

December 3, 2003

Mr. Vince J. Langman  
ACR Licensing Manager  
Atomic Energy of Canada, Limited (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 October 17, 2003, AECL submitted an affidavit dated October 21, 2003, executed by Mr. Ken Hedges requesting that the AECL report RC-1517 titled "Procedures for In-Service Evaluation of Zirconium Alloy Pressure Tubes in CANDU Reactors," except the Table of Contents, Section 1- "Introduction," and Section 2 -"Definitions and Symbols," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790.

The affidavit 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 costs 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

Distribution  
HARD COPY  
NRLPO R/F  
J. Kim  
B. Sosa  
L. Dudes

E-MAIL  
PUBLIC  
J. Moore, OGC  
D. Hassell, OGC  
J. Shea, EDO  
E. Sullivan  
C. Greene

ADAMS ACCESSION NUMBER: ML033290006

OFFICE	RNRP/PM	EMCB	OGC	SC:RNRP
NAME	JKim	ESullivan	JSmith	LDudes
DATE	11/25/03	11/26/03	12/1/03	12/2/03

**OFFICIAL RECORD COPY**

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 16<sup>th</sup> 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. 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. Ronald P. Vijuk  
Manager of Passive Plant Engineering  
AP1000 Project  
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