

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 03/16/05

COMMISSIONERS

SERVED 03/16/05

Nils J. Diaz, Chairman
Edward McGaffigan, Jr.
Jeffrey S. Merrifield
Peter B. Lyons
Gregory B. Jaczko

In the Matter of)
)
)

PRIVATE FUEL STORAGE L.L.C.)

Docket No. 72-22-ISFSI

(Independent Spent Fuel)
Storage Installation))
_____)

ORDER

CLI-05-08

On January 5, 2005, we issued CLI-05-01, requiring Private Fuel Storage (PFS) to submit proposed redactions to three Commission orders (CLI-04-10, CLI-04-27, and CLI-05-01). On February 4th, PFS submitted 58 proposed redactions, and on February 8th, the State of Utah filed objections to four of those redactions. For the reasons given in the appendix to today's decision, we do not agree with Utah that we should make publicly available the information found in those four redactions. The information at issue relates to the details of PFS's cost-passthrough arrangements, and we believe its release would compromise PFS's legitimate competitive concerns. We make the appendix available to the parties but not to the public because it discusses proprietary information.

Accordingly, we:

- (1) *Reject* Utah's objections to four of PFS's 58 proposed redactions to CLI-04-10, CLI-04-27 and CLI-05-01;

- (2) *Approve* all of PFS's proposed redactions to those three Memoranda and Orders;
- (3) *Instruct* SECY to release to the public the redacted versions of those three Memoranda and Orders, all of which are appended hereto. SECY shall ensure that these redacted versions are available to the public both in the appropriate Public Reading Rooms and on our Agencywide Documents Access and Management System (ADAMS); and
- (4) Further *instruct* SECY to release this Order to the public but to withhold from the public the Appendix to this Order.

IT IS SO ORDERED.

For the Commission

/RA/

Annette L. Vietti-Cook,
Secretary of the Commission

Dated at Rockville, MD
this 16th day of March, 2005.