

March 24, 2005

Our File: 108US-01321-021-001  
108US-ACNU05-0018L  
Your File: Project No. 722

U.S. Nuclear Regulatory Commission,  
Document Control Desk,  
Washington, D.C. 20555

Attention: Ms. A. Cabbage  
Project Manager, ACR

Reference:

1. Letter G. Archinoff to A. Cabbage, "Submittal of Report 108US-30000-LS-001 on Reactor Coolant Pressure Boundary", March 24, 2005.

**Re: Submittal of Report 108US-31110-LS-001 on ACR Pressure Tubes Integrity  
(PROTECTED – Proprietary)**

Enclosed for NRC staff review as part of the ACR pre-application scope of work for Design Certification is the following report:

"ACR-700 Pressure Tubes Integrity", 108US-31110-LS-001, Rev. 0

This document provides the technical background on the design, fabrication, testing, and inspection for the ACR Pressure Tubes. AECL expects the NRC to use the Pressure Tubes Integrity report as a source of technical support for the criteria established in the Codes, Standards and Acceptance Criteria report submitted to the NRC under Reference 1.

Please note that the enclosed report, "ACR-700 Pressure Tubes Integrity", 108US-31110-LS-001, Rev. 0, contains proprietary information of the type that AECL normally maintains in confidence and withholds from public disclosure. The information has been handled and classified as proprietary to AECL as cited in the affidavit provided in Attachment 1. Therefore, it is requested that the enclosed report (i.e., "ACR-700 Pressure Tubes Integrity", 108US-31110-LS-001, Rev. 0) be handled by the USNRC on a confidential basis and be withheld, in its entirety, from public disclosure in accordance with the provisions of 10CFR2.390 and 9.17.

DO70



---

If you have any questions regarding this letter please contact me at (301) 332-9152.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. Archinoff', written over the printed name.

Glenn H. Archinoff  
Manager ACR Licensing

/Enclosures:

1. PROTECTED – Proprietary Report, “ACR-700 Pressure Tubes Integrity”, 108US-31110-LS-001, Rev. 0

/Attachments:

1. Application for the Nuclear Regulatory Commission’s withholding from public disclosure of proprietary AECL information



## ATTACHMENT 1

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

#### 10 C.F.R. § 2.390 AFFIDAVIT OF STEPHEN YU

I, Stephen Yu, General Manager, ACR Product Development, Atomic Energy of Canada Limited (AECL), do hereby affirm and state:

1. I am the General Manager, ACR Product Development of 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. AECL is the sole shareholder of our U.S. subsidiary AECL Technologies Inc. (AECLT).
3. In the attached letter A. Cubbage from G. Archinoff, "Submittal of Report 108US-31110-LS-001 on ACR Pressure Tubes Integrity (PROTECTED – Proprietary)", dated March 24, 2005, in the report on the enclosed CD to the letter, AECL is providing information in support of the Nuclear Regulatory Commission's (NRC) pre-application review of the Advanced CANDU Reactor (ACR). The information provided constitutes 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 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.
  - 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 or AECLT's ability to provide such reports to the NRC, if there was a possibility that the NRC might make the information publicly available. 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; those participants enter into and fund such programs with the expectation that the results will remain confidential to COG and program participants; if there is a possibility that information generated in such programs would become publicly available through AECL's or AECLT's provision of COG reports to the NRC, they will not wish to participate in research programs with AECL. 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 or AECLT, 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 proprietary information provided be withheld from public disclosure pursuant to the policy reflected in §§ 2.390(a)(4) and 9.17(a)(4).

Stephen Yu, General Manager, ACR Product Development, Atomic Energy of Canada Limited

Subscribed and sworn before me on this 30<sup>th</sup> day of March, 2005.

Notary Public