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July 20, 1999

By U.S. Mail and E-mail

Secretary of the Commission
U.S. Nuclear Regulatory Commission
16 H23 O-16-C1
Washington, D.C. 20555-0001
Attn: Docketing & Services Branch

**Re: Private Fuel Storage L.L.C.
Docket No. 72-22, ASBLP No. 97-732**

To the Secretary of the Commission:

On June 28, 1999, the State of Utah filed its "Objections and Responses to Applicant's Second Set of Discovery Requests with respect to Groups II and III Contentions." Included as part of the State's Response was an Addendum A which contains confidential commercial information regarding the Private Fuel Storage ("PFS") Facility. Because the Addendum contains PFS confidential information, the State filed the Addendum separately and clearly marked it as containing confidential proprietary information. I am enclosing an affidavit from John D. Parkyn, Chairman of PFS, requesting that the proprietary information contained in Addendum A to the State's June 28, 1999 Objections and Responses be maintained by the Commission as confidential in accordance with 10 CFR 2.790.

Please call me at 202-663-8304 if you have any questions.

Sincerely,



Paul A. Gaukler

Enclosure

cc: G. Paul Bollwerk III, Esq. (Affidavit without attachment)
Dr. Jerry R. Kline (Affidavit without attachment)
Dr. Peter S. Lam (Affidavit without attachment)
Susan F. Shankman (Affidavit without attachment)

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Page 2

Adjudicatory File, Atomic Safety and
Licensing Board Panel (Affidavit without attachment)
Sherwin Turk, Esq. (Affidavit without attachment)
Denise Chancellor, Esq. (Affidavit without attachment)
Diane Curran, Esq. (Affidavit without attachment)
John Paul Kennedy, Sr., Esq. (Affidavit without attachment)
Joro Walker, Esq. (Affidavit without attachment)
Richard E. Condit, Esq. (Affidavit without attachment)
Danny Quintana, Esq. (Affidavit without attachment)

Document #: 791401 v.1

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)
PRIVATE FUEL STORAGE L.L.C.) Docket No. 72-22
)
(Private Fuel Storage Facility)) ASLBP No. 97-732-02-ISFSI

**AFFIDAVIT OF JOHN D. PARKYN PURSUANT TO 10 C.F.R. § 2.790
REGARDING STATE'S PROPRIETARY RESPONSES TO
APPLICANT'S SECOND SET OF DISCOVERY REQUESTS
FOR GROUPS II AND III CONTENTIONS**

CITY OF LA CROSSE)
) SS:
STATE OF WISCONSIN)

John D. Parkyn, being duly sworn, states as follows:

1. I am Chairman of the Board of Private Fuel Storage L.L.C. ("PFS"), a limited liability company organized and existing under the laws of the State of Delaware with its principal office currently located in La Crosse, Wisconsin. In that capacity, I am responsible for the operational and managerial matters of PFS.
2. The State of Utah has provided the Commission with "State of Utah's Objections and Responses to Applicant's Second Set of Discovery Requests with respect to Groups II and III Contentions," ("State's Response") dated June 28, 1999, pursuant to the licensing proceeding for the Private Fuel Storage Facility ("PFSF"), an independent spent fuel storage installation, on the reservation of the Skull Valley Band of Goshute Indians.

3. Included as part of the State's Response was an Addendum A, which contains sensitive PFS proprietary commercial and financial information that could cause great harm to PFS if it were made publicly available. Because the Addendum contains PFS confidential information, the State filed the Addendum separately, with each page containing the logo, MAY CONTAIN PROPRIETARY INFORMATION. A copy of Addendum A is attached to this affidavit. The State provided Addendum A to the Commission pursuant to the Commission's discovery regulations as part of the State's responses to PFS's discovery requests.

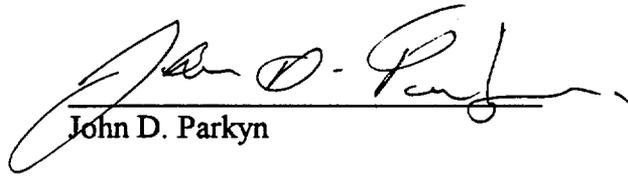
4. Because Addendum A contains sensitive proprietary commercial and financial information that could cause great harm to PFS if it were made publicly available, PFS requests the NRC to withhold this sensitive information, developed and owned by PFS, from public disclosure pursuant to 10 C.F.R. § 2.790 of its regulations. This affidavit supplies the reasons why the confidential information in Addendum A to the State's Response should be withheld from public disclosure as required by the regulation. I am familiar with the sensitive commercial and financial information contained in Addendum A of the State's Response and am authorized to speak to PFS's practice of maintaining such information proprietary and the harm that would befall PFS if it were publicly disclosed.

5. Addendum A of the State's Response contains sensitive proprietary information concerning PFS financial and business plans including legal and financial relationships, potential financial liability of the PFSF, PFS budgeting, PFS corporate agreements, PFS

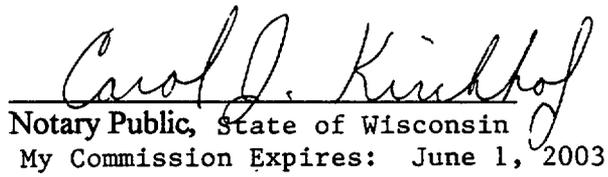
financial agreements, and cost estimates and cost-related strategies for construction, operation and decommissioning of the PFSF.

6. The sensitive proprietary commercial and financial information contained in Addendum A is information of the type customarily held in confidence by PFS, and the information within this document is so held. PFS does not disclose this type of information to the public and it is not available from public sources. The rational basis for not disclosing this type of information is that the information is commercially sensitive to the conduct of PFS's business, i.e., the development and operation of an independent spent fuel storage facility, and its disclosure to competitors and customers could cause PFS substantial competitive harm. If the information contained in Addendum A of the State's Response became available to PFS's competitors or customers (both current and potential), those parties would learn of sensitive commercial, cost and financial information which could be used against PFS in the competition for customers or negotiation of contracts for services. Such a result would place PFS at a significant competitive disadvantage in negotiations with potential customers, would provide potential competitors with competitively advantageous information, and cause PFS substantial commercial harm.

7. Accordingly, Addendum A to the "State of Utah's Objections and Responses to Applicant's Second Set of Discovery Requests with respect to Groups II and III Contentions," dated June 28, 1999, should be held in confidence by the Commission pursuant to the provisions of 10 C.F.R. § 2.790 and withheld from public disclosure.


John D. Parkyn

Sworn to before me this 19th day of July 1999


Notary Public, State of Wisconsin
My Commission Expires: June 1, 2003

CAROL J. KIRCHHOF
Notary Public
State of Wisconsin