

December 18, 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 November 13, 2003, Atomic Energy of Canada, Limited (AECL) submitted an affidavit dated November 19, 2003, executed by Mr. Ken Hedges requesting that the AECL's response to RAI #14 of May 13, 2003 (Proprietary Physics Reports in Physics and Fuel Related Data), be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790 and 9.17:

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 9.17 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(a)(4) and

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9.17(a)(4).

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

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DCarlson

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OFFICE	RNRP/PM	RES	OGC	SC:RNRP
NAME	JKim	DCarlson	GKim	LDudes
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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. 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