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SHAW PITTMAN
POTTS & TROWBRIDGE
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

2300 N Street, N.W.
Washington, D.C. 20037-1128
202.663.8000
Facsimile 202.663.8007

PAUL A. GAUKLER
202.663.8304
paul_gaukler@shawpittman.com

New York
Virginia

December 18, 1998

By Courier

Mark S. Delligatti
Spent Fuel Project Office
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Mail Stop O-6 G22
Washington, DC 20555

**Re: In the Matter of Private Fuel Storage, L.L.C.
Docket No. 72-22-ISFSI, Transmittal of Proprietary ER
References**

Dear Mr. Delligatti:

Enclosed please find copies of two references from the Private Fuel Storage Facility ("PFSF") Environmental Report that you have requested for use by your technical consultants in preparing the Environmental Impact Statement for the PFSF. The two documents are:

1. Reference 1 from Chapter 7 of the PFSF Environmental Report, "Energy Resources International, Utility At-Reactor Spent Fuel Storage costs for the Private Fuel Storage Facility Cost-Benefit Analysis, December 1997." See PFSF ER at 7.4-1.
2. Reference 4 from Chapter 7 of the PFSF Environmental Report, "PFSLLC, Private Fuel Storage L.L.C. Business Plan, January 1997." See PFSF ER at 7.4-1.

Both of these documents are Private Fuel Storage, L.L.C. proprietary documents which are stamped prominently with the statement "PFS Confidential Information." PFS requests that the NRC withhold these documents from public disclosure pursuant to 10 C.F.R. § 2.790. The enclosed Affidavit of John D. Parkyn, Chairman of the Board of Private Fuel Storage, L.L.C., provides PFS's reasons why the NRC should treat these materials as proprietary and should withhold them from disclosure pursuant to 10 C.F.R. § 2.790.

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Mark S. Delligatti
December 18, 1998
Page 2

Please call me should you have any questions concerning the enclosed material.

Sincerely,



Paul A. Gaukler

Enclosures

cc (without enclosure): Mr. John Parkyn
Mr. John Donnell
Mr. William Hennessy
Mr. Scott Northard
Diane Chancellor, Esq.
Joro Walker, Esq.
J. P. Kennedy, Esq.
Richard Condit, Esq.
Bryan Allen, Esq.
Danny Quintana, Esq.

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 John D. Parkyn
Pursuant to 10 C.F.R. § 2.790

| | | |
|--------------------|---|-----|
| 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. PFS is providing to the NRC staff and its technical consultant copies of several PFS documents to facilitate the NRC staff's review of the PFS license application 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. Some of the information contained in the PFS

documents provided to the NRC staff and its technical consultant is sensitive proprietary commercial and financial information that could cause great harm to PFS if it were made publicly available. Accordingly, PFS requests the NRC to withhold this sensitive information, developed and owned by PFS, from public disclosure pursuant to 10 CFR 2.790 of its regulations. This affidavit supplies the reasons why this information should be withheld from public disclosure as required by the regulation.

3. The PFS documents containing the sensitive, proprietary commercial and financial information for which PFS requests the Commission to treat as proprietary and to withhold from public disclosure are attached to this affidavit. Each of the documents is prominently stamped with the statement "PFS Confidential Information." These PFS documents are being provided to the NRC staff and its technical consultant only pursuant to review of the PFSF license application and not for any other reason.

4. I am familiar with the sensitive commercial and financial information contained in the PFS documents attached to this affidavit. I am authorized to speak to PFS' practice of maintaining such information proprietary and the harm that would befall PFS if it were publicly disclosed.

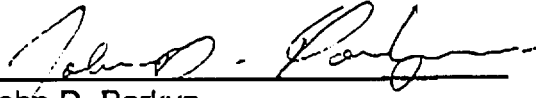
5. The PFS documents attached to this affidavit contain sensitive proprietary information concerning the estimated cost to design, license, procure equipment, construct, operate and maintain, and decommission the PFSF. The attached PFS documents also contain sensitive proprietary information

analyzing the economic benefits of the PFS under different operating scenarios based on PFS sensitive proprietary cost information.

6. The sensitive, proprietary commercial and financial information contained in the documents attached to this affidavit 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. The rational basis for not disclosing this type of information is that the information is commercially sensitive to the conduct of PFS' 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 PFS documents attached to this affidavit became available to PFS' 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, the PFS documents attached to this affidavit are being transmitted to the Commission in confidence under the provisions of 10 C.F.R. § 2.790 with the understanding that they and the information they contain will be

received and held in confidence by the Commission and withheld from public disclosure.



John D. Parkyn

Sworn to before me this 16 day of December 1998



Notary Public Meredith A. Jiracek
State of Wisconsin
My commission expires: 07-22-2001

ENERGY RESOURCES INTERNATIONAL, INC.

