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(57FR 61013)

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**NUCLEAR MANAGEMENT AND RESOURCES COUNCIL**

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**Robert W. Bishop**  
Vice President &  
General Counsel

March 4, 1993

Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**ATTENTION:** Docketing and Services Branch

**RE:** Proposed Rule  
*Availability of Official Records*  
57 Fed. Reg. 61013 (December 23, 1992)  
**Request for Extension of Time**

Dear Mr. Chilk:

This request is submitted by the Nuclear Management and Resources Council, Inc. (NUMARC)<sup>1</sup> on behalf of the nuclear industry in response to the invitation for comments on the U.S. Nuclear Regulatory Commission ("NRC") proposal to amend its regulations in 10 CFR Part 2 governing treatment of proprietary and copyright information submitted to the NRC.

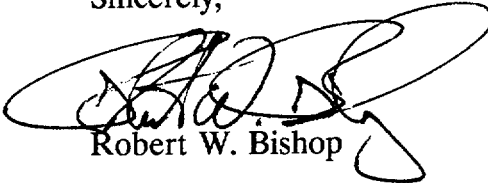
In the proposed rule, *Availability of Official Records*, noticed in the Federal Register on December 23, 1992, the NRC proposed modifications to its current regulation that would institute major changes in the way in which proprietary information and copyrighted material would be treated by the NRC. Because of the importance and complexity of the issues raised and the impact that the proposed changes would have on the nuclear industry, NUMARC, on behalf of the nuclear industry, respectfully requests an extension of time until March 31, 1993, to submit comments. No adverse effects to

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<sup>1</sup>NUMARC is the organization of the nuclear power industry that is responsible for coordinating the combined efforts of all utilities licensed by the NRC to construct or operate nuclear power plants, and of other nuclear industry organizations, in all matters involving generic regulatory policy issues and on the regulatory aspects of generic operational and technical issues affecting the nuclear power industry. Every utility responsible for constructing or operating a commercial nuclear power plant in the United States is a member of NUMARC. In addition, NUMARC's members include major architect/engineering firms and all of the major nuclear steam supply system vendors.

the NRC, its licensees, or other interested parties would result from the granting of this limited extension of time, and the additional time would enable the industry to respond more effectively to the issues raised by the proposed rule and to provide concrete recommendations for NRC consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Bishop", is written over a large, loopy oval flourish. The signature is positioned above the printed name "Robert W. Bishop".

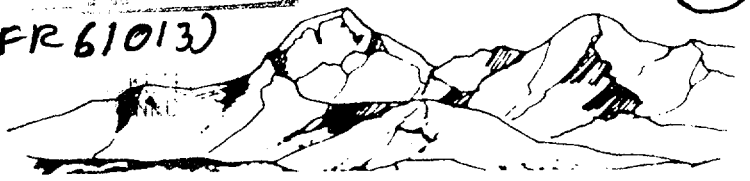
Robert W. Bishop

RWB:bjb

cc: William C. Parler, Esq., General Counsel  
Martin G. Malsch, Esq., Deputy General Counsel



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(57FR61013)



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March 5, 1993  
SNC-93-244

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attn: Docketing and Service Branch

Dear Sirs:

We have a general comment on the entire section of paragraph 2.740 and the issue of proprietary information. As we have recently been severely stung by strict adherence to paragraph 2.790 we are acutely aware of a major problem with this paragraph. Under the current interpretation of 2.790 the NRC will not withhold any proprietary information that forms that basis of "rulemaking". Under the new generic cask and reactor certification procedures, which require vendor specific "rulemaking" this means that very sensitive trade secrets, design details, calculational techniques, calculations and other proprietary information must be disclosed. This will place any company wishing to certify one of its designs in a very tedious position nationally and a downright losing position internationally. Trade secrets, design details and proprietary information will be lost to other vendors who can then develop similar or new designs at significantly less cost than the original vendor. While this is bad for a particular vendor nationally it is terrible for the U.S. industrial base internationally. If representatives (particularly Japan, Taiwan & Korea) can go to the public document room and get all the information they need to design and build advanced storage cask and reactors they certainly aren't going to buy those products from a U.S. firm. Worse yet, they will sell those same products internationally, possibly even in the U.S. at prices less than U.S. vendors can because they got the proprietary information, trade secrets and calculations for free! This will significantly increase the U.S.'s trade deficit, reduce American jobs and place U.S. firms at an even greater disadvantage on the world market.

We believe that 2.790 or at least its current interpretation must be changed. U.S. equipment vendors must be allowed protection of their trade secrets and proprietary information. We believe that 2.790 should be changed to allow the public access to all NRC generated material that forms the basis of rulemaking but also changed to explicitly state that vendor supplied information, if marked proprietary or as trade or commercial secrets will be withheld from public disclosure. It is the NRC's job to review such material to assure the health and safety of the public and they can certainly summarize any material (without disclosing sensitive parts) in their SER's and other documents. However, we must protect sensitive material if U.S. vendors are to be able to compete in the emerging global economy.

Very truly yours,

John V. Massey, Ph.D.  
President

JM:kam