

72-17



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

May 2, 1997

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:

A letter from Portland General Electric Company (PGE) dated March 20, 1997 (VPN-018-97), contained an affidavit executed March 18, 1997, from Sierra Nuclear Corporation (SNC) requesting that the information provided in Attachment 3 as Enclosures 2, 3, 5, 7, 8, 9, 10, 11, 14, 15, 16, 17, 21, 23, and 24, be withheld from public disclosure pursuant to 10 CFR 2.790. The information in the listed enclosures contain calculations, drawings, and documents that are considered trade secrets and privileged information by SNC, in support of the Trojan Independent Spent Fuel Storage Installation application.

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 that 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.

Based on your 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. 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 of the basis for and effects of licensing and rulemaking actions.

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

cc:

Chairman
Board of County Commissioners
Columbia County
St. Helens, OR 97501

Mr. David Stewart-Smith
Administrator, Energy Resources Division
Oregon Department of Energy
625 Marion Street, NE
Salem, OR 97310

Regional Administrator, Region IV
U. S. Nuclear Regulatory Commission
Harris Tower and Pavillion
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064

Mr. H. Ray Pate
Manager, Licensing, Compliance
and Commitment Management
Trojan Nuclear Plant
71760 Columbia River Highway
Rainier, OR 97048

Mr. Lloyd K. Marbet
19142 S.E. Bakers Ferry Road
Boring, OR 97009

Mr. Jerry Wilson
Do It Yourself Committee
570 N.E. 53rd
Hillsboro, OR 97124

Mr. Eugene Rosolie
Northwest Environmental Advocates
302 Haseltine Building
133 S.W. 2nd Avenue
Portland, OR 97204

Mr. Adam Bless
Trojan Nuclear Plant
71760 Columbia River Highway
Rainier, OR 97048

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 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 /s/

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

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