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Our File: 108US-013210-021-001

Your File: Project No. 722

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

Attention: Ms. B. Sosa
Project Manager, ACR

- References:
1. Requests for Additional Information – ACR-700 Pre-Application Review (TAC No. MB5765) to V. Langman from B. Sosa, May 13, 2003
 2. Proprietary Software and Associated Documentation in Support of ACR Pre-Application Review, Non-Proprietary DRAGON-IST Code, to B. Sosa from G. Wolgemuth, July 22, 2003

Dear Ms. Sosa:

Proprietary Software and Associated Documentation in Support of ACR Pre-Application Review, WIMS-AECL Rel 2-5d, RFSP-IST Ver 3-03, Proprietary DRAGON-IST Reports

In response to an NRC RAI (Reference 1) and in support of AECL Technologies' request for a pre-application review of the ACR-700, please find enclosed CDs containing material (briefly described in Attachment 1) in response to item 12 of the RAI.

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 codes 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 10CFR2.790 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), five (5) copies of each CD have been provided. AECL requests that these copies be used whenever it is necessary to pass information to an NRC

DO70
12 CD's
forwarded
to B. Sosa
8/4/03



consultant. Extra copies have also been made and kept by AECL so can be supplied to the NRC on short notice if required.

Certain material concerning the DRAGON-IST code is not proprietary and has already been shipped under separate cover (Reference 2). The two shipments together are intended to fully satisfy the requirements of item 12 of the RAI and fulfil our commitment (Reference 1) to send the set of neutronics computer codes no later than August 30, 2003.

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, Manager
Code Centre and Software Performance

/Attachments:

1. Proprietary Codes, Input Decks and Reports in Support of ACR Pre-Application Review
2. AECL Proprietary Information Affidavit

/Enclosures:

1. 5 CDs containing copies of the proprietary computer program WIMS-AECL Rel 2-5d (both source code and PC executable), nuclear data library, installation files and instructions. The CD serial numbers are AECL-CC-CD022C001 through AECL-CC-CD022C005.
2. 5 CDs containing copies of the proprietary computer program RFSP-IST Ver3-03 (both source code and PC executable), installation files and instructions. The CD serial numbers are AECL-CC-CD023C001 through AECL-CC-CD023C005.
3. 5 CDs containing copies of proprietary reports concerning the qualification of the DRAGON-IST computer program. The CD serial numbers are AECL-CC-CD024C001 through AECL-CC-CD024C005.



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, WIMS-AECL Rel 2-5d, RFSP-IST Ver 3-03, Proprietary DRAGON-IST reports", July 25, 2003)

This package contains 3 unique CD's (5 copies of each for a total of 15 CD's)

WIMS-IST

The 5 CD's in the series AECL-CC-CD022C00x 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 WIMS-AECL Rel2-5d
- the corresponding source code files compressed in a zip format
- the nuclear data library files compressed in a zip format
- installation test cases and batch files compressed in a zip format
- installation instructions

RFSP-IST

The 5 CD's in the series AECL-CC-CD023C00x 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 RFSP-IST Ver3-03
- the corresponding source code files compressed in a zip format
- installation test cases
- installation instructions and content listings

DRAGON-IST

The 5 CD's in the series AECL-CC-CD024C00x 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 pdf copies of the following reports:

- COG-02-2066 Qualification Summary of DRAGON-IST R.S. Davis - Atomic Energy of Canada Limited
- RC-2621/FFC-RRP-343 Revision 1 Procedures for Reactivity-Device Calculations Using WIMS-IST and DRAGON-IST R.S. Davis - Atomic Energy of Canada Limited
- RC-2654/FFC-RRP-356 Revision 0 Software Requirements Specification for DRAGON-IST 3.04b R.S. Davis - Atomic Energy of Canada Limited
- RC-2707/FFC-RRP-381 Revision 0 Qualification Summary of DRAGON-IST R.S. Davis - Atomic Energy of Canada Limited



- RC-2710/FFC-RRP-380 Revision 0 Validation Manual for DRAGON Version 3.04Bb with Nuclear Data Library ENDF-B/VI as IST Code for Solo Calculation of Incremental Cross Sections of CANDU Reactivity Devices R.S. Davis - Atomic Energy of Canada Limited
- RC-2803/FFC-RRP-416 Revision 0 Validation Manual and Code-to-Code Comparison for WIMS-AECL, T16MAC, and DRAGON as IST Code for Calculation of Incremental Cross Sections of CANDU Reactivity Devices R.S. Davis - Atomic Energy of Canada Limited



ATTACHMENT 2
APPLICATION FOR THE NUCLEAR REGULATORY COMMISSION'S WITHHOLDING
FROM PUBLIC DISCLOSURE
OF PROPRIETARY AECL REPORTS

10 C.F.R. § 2.790
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, WIMS-AECL Rel 2-5d, RFSP-IST Ver 3-03, Proprietary DRAGON-IST reports" July 25, 2003, and Enclosures 1-3 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 included in Enclosures 1-3 constitute proprietary commercial information that should be held in confidence by NRC pursuant to 10 CFR §§ 2.790(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 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 §§ 2.790(a)(4) and 9.17(a)(4).

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

Subscribed and sworn before me on this 25 day of July, 2003.

Commissioner of Oaths
L.H. SIMONS
CLERK-ADMINISTRATOR
TOWN OF JEEP RIVER