CATEGORY 1

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR:9801140269 DOC.DATE: 97/07/28 NOTARIZED: YES DOCKET #
FACIL:72-0022 Model: Private Fuel Storage Facility, 07200022
AUTH.NAME AUTHOR AFFILIATION
DONNELL,J.L. Stone & Webster Engineering Corp. See Report
RECIP.NAME RECIPIENT AFFILIATION
DELLIGATTI,M. Office of Nuclear Material Safety & Safeguards

SUBJECT: Forwards non proprietary Vol III & proprietary Vol IV, "Calculation Package," for Private Fuel Storage Facility. Original affidavits from Holtec International & Sierra Nuclear Corp enclosed.Proprietary encl withheld.

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TITLE: Part 72, NMSS/SFPO Corresp:Incoming Appls, Amdts, Addl Info. Propriet

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72-22

STONE & WEBSTER ENGINEERING CORPORATION
P. O. BOX 5406, DENVER, COLORADO 80217

DATE	7/28/97
J. O. NO.	05996.01
P. O. NO.	
LTR. NO.	S-0-59
REF.	M1.1, R9.5A

VIA

TO Mr. Mark Delligatti, Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

DEAR SIRS:

THE FOLLOWING ARE ■ ATTACHED: ☐ SENT SEPARATELY:

3 COPIES ___ PRINTS ___ REPRODUCIBLES ___ MICROFILM APERTURE CARDS
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☐ DRAWINGS ☐ SPECIFICATIONS
■ DOCUMENTS ☐ NOTES OF CONFERENCE

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YOUR ATTENTION IS DIRECTED TO THE FOLLOWING:

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☐ WE TRUST THAT THESE NOTES ARE IN ACCORDANCE WITH YOUR UNDERSTANDING: IF NOT, PLEASE ADVISE US.

IMPORTANT SHOULD ANY REVISION TO DOCUMENTS OR DRAWINGS RETURNED HEREWITH INVOLVE A PRICE INCREASE, THE SUPPLIER MUST NOTIFY STONE & WEBSTER PURCHASING DEPARTMENT WITHIN TEN (10) DAYS EVEN THOUGH A DEFINITE ESTIMATE CANNOT BE GIVEN AT THE TIME. OTHERWISE, THE PURCHASER WILL CONSIDER THE REVISIONS MADE WITHOUT COST.

DOCKET NO. 72-22 CALCULATION PACKAGE
PRIVATE FUEL STORAGE FACILITY
PRIVATE FUEL STORAGE L.L.C.

At the request of Mr. John Parkyn (Private Fuel Storage L.L.C.), we are forwarding three copies (Volumes III and IV) of the calculation package associated with the Private Fuel Storage Facility (Docket No. 72-22). Please note Volume IV contains proprietary calculations. Enclosed are the original affidavits from both Holtec International and Sierra Nuclear Corporation for submittal of proprietary material in accordance with 10CFR 2.790.

If you have any questions or comments, please me at (303) 741-7009.

John Donnell

J. L. Donnell
Project Manager

Enclosures

Copy to: J. Parkyn (LLC)-1/0
S. Northard (LLC)-1/1
J. Silberg-1/1

JLD:SMM:smr

Enclosure To: all other Ltr Only

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NRR PT 1/1

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PDR ADOCK 07200022
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AFFIDAVIT PURSUANT TO 10CFR2.790

I, Alan Soler, being duly sworn, depose and state as follows:

(1) I am Executive Vice President, Holtec International, and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.

(2) The information sought to be withheld is contained in the documents entitled Radiation Shielding Analysis for the Private Fuel Storage Facility, Holtec Report Number HI-971645; Multi-Cask Seismic Response at the PSF ISFSI, Holtec Report Number HI-971631; and Scoping Seismic Analyses of HI-STORM on a Western Area ISFSI, Holtec Report Number HI-961574. The proprietary material in these documents is delineated by proprietary designation on specific pages or by shaded text identified as being proprietary.

