



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

December 16, 1992

Project No. 679

Mr. D.R. Shiflett
Vice President/General Manager
AECL Technologies
9210 Corporate Boulevard, Suite 410
Rockville, Maryland 20850

Dear Mr. Shiflett:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

By your applications dated October 29 and October 30, 1992, and your affidavit dated September 25, 1992, you submitted computer codes, code documentation, associated input modelling data, and code user manuals in support of the CANDU 3 preapplication review, and requested they be withheld from public disclosure pursuant to 10 CFR 2.790.

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

1. The subject information has been held in confidence by AECL. The information has been provided to the utilities which own and operate CANDU reactors, to a university, and to governmental bodies having nuclear safety responsibilities for plants of the CANDU design. In all cases, agreements are in place to restrict access to and use of the information.
2. The subject information contains data, cost or price information, and patentable ideas which, when applied, secure a competitive economic advantage for the owner, Atomic Energy of Canada, Ltd. (AECL). Use of the information by a competitor would put AECL at a competitive disadvantage by reducing the competitor's expenditure of resources at AECL's expense. The information provided is also subject to conditions of an Export Permit issued by the Canadian Secretary of State for External Affairs which restricts use of the information.
3. The information has been transmitted to and received by the Commission in confidence.
4. This information has never been made available in public sources such as conference proceedings, public libraries, or the Atomic Energy Control Board Reading Room.
5. The subject information has substantial commercial value.

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We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of AECL Technologies' statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, the computer codes, code documentation, associated input modelling data, and code user manuals marked 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.

Sincerely,

Original signed by:

Janet L. Kennedy, Project Manager
Advanced Reactors Project Directorate
Associate Directorate for Advanced Reactors
and License Renewal
Office of Nuclear Reactor Regulation

cc: See next page

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