



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20542-0001

April 4, 1997

50-344  
72-017

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

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L22102)

Dear Mr. McSherry:

Portland General Electric Company's (PGE) letters dated March 10, 1997, (VPN-017-97), and March 27, 1997, (VPN-025-97), contained a Sierra Nuclear Corporation (SNC) affidavit executed March 5, 1997. The affidavit requested that information provided in response to a Nuclear Regulatory Commission staff request for additional information and referenced in Attachment II to the PGE letter be withheld from public disclosure pursuant to 10 CFR 2.790. The information in Attachment II contains calculations and drawings that are considered trade secrets and privileged information by SNC.

The affidavit states 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, component design details, and critical dimensions that 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 being held in confidence by SNC, and the information 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.

Based on the affidavit, our review of the above listed documents, and 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.

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Mr. A. 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 the 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 /S/:

William F. Kane, Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-17 (50-344)

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Portland General Electric Company  
Trojan Nuclear Power Plant  
Docket No. 72-17 (50-344)

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