd/MThm.

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Framatome ANP considers some of the information contained in the enclosed report to be proprietary. As required by 10 CFR 2.790(b), an affidavit is enclosed to support the withholding of this information from public disclosure.

Very truly yours,

A handwritten signature in black ink, appearing to read "James F. Mallay".

James F. Mallay, Director
Regulatory Affairs

Enclosures

cc: D. G. Holland - NRC (w/enclosures)
R. H. Ihde - DCS
R. E. Martin - NRC
S. Nesbit - Duke Energy
P. Rhoads - DOE
J. L. Uhle - NRC
Project 728

AFFIDAVIT

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

1. My name is Jerald S. Holm. I am Manager, Product Licensing, for Framatome ANP ("FANP"), and as such I am authorized to execute this Affidavit.

2. I am familiar with the criteria applied by FANP to determine whether certain FANP information is proprietary. I am familiar with the policies established by FANP to ensure the proper application of these criteria.

3. I am familiar with the FANP document, BAW-10238(P), Revision 1, referred to herein as "Document." Information contained in this Document has been classified by FANP as proprietary in accordance with the policies established by FANP for the control and protection of proprietary and confidential information.

4. This Document contain information of a proprietary and confidential nature and is of the type customarily held in confidence by FANP and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in this Document as proprietary and confidential.

5. This Document has been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in this Document be withheld from public disclosure.

6. The following criteria are customarily applied by FANP to determine whether information should be classified as proprietary:

- (a) The information reveals details of FANP's research and development plans and programs or their results.
- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for FANP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for FANP in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by FANP, would be helpful to competitors to FANP, and would likely cause substantial harm to the competitive position of FANP.

7. In accordance with FANP's policies governing the protection and control of information, proprietary information contained in this Document have been made available, on a limited basis, to others outside FANP only as required and under suitable agreement providing for nondisclosure and limited use of the information.

8. FANP policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

9. The foregoing statements are true and correct to the best of my knowledge, information, and belief.

Jerald S. Holm

SUBSCRIBED before me this 30th
day of May, 2003.

Susan K. McCoy

Susan K. McCoy
NOTARY PUBLIC, STATE OF WASHINGTON
MY COMMISSION EXPIRES: 1/10/04