(3) In making this application for withholding of proprietary information of which it is the owner, Holtec International relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4) and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10CFR Part 9.17(a)(4), 2.790(a)(4), and 2.790(b)(1) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).

(4) Some examples of categories of information which fit into the definition of proprietary information are:

a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Holtec's competitors without license from Holtec International constitutes a competitive economic advantage over other companies;

b. Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

c. Information which reveals cost or price information, production, capacities, budget levels, or commercial strategies of Holtec International, its customers, or its suppliers;

d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;

e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs 4.a, 4.b, 4.d, and 4.e, above.

(5) The information sought to be withheld is being submitted to the NRC in confidence. The information (including that compiled from many sources) is of a sort customarily held in confidence by Holtec International, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by Holtec International. No public disclosure has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.

(6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within Holtec International is limited on a "need to know" basis.

(7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his designee), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside Holtec International are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.

(8) The information classified as proprietary was developed and compiled by Holtec International at a significant cost to Holtec International. This information is classified as proprietary because it contains detailed historical data and analytical results not available elsewhere. This information would provide other parties, including competitors, with information from Holtec International's technical database and the results of evaluations performed using codes developed by Holtec International. Release of this information would improve a competitor's position without the competitor having to expend similar resources for the development of the database. A substantial effort has been expended by Holtec International to develop this information.

(9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to Holtec International's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of Holtec International's comprehensive spent fuel storage technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology, and includes development of the expertise to determine and apply the appropriate evaluation process.

The research, development, engineering, and analytical costs comprise a substantial investment of time and money by Holtec International.

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

AFFIDAVIT PURSUANT TO 10CFR2.790

Holtec International's competitive advantage will be lost if its competitors are able to use the results of the Holtec International experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to Holtec International would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive Holtec International of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

STATE OF NEW JERSEY)
) ss:
COUNTY OF BURLINGTON)

Dr. Alan Soler, being duly sworn, deposes and says:

That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at Marlton, New Jersey, this 21st day of July 1997.

Alan Soler

Dr. Alan Soler
Holtec International

Subscribed and sworn before me this 21st day of July, 1997.

Maria C. Pepe

MARIA C. PEPE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 25, 2000

AFFIDAVIT IN SUPPORT OF
PROPRIETARY INFORMATION CONTAINED
IN THE CALCULATIONS FOR THE
TranStor™ STORAGE CASK

State of California, County of Santa Cruz

Arthur J. McSherry (Affiant), President of Sierra Nuclear Corporation, hereafter referred to as SNC, at 1 Victor Square, Scotts Valley, CA, being duly sworn, deposes and says that:

1. Affiant is personally familiar with the trade secrets and privileged information contained in the calculations identified for the TranStor™ Storage Cask. Affiant requests that the Nuclear Regulatory Commission, pursuant to Title 10 of the Code of Federal Regulations, Part 2, Section 790 (10CFR2.790) "Public Inspections, Exemptions, Request for Withholding," withhold the information contained in the calculations, hereafter referred to as the Proprietary Material, from public disclosure.

Calculation Number	Title	Revision
PFS01-10.02.04	Soil - Structure Intersection Analysis for Evaluation of TranStor™ Storage Cask Seismic Stability	0
PFS01-10.02.05	TranStor™ Storage Cask Seismic Stability Analysis for PFS Site	0

2. This information has been and is held in confidence by SNC.

3. The information contained within the Proprietary Material is calculated data and the results of design calculations. This type of information is normally held in confidence by SNC who invests time and money in its development.

4. The Proprietary Material is transmitted to the Nuclear Regulatory Commission in confidence .

5. The Proprietary Material which is being claimed as trade secrets and privileged information is not available in public sources.

6. 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 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.

Arthur J. McSherry
President
Sierra Nuclear Corporation

Subscribed and sworn to before me this 24TH day of JULY, 1997.

