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November 30, 2022  
NRC:22:020

U.S. Nuclear Regulatory Commission  
Document Control Desk  
11555 Rockville Pike  
Rockville, MD 20852

**Response to Request for Comment on Draft Safety Evaluation for BAW-10227P,  
Revision 2, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR  
Reactor Fuel"**

Ref. 1: Email letter, Ngola Otto (NRC) to Gary Peters (Framatome Inc.), "U.S. NRC Revised Draft Safety Evaluation for Framatome Topical Report, BAW-10227P, Revision 2, 'Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel' – EPID L-2019-TOP-0054," November 9, 2022.

In Reference 1, the NRC requested Framatome Inc.'s (Framatome) review and comment on the draft safety evaluation for the topical report BAW-10227P, Revision 2, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel." Framatome has reviewed the draft safety evaluation and offers the enclosed comments for consideration in preparing the final safety evaluation.

A proprietary version of Framatome's comments on the draft safety evaluation is provided in Enclosure 1. A non-proprietary version of Framatome's comments on the draft safety evaluation is provided in Enclosure 2. A marked-up copy of the draft safety evaluation with proposed additional proprietary information enclosed within square brackets is provided in Enclosure 3. A non-proprietary version of the markup is provided in Enclosure 4.

Framatome considers some of the material contained in the enclosures to be proprietary. As required by 10 CFR 2.390(b), an affidavit to support withholding of information from public disclosure is provided in Enclosure 5.

There are no regulatory commitments within this letter or its enclosures.

If you have any questions related to this information, please contact Mr. Morris Byram, Licensing Manager at 434-221-1082, or by e-mail at [Morris.Byram@framatome.com](mailto:Morris.Byram@framatome.com).

Sincerely,

A handwritten signature in black ink, appearing to read "G. Peters".

Gary Peters, Director  
Licensing & Regulatory Affairs  
Framatome Inc.

cc: N. Otto  
Project 728

Framatome Inc.  
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Enclosures:

1. Comments on Draft SE for BAW-10227P, Revision 2 – PROPRIETARY
2. Comments on Draft SE for BAW-10227P, Revision 2 – NON-PROPRIETARY
3. Marked-up Copy – BAW-10227P, Revision 2, Draft Safety Evaluation – PROPRIETARY
4. Marked-up Copy – BAW-10227P, Revision 2, Draft Safety Evaluation – NON-  
PROPRIETARY
5. Affidavit

**ENCLOSURE 5:**

**Affidavit**

## AFFIDAVIT

1. My name is Morris Byram. I am Product Manager, Licensing & Regulatory Affairs for Framatome Inc. (Framatome) and as such I am authorized to execute this Affidavit.

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

3. I am familiar with the Framatome information contained in the Enclosures to Framatome letter NRC:22:020, dated November 30, 2022 and entitled, "Enclosure 1: Comments on Draft SE for BAW-10227P, Revision 2," and "Enclosure 3: Marked-up Copy – BAW-10227P, Revision 2, Draft Safety Evaluation," and referred to herein as "Document." Information contained in this Document has been classified by Framatome as proprietary in accordance with the policies established by Framatome for the control and protection of proprietary and confidential information.

4. This Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by Framatome 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. The request for withholding of proprietary information is made in accordance with 10 CFR 2.390. The information for which withholding from disclosure is

requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."

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

- (a) The information reveals details of Framatome'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 Framatome.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for Framatome in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by Framatome, would be helpful to competitors to Framatome, and would likely cause substantial harm to the competitive position of Framatome.

The information in this Document is considered proprietary for the reasons set forth in paragraphs 6(d), and 6(e) above.

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

8. Framatome 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.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: (11/30/2022)

BYRAM Morris

Digitally signed by BYRAM Morris  
Date: 2022.11.30 07:58:58 -08'00'

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(NAME)