

RAS 2477

ShawPittman

A Law Partnership Including Professional Corporations

PAUL A. GAUKLER
202.663.8304
paul.gaukler@shawpittman.com

00 00 -6 P4:01

December 4, 2000

By Electronic Filing and Mail Delivery

Emile L. Julian
Assistant for Rulemakings and Adjudications
Rulemakings and Adjudications Staff
Office of the Secretary of the Commission
U. S. Nuclear Regulatory Commission
11555 Rockville Pike, One White Flint North
Rockville, MD 20852-2738
Attn: Docketing & Services Branch

Re: Private Fuel Storage – Docket No. 72-22 – ASLBP No. 97-732-02

To the Secretary of the Commission:

Today, pursuant to the Atomic Safety and Licensing Board's Orders of October 5, 2000 and November 29, 2000, Private Fuel Storage ("PFS") is submitting Applicant's Motion for Summary Disposition on Issues Remanded by CLI-00-13 on Utah Contention E and Confederated Tribes Contention F and Response to State of Utah's Objections to the Adequacy of Applicant's Model Service Agreement to Meet Part 72 Financial Assurance Requirements and the Declaration of John Parkyn. These materials contain confidential commercial and financial information concerning the Model Service Agreement previously provided by PFS to the Licensing Board and the parties and concerning testimony and exhibits filed by PFS (and other parties) at the evidentiary hearing in Salt Lake City in June 2000 and related commercial and financial information regarding Contention Utah E. Therefore, for the reasons set forth in the declaration of John D. Parkyn dated December 4, 2000, filed herewith, PFS requests that the NRC treat these materials as confidential information under 10 C.F.R. § 2.790.

If you have any questions, please contact me at (202) 663-8304.

Sincerely,



Paul A. Gaukler

SECY-02

Template = SECY-043

ShawPittman

Emile L. Julian
December 4, 2000
Page 2

cc: G. Paul Bollwerk III, Esq.
Dr. Jerry R. Kline
Dr. Peter S. Lam
Sherwin Turk, Esq.
Denise Chancellor, Esq.
Susan F. Shankman (without enclosures)
Adjudicatory File, Atomic Safety and Licensing Board Panel (without enclosures)
Diane Curran, Esq. (without enclosures)
John Paul Kennedy, Esq. (without enclosures)
Joro Walker, Esq. (without enclosures)
Danny Quintana, Esq. (without enclosures)

reasons why this information should be withheld from public disclosure as required by the regulation.

3. The motion for summary disposition and the supporting documents that PFS requests the Commission to treat as proprietary and to withhold from public disclosure are being filed in conjunction with this declaration. The documents are clearly identified as "Containing Proprietary Information." I am familiar with the sensitive commercial and financial information contained in the documents and am authorized to speak to PFS's practice of maintaining such information proprietary and the great harm that would befall PFS if they were publicly disclosed.

4. The motion and the supporting documents contain sensitive proprietary information concerning terms and conditions under which PFS would agree to store spent nuclear fuel at the PFSF. The subject of the motion is PFS's Model Service Agreement, which sets forth model terms under which PFS would provide spent fuel storage services. The sensitive, proprietary commercial and financial information contained in the motion and the supporting documents is information of the type customarily held in confidence by PFS, and this information and these documents are so held. PFS does not disclose this type of information to the public and it is not available from public sources.

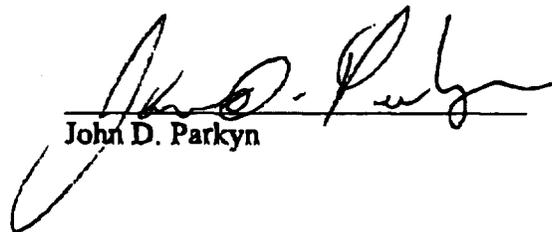
5. The rational basis for not disclosing this type of information is that the information is commercially sensitive to the conduct of PFS's business, i.e., the development and operation of an independent spent fuel storage facility, and its disclosure to competitors and customers could cause PFS substantial competitive harm. If the information contained in the documents became available to PFS' competitors or customers (both current and potential), those parties would learn of the sensitive commercial terms under which PFS would provide storage

services at the PFSF, 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.

6. Accordingly, the motion for summary disposition and the supporting documents being filed in conjunction with this declaration are being transmitted to the Commission in confidence under the provisions of 10 C.F.R. § 2.790 with the understanding that the documents and the information they contain will be received and held in confidence by the Commission and withheld from public disclosure.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 4, 2000



John D. Parkyn