VRS2 S. O'LEARY
COMM. #1143795
Notary Public-California
Santa Cruz County
My Comm. Exp. June 27, 2001 VRS2

Notary Public in and for
the County of Santa Cruz,
State of California

My commission expires the 27TH day of JUNE, 2001.

ATTACHMENT

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ATTACHMENT

72-22

STONE & WEBSTER ENGINEERING CORPORATION
P. O. BOX 5406, DENVER, COLORADO 80217

DATE	7/28/97
J. O. NO.	05996.01
P. O. NO.	
LTR. NO.	S-0-59
REF.	M1.1, R9.5A

VIA

TO Mr. Mark Delligatti, Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

DEAR SIRS:

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PRIVATE FUEL STORAGE L.L.C.

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If you have any questions or comments, please me at (303) 741-7009.

John Donnell

J. L. Donnell
Project Manager

Enclosures

Copy to: J. Parkyn (LLC)-1/0
S. Northard (LLC)-1/1
J. Silberg-1/1

JLD:SMM:smr

S-0-59.996
A029 5G 9706140264 7 pp.

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STATE OF NEW JERSEY)
) ss:
COUNTY OF BURLINGTON)

Dr. Alan Soler, being duly sworn, deposes and says:

That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at Marlton, New Jersey, this 21st day of July 1997.

Alan Soler

Dr. Alan Soler
Holtec International

Subscribed and sworn before me this 21st day of July, 1997.

Maria C. Pepe

MARIA C. PEPE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 25, 2000

AFFIDAVIT IN SUPPORT OF
PROPRIETARY INFORMATION CONTAINED
IN THE CALCULATIONS FOR THE
TranStor™ STORAGE CASK

State of California, County of Santa Cruz

Arthur J. McSherry (Affiant), President of Sierra Nuclear Corporation, hereafter referred to as SNC, at 1 Victor Square, Scotts Valley, CA, being duly sworn, deposes and says that:

1. Affiant is personally familiar with the trade secrets and privileged information contained in the calculations identified for the TranStor™ Storage Cask. Affiant requests that the Nuclear Regulatory Commission, pursuant to Title 10 of the Code of Federal Regulations, Part 2, Section 790 (10CFR2.790) "Public Inspections, Exemptions, Request for Withholding," withhold the information contained in the calculations, hereafter referred to as the Proprietary Material, from public disclosure.

Calculation Number	Title	Revision
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PFS01-10.02.05	TranStor™ Storage Cask Seismic Stability Analysis for PFS Site	0

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Art McSherry

Arthur J. McSherry
President
Sierra Nuclear Corporation

Subscribed and sworn to before me this 24TH day of JULY, 1997.

VRS2 S. O'LEARY
COMM. #1143795
Notary Public-California
Santa Cruz County
My Comm. Exp. June 27, 2001 VRS2

S. O'L

Notary Public in and for
the County of Santa Cruz,
State of California

My commission expires the 27TH day of JUNE, 2001.

Private Fuel Storage L.L.C.

Calculation Package

Volume III

Private Fuel Storage Facility

Docket No. 72-22

Skull Valley Indian Reservation
Tooele County, Utah

CALCULATION PACKAGE - VOL III

Cask Vendor Calculations:

23. **Multi-Cask Seismic Response at the PSF ISFSI**
    Holtec Calculation No. HI-971631; 5/19/97; QA Cat. I

24. **Scoping Seismic Analysis of HI-STORM on a Western Area ISFSI**
    Holtec Calculation No. HI-961574; 11/25/96; QA Cat. I

25. **Radiation Shielding Analysis for the Private Fuel Storage Facility**
    Holtec Calculation No. HI-971645; 3/12/97; QA Cat. I

26. **Soil-Structure Interaction Analysis for Evaluation of TranStor Storage Cask Seismic Stability**
    SNC Calculation No. PFS01.10.02.04, Rev 0; 7/24/97; QA Cat. I

27. **TranStor Storage Cask Seismic Stability Analysis for PFS Site**
    SNC Calculation No. PFS01.10.02.05, Rev 0; 7/24/97; QA Cat. I