August 12, 2003

Mr. Vince J. Langman ACR Licensing Manager AECL Technologies Inc. 481 North Frederick Avenue, Suite 405 Gaithersburg, MD 20877

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

FOR ADVANCED CANDU REACTOR (ACR-700)

Dear Mr. Langman:

By letter dated July 8 and 9, 2003, Atomic Energy of Canada, Limited (AECL) submitted three affidavits dated July 9, 2003, executed by Mr. Ken Hedges requesting that the following materials be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

- A CD containing copies of proprietary code CATHENA MOD-3.5d Rev 0 version, and ACR input deck package
- 2. A CD titled "COG Safety Thermalhydraulics and RD-14/ACR Databases," containing thermal hydraulics test datbases
- 3. A CD containing AECL Report 108-126410-470-001 Revision 0, "RD-14M Facility Description and Characterization for the ACR Configuration," March 2003

The affidavits stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- 1. This information is confidential and has been held in confidence by AECL, which is the parent company of AECL Technologies Inc. The information is contained in AECL reports or other documents that are normally held in confidence in accordance with AECL's procedures for the protection of information. The reports or other documents are part of AECL's comprehensive safety and technology base for the CANDU design, and their commercial value extends beyond the original development costs, which in themselves are considerable.
- 2. This information is being transmitted to the NRC in confidence.
- 3. This information is generally not available in public sources and could not be gathered readily from other publicly available information.
- 4. Public disclosure of this information would create substantial harm to the competitive position of AECL by disclosing sensitive commercial information about the design and/or operation of CANDU reactors and/or the ACR to other parties whose commercial interests may be adverse to those of AECL. Also, the information contained in these reports has been developed at significant cost to AECL (the parent company of AECL Technologies).

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the material listed above and identified 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.

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

If you have any questions regarding this matter, I may be reached at 301-415-4125.

Sincerely,

/RA/

James Kim, ACR Project Manager New Reactors Section New, Research and Test Reactors Program Division of Regulatory Improvement Programs Office of Nuclear Reactor Regulation

Project No. 722

cc: See next page

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the material listed above and identified 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.

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

If you have any questions regarding this matter, I may be reached at 301-415-4125.

Sincerely,

/RA/

James Kim, ACR Project Manager New Reactors Section New, Research and Test Reactors Program Division of Regulatory Improvement Programs Office of Nuclear Reactor Regulation

Project No. 722

cc: See next page

<u>Distribution</u> <u>HARD COPY</u> RNRP R/F J. Kim

B. Sosa

J. Williams

E-MAIL

PUBLIC

J. Moore, OGC

R. Baum, OGC

A. Kugler, EDO

U. Shoop

W.Jensen

ADAMS ACCESSION NUMBER: ML032110304 *See previous concurrence

OFFICE	PM:RNRP	SRXB*	OGC*	SC:RNRP
NAME	JKim	WJensen	DHassell	LDudes
DATE	7/30/03	7/30/03	8/7/03	8/12/03

ACR-700

CC:

Mr. Charles Brinkman Westinghouse Electric Co. Washington Operations 12300 Twinbrook Parkway, Suite 330 Rockville, MD 20852

Mr. Thomas P. Miller U.S. Department of Energy NE-20, Rm. A286 Headquarters - Germantown 19901 Germantown Road Germantown, MD 20874-1290

Mr. David Lochbaum Nuclear Safety Engineer Union of Concerned Scientists 1707 H Street, NW, Suite 600 Washington, DC 20006-3919

Mr. Paul Gunter Nuclear Information & Resource Service 1424 16th Street, NW, Suite 404 Washington, DC 20036

Mr. James Riccio Greenpeace 702 H Street, NW, Suite 300 Washington, DC 20001

Mr. Ron Simard Nuclear Energy Institute Suite 400 1776 I Street, NW Washington, DC 20006-3708

Patricia Campbell Winston & Strawn 1400 L Street, NW Washington, DC 20005

Mr. Ed Rodwell, Manager PWR Design Certification Electric Power Research Institute 3412 Hillview Avenue Palo Alto, CA 94304-1395

Mr. Paul Leventhal Nuclear Control Institute 1000 Connecticut Avenue, NW Suite 410 Washington, DC 20036 Mr. Jack W. Roe SCIENTECH, INC. 910 Clopper Road Gaithersburg, MD 20878

Mr. David Ritter
Research Associate on Nuclear Energy
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. James F. Mallay, Director Regulatory Affairs FRAMATOME, ANP 3315 Old Forest Road Lynchburg, VA. 24501

Mr. Tom Clements 6703 Gude Avenue Takoma Park, MD 20912

Mr. Vince Langman Licensing Manager Atomic Energy of Canada Limited 2251 Speakman Drive Mississauga, Ontario Canada L5K 1B2

Mr. Victor G. Snell
Director of Safety and Licensing
Atomic Energy of Canada Limited
2251 Speakman Drive
Mississauga, Ontario
Canada L5K 1B2

Mr. Glenn R. George PA Consulting Group 130 Potter Street Haddonfield, NJ 08033

J. Alan Beard GE Nuclear Energy 13113 Chestnut Oak Drive Darnestown, MD 20878-3554

Mr. James Blyth Canadian Nuclear Safety Commission 280 Slater Street, Station B P.O. Box 1046 Ottawa, Ontario K1P 5S9 Mr. Gary Wright, Manager Office of Nuclear Facility Safety Illinois Department of Nuclear Safety 1035 Outer Park Drive Springfield, IL 62704

Dr. Gail H. Marcus U.S. Department of Energy Room 5A-143 1000 Independence Ave., SW Washington, DC 20585

Mr. Michael M. Corletti
Passive Plant Projects & Development
AP600 & AP1000 Projects
Westinghouse Electric Company
P. O. Box 355
Pittsburgh, PA 15230-0355

Dr. Greg Rzentkowski Canadian Nuclear Safety Commission P.O. Box 1046, Station 'B' 280 Slater Street, Ottawa, ON, K1P 5S9 Canada

Mr. Ed Wallace, General Manager Projects PBMR Pty LTD PO Box 9396 Centurion 0046 Republic of South Africa

Mr. John Polcyn, President AECL Technologies Inc. 481 North Frederick Avenue Suite 405 Gaithersburg, MD 20877