1015 18TH STREET, N.W., SUITE 650
WASHINGTON, D.C. 20036

TELEPHONE (202) 785-8833
FACSIMILE (202) 785-8834
EMAIL eri@energyresources.com

By Courier

May 27, 1999

Scott C. Flanders
Spent Fuel Project Office
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Mail Stop O-6 F18
Rockville, MD 20852-2738

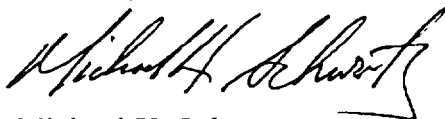
**Re: In the Matter of Private Fuel Storage, L.L.C.
Docket No. 72-22-ISFSI, 2.790 Affidavit**

Dear Mr. Flanders:

Enclosed please find my original signed affidavit pursuant to 10 C.F.R. § 2.790 in support of the transmittal by Private Fuel Storage L.L.C. ("PFS") of a proprietary cost study performed by Energy Resources International, Inc. ("ERI").

On December 18, 1998, PFS transmitted a copy of reference 1 from Chapter 7 of the Private Fuel Storage Facility ("PFSF") Environmental Report, an ERI cost study entitled "Utility At-Reactor Spent Fuel Storage Costs for the Private Fuel Storage Facility Cost-Benefit Analysis," dated December, 1997. Letter from P. Gaukler (ShawPittman) to M. Delligatti (NRC) Transmitting Proprietary ER References (Dec. 18, 1998). As transmitted by PFS, the ERI cost study was stamped prominently with the statement "PFS Confidential Information." PFS requested that the NRC withhold this document from public disclosure pursuant to 10 C.F.R. § 2.790. My enclosed affidavit provides ERI's reasons why the NRC should treat the ERI cost study as proprietary and should withhold it from disclosure pursuant to 10 C.F.R. § 2.790.

Sincerely,



Michael H. Schwartz

Enclosure

May 27, 1999

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

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| In the Matter of |) | |
| |) | |
| PRIVATE FUEL STORAGE L.L.C. |) | Docket No. 72-22 ISFSI |
| |) | |
| (Private Fuel Storage Facility) |) | |
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**Affidavit of Michael H. Schwartz
Pursuant to 10 C.F.R. § 2.790**

| | |
|----------------------|-------|
| CITY OF WASHINGTON |) |
| |) SS: |
| DISTRICT OF COLUMBIA |) |

Michael H. Schwartz, being duly sworn, states as follows:

1. I am Chairman of the Board of Energy Resources International, Inc. ("ERI"), a corporation organized and existing under the laws of the District of Columbia with its principal office currently located in Washington, D.C. In that capacity, I am responsible for the operation and management of ERI.

2. On December 18, 1998, through its client Private Fuel Storage L.L.C. ("PFS"), ERI provided to the NRC staff a copy of a ERI cost study performed for PFS entitled "Utility At-Reactor Storage Costs for the Private Fuel Storage Facility Cost-Benefit Analysis," dated December, 1997. This ERI cost study is reference 1 in Chapter 7 of the Environmental Report for the Private Fuel Storage Facility ("PFSF").

3. Some of the information contained in the ERI cost study provided to the NRC staff is sensitive proprietary commercial information that could cause great harm to

ERI if it were made publicly available. Accordingly, ERI requests the NRC to withhold this sensitive information, developed and owned by ERI, from public disclosure pursuant to 10 CFR 2.790 of its regulations. This affidavit supplies the reasons why this information should be withheld from public disclosure as required by the regulation.

4. The ERI cost study, as submitted by PFS, is prominently stamped with the statement "PFS Confidential Information." This ERI document was provided to the NRC staff only pursuant to review of the PFSF license application and not for any other reason.

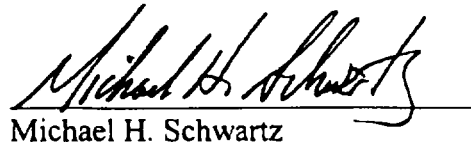
5. I am familiar with the sensitive commercial and financial information contained in the ERI cost study. I am authorized to speak to ERI's practice of maintaining such information proprietary and the harm that would befall ERI if it were publicly disclosed.

6. The ERI cost study contains sensitive proprietary information concerning the estimated cost to design, license, construct and operate spent fuel storage facilities. This proprietary commercial information has been developed by ERI at its own significant expense. The ERI cost study also contains sensitive proprietary information evaluating the economic benefits of the PFSF under different operating scenarios based on PFS sensitive proprietary information.

7. The sensitive, proprietary commercial information contained in the ERI cost study submitted to the NRC staff is information of the type customarily held in confidence by ERI, and this cost study is so held. ERI has provided this cost study to its client PFS under agreement that PFS hold ERI's cost study in confidence, and PFS has

done so. ERI 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 ERI's business, i.e., the provision of energy consulting analysis and services related to the nuclear power and spent fuel management, and its disclosure to competitors and customers could cause ERI substantial competitive harm. If the information contained in ERI cost study became available to ERI's competitors or customers (both current and potential), those parties would learn of sensitive commercial, cost and financial information which could be used in competition against ERI for customers or negotiation of contracts for consulting services. Such a result would place ERI at a significant competitive disadvantage in negotiations with potential clients, would provide potential competitors with competitively advantageous information, and would thereby cause ERI substantial commercial harm.

8. Accordingly, the ERI cost study was transmitted by ERI's client PFS to the Commission in confidence under the provisions of 10 C.F.R. § 2.790 with the understanding that they and the information they contain will be received and held in confidence by the Commission and withheld from public disclosure.


Michael H. Schwartz

Sworn to before me this 27th day of May 1999


Notary Public My commission expires March 14, 2003