

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

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

**Affidavit of [Name]  
Pursuant to 10 C.F.R. § 2.790**

CITY OF Denver	)	
	)	SS:
STATE OF Colorado	)	

Alan T. Herring, being duly sworn, states as follows:

1. I am the Senior Vice President of EDCON, a corporation organized and existing under the laws of the State of Colorado with its principal office currently located in Denver, Colorado. In that capacity, I am responsible for the operational and managerial matters of EDCON and am familiar with, and authorized to speak to, EDCON's practice of maintaining the confidentiality of proprietary gravity data developed and owned by EDCON and the harm that would befall EDCON if such data were publicly disclosed.

2. EDCON has provided certain gravity data to Geomatrix Consultants ("Geomatrix") under contract, subject to restrictions to protect the confidentiality of the proprietary gravity data. EDCON understands that Geomatrix has utilized

this gravity data in preparing its seismic investigation, entitled "Fault Evaluation Study and Seismic Hazard Assessment," Private Fuel Storage Facility, Skull Valley, Utah ("Geomatrix Seismic Report"), which has been provided to the Nuclear Regulatory Commission ("NRC") in conjunction with the application filed by Private Fuel Storage, L.L.C. ("PFS") for a license to construct and operate the Private Fuel Storage Facility ("PFSF"), an independent spent fuel storage installation, on the reservation of the Skull Valley Band of Goshute Indians. EDCON further understands that the NRC has requested to review the proprietary gravity data as part of its review of the PFS licensing application and the supporting Geomatrix Seismic Report .

3. The EDCON gravity data provided to Geomatrix is owned and was collected and developed by EDCON at great costs to it. Such gravity data is information customarily held in confidence by EDCON and the gravity data provided to Geomatrix is so held. EDCON does not disclose this type of information to the public and it is not available from public sources. The reason for not publicly disclosing this type of information is that EDCON collects and develops such data at great cost to itself for the sale of such data to third parties – subject to conditions protecting its confidentiality – such as EDCON's provision of gravity data to Geomatrix. If such gravity data became publicly available to EDCON's competitors or prospective customers, EDCON would not in a position to sell such data to future buyers and to recover its costs and to make a reasonable profit on the collection and development of such data. Such a result

would provide potential competitors and prospective customers with commercially valuable information and would cause EDCON substantial economic and commercial harm.

4. Accordingly, EDCON agrees that Geomatrix, via Private Fuel Storage, may transmit the EDCON gravity data used in its Seismic Report for the PFSF to the NRC only on the condition that such data will be received and held in confidence by the Commission under the provisions of 10 C.F.R. § 2.790 and will be withheld by the Commission from public disclosure.

Alan T. Herring  
Alan T. Herring

Sworn to before me this 7<sup>th</sup> day of April 1999

Mary K. Grieser  
Mary K. Grieser, Notary Public

State of Colorado

My commission expires 3/15/01