



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 8, 1996

Mr. T. C. Thompson  
Manager of Licensing  
Sierra Nuclear Corporation  
One Victor Square  
Scotts Valley, CA 95066

71-9268

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L22232)

Dear Mr. Thompson:

In your letter dated December 20, 1995, and affidavit executed by Arthur J. McSherry dated December 20, 1995, it was requested that the Sierra Nuclear Corporation's (SNC) TranStor shipping cask system safety analysis report be withheld from public disclosure pursuant to 10 CFR 2.790(a)(4) of the Nuclear Regulatory Commission's regulations pending a patent application. Subsequently, in your letter dated February 9, 1996, you notified the staff that the patent applications for the TranStor shipping cask system was completed and filed, and that your request to withhold the document from public disclosure was no longer applicable. The staff has now placed this document in the public domain.

In your letter dated January 12, 1996, and affidavit executed by Arthur J. McSherry dated January 8, 1996, it was requested that SNC's TranStor shipping cask system drawings be withheld from public disclosure pursuant to 10 CFR 2.790(a)(4). In your February 9, 1996, letter, you reiterated this request that the drawings be withheld from public disclosure.

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 and 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. 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 shipping 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. However, since it is the policy of the Commission to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the basis for and effects of licensing and rulemaking actions, you must provide appropriate

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non-proprietary drawings for placement in the public document room in your response to the staff's first request for additional information.

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. You 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 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 /s/ by

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

Docket No. 71-9268

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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 as provided for in 10 CFR 2.790(b)(6). If, at any time in the future, the basis provided in your submittal for withholding information from public disclosure should change such that the information could then be made available for public inspection, SNC should promptly notify the NRC. SNC should also be aware that the NRC may have cause to review this determination in the future, such as 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, SNC will be notified in advance of any public disclosure.

Sincerely,

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

Docket No. 71-9268

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