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Our File: 108US-01321-021-001

Your File: Project No. 722

Ms. B. Sosa  
Project Manager, ACR  
U.S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, D.C. 20555  
U.S.A.

Dear Ms. Sosa:

***Proprietary Software and Associated Documentation in Support of ACR Pre-Application Review,  
ELESTRES Ver.1.9.7.1beta***

As requested by our US ACR Licensing Manager and in support of AECL Technologies' request for a pre-application review of the ACR-700, please find enclosed CDs containing a beta version of the ELESTRES computer program and associated files and documents. Please note that this version of the software is not an Official Code Version (i.e., is not yet fully qualified) and is being provided to you for familiarization purposes.


The software and the information listed in Attachment 1 contain proprietary information of the type that AECL normally maintains in confidence and withholds from public disclosure. The computer program and information have been handled and classified as proprietary to AECL as cited in the affidavit provided in Attachment 2. Therefore, it is requested that the AECL proprietary reports and software listed in Attachment 1, and contained on the enclosed CDs, be handled by the USNRC on a confidential basis and be withheld, in their entirety, from public disclosure in accordance with the provisions of 10CFR2.390 and 9.17.

In recognition of the fact that the NRC may choose to provide copies of these proprietary reports and software to NRC's consultants (under an appropriate confidentiality agreement), three (3) copies of each CD have been provided. AECL requests that these copies be used whenever it is necessary to pass information to an NRC consultant. Extra copies have also been made and kept by AECL so can be supplied to the NRC on short notice if required.

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If you have any questions on this letter and/or the enclosed information please contact the undersigned at (613) 584-8811 extension 4942.

Yours sincerely,



Glen A. Wolgemuth  
Code Centre and Software Performance

**Attachments:**

1. Proprietary Software and Associated Documentation in Support of ACR Pre-Application Review
2. AECL Proprietary Information Affidavit

**Enclosures:**

1. Three (3) CDs containing copies of the proprietary computer program ELESTRES Ver 1.9.7.1beta, user documentation, installation files and instructions. The CD serial numbers are AECL-CC-CD055C001 through AECL-CC-CD055C003.



## Attachment 1

### Proprietary Software and Associated Documentation in Support of ACR Pre-Application Review

(Letter to B. Sosa, "Proprietary Software and Associated Documentation in Support of ACR Pre-Application Review, ELESTRES Ver.1.9.7.1beta", May 6, 2004)

This package contains 3 copies of 1 unique CD

### *ELESTRES*

The 3 CD's in the series AECL-CC-CD055C00x are identical except for the serial number on the label. Each CD contains a full Table of Contents in pdf format with links to all of the documents contained on the CD. In summary, the CD contains:

- a PC Windows executable version of ELESTRES Ver.1.9.7.1beta
- installation test cases
- installation instructions
- proprietary documents
  - Theory Manuals, User's Manuals, Validation and Verification Reports and Manuals
  - (A complete listing of documents is contained in the file readme.pdf in the \Instructions\ folder on the CD)
- Terms of Use (the transmittal cover letter, this attachment and the affidavit)



## ATTACHMENT 2

### APPLICATION FOR THE NUCLEAR REGULATORY COMMISSION'S WITHHOLDING FROM PUBLIC DISCLOSURE OF PROPRIETARY AECL REPORTS AND SOFTWARE

#### 10 C.F.R. § 2.390 AFFIDAVIT OF ROBERT A. SPERANZINI

I, Dr. Robert A. Speranzini, General Manager, CANDU Technology Development, Atomic Energy of Canada Limited ("AECL"), do hereby affirm and state:

1. I am the General Manager, CANDU Technology Development for AECL, and have been delegated the function of reviewing the proprietary information sought to be withheld from public disclosure, and am authorized to apply for its withholding on behalf of AECL.
2. In the attached letter to B. Sosa from G.A. Wolgemuth "Proprietary Software and Associated Documentation in Support of ACR Pre-Application Review, ELESTRES Ver.1.9.7.1beta" and Enclosure 1 to that letter, AECL is providing information in support of the Nuclear Regulatory Commission's (NRC) pre-application review of the Advanced CANDU Reactor (ACR). The documents and software included in Enclosure 1 constitute proprietary commercial information that should be held in confidence by NRC pursuant to 10 CFR § 2.390(a)(4) and 9.17(a)(4), because of one, or more, of the following reasons:
  - i. This information is confidential and has been held in confidence by AECL. The information is contained in AECL software, reports or other documents that are normally held in confidence in accordance with AECL's procedures for the protection of information. The software, 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.
  - ii. The information is contained in CANDU Owners Group Inc. (COG) reports that are held in confidence by both AECL and the Canadian nuclear utilities that participate in research and development programs via COG. There is a rational basis for holding the reports in confidence since the information contains sensitive technical and/or commercial information relating to the supporting research, design and/or operation of CANDU reactors. Also, COG reports are only distributed to participants in COG research and development programs. These participants expend significant amounts of money to fund the COG research and development programs, which produce the information described in these reports. Additionally, public disclosure by the NRC of the information contained in COG reports, which are supplied in confidence by COG to AECL, could jeopardize the future availability of such information to AECL. AECL is contractually obligated to COG and to other participants in COG programs to maintain the confidentiality of such reports. AECL relies, in part, on COG reports to improve the safety, operability and maintainability of the ACR, and to help develop and recommend improvements to enhance the safety,



operability and maintainability of existing CANDU plants. COG would be reluctant to provide such information to AECL, and could move to restrict AECL's ability to provide such reports to the NRC, if there was a possibility that the NRC might make the information publicly available, after being supplied to the NRC by AECL. AECL would suffer harm to its commercial business and competitive position if it did not have access to these reports and was unable to improve existing and future designs. Further, other participants in COG research and development programs would be reluctant to enter into such programs in which AECL was a participant if there is a possibility that information generated in such programs would become publicly available through AECL's provision of COG reports to the NRC. Those participants enter into and fund such programs with the expectation that the results will remain confidential to COG and program participants. For the same reason, disclosure of such reports by the NRC would also hinder the ability of the NRC to receive similar reports in the future from AECL, since COG would likely withhold such reports from AECL.

- iii. This information is being transmitted to the NRC in confidence.
- iv. This information is generally not available in public sources and could not be gathered readily from other publicly available information.
- v. 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.

3. Accordingly, AECL requests that the information provided in Enclosure 1 be withheld from public disclosure pursuant to the policy reflected in § 2.390(a)(4) and 9.17(a)(4).

*RA Speranzini*

Dr. Robert A. Speranzini, General Manager, CANDU Technology Development, AECL

Subscribed and sworn before me on this 6th day of May, 2004.

*Anne E Knott*

Commissioner of Oaths

**Anne Elizabeth Knott, a Commissioner,  
etc., County of Renfrew, for Atomic  
Energy of Canada Limited Research.  
Expires February 11, 2006.**