

71-9268



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 26, 1996

Mr. Arthur J. McSherry, President
Sierra Nuclear Corporation
One Victor Square
Scotts Valley, CA 95066

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L22232)

Dear Mr. McSherry:

In your letter dated September 13, 1996 (SNC-96-090), with an affidavit executed September 11, 1996, it was requested that the detailed system component (engineering) drawings, detailed calculations, and several attachments to certain responses to the Nuclear Regulatory Commission request for additional information (RAI), which support information in Sierra Nuclear Corporation's (SNC) TranStor Shipping Cask System safety analysis report (SAR), be withheld from public disclosure pursuant to 10 CFR 2.790. In the affidavit, you state that the submitted information should be withheld from public disclosure for the following reasons:

1. The information contained within the proprietary material is calculated data, results of design calculations, components design details, and critical dimensions which were developed by SNC. This type of information is normally held in confidence by those who invest time and money in its development.
2. The information contained within the proprietary material has been and is held in confidence by SNC, and the information, which is being claimed as trade secrets and privileged information, is not available in public sources.
3. SNC has invested a considerable amount of time, engineering labor, and money in the development of the information. Public disclosure of this information would cause substantial harm to SNC's competitive position. Others seeking to design similar storage cask systems would have to make similar investments to develop the information on their own as long as the information is not disclosed to the public.

On the basis of your submittal, our review of the above listed documents, and in light of the requirements of 10 CFR 2.790, we have determined that the above listed documents should be withheld from public disclosure pursuant to 10 CFR 2.790. It is the policy of the NRC to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised. In response to the NRC's RAI and in a separate letter from you dated September 13, 1996 (SNC-96-089), you provided non-proprietary drawings in your revised SAR for placement in the Public Document Room. The staff finds this acceptable.

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Mr. Arthur J. McSherry

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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 disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. Please be advised 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 withheld 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 Charles J. Haughney for

William D. Travers, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-9268

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