

RAS 7629

# ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

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April 13, 2004

DOCKETED  
USNRC

April 20, 2004 (4:06PM)

By Electronic Filing and Mail Delivery

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Office of the Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
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Rockville, MD 20852-2738  
Attn: Docketing & Services Branch

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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

Dear Mr. Julian:

Today, Private Fuel Storage, L.L.C. ("PFS") is filing two pleadings that contain PFS proprietary information. The first pleading is a Motion for Stay Pending Commission Review being filed with the Atomic Safety and Licensing Board requesting the Board to stay, pending appeal, the effectiveness of its March 31, 2004 Memorandum and Order (Disclosure/Redaction of Evidentiary and Decisional Materials Relating to Contentions Utah E/Confederated Tribes F and Utah S; Adopting Transcript Corrections Relating to Contentions Utah E/Confederated Tribes F and Utah S) insofar as it orders the public disclosure of information that will be the subject of a petition for review that PFS will file later this week. This pleading contains confidential commercial and financial information concerning PFS cost estimates and the terms of the Model Service Agreement under which PFS would provide spent fuel storage services, among related matters. Thus, for the reasons previously set forth in the 2.790 affidavit and declarations of John D. Parkyn, Chairman of PFS, of May 15, 2000, September 25, 2000, September 28, 2000, December 4, 2000, and July 2, 2003, PFS requests that the NRC treat this pleading as confidential information under 10 C.F.R. § 2.790.

The second pleading, which is being filed with the Commission, contains PFS's designation of proposed redactions to CLI-04-10 issued by the Commission on March 24, 2004. It consists of a cover document, which does not contain proprietary information, and an appendix containing a copy of CLI-04-10 that is bolded to designate PFS proprietary information. Because CLI-04-10 contains confidential commercial and financial information concerning PFS cost estimates and the terms of the Model Service Agreement, PFS requests that, for the reasons previously set forth in the 2.790 affidavit and declarations of John D. Parkyn, Chairman of PFS, of May 15, 2000, September 25,

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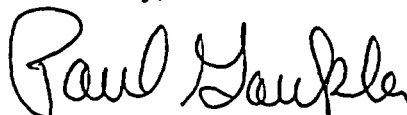
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2000, September 28, 2000, December 4, 2000, and July 2, 2003, the NRC treat the appendix to this second pleading as confidential information under 10 C.F.R. § 2.790.

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

Sincerely,

  
Paul A. Gaukler

cc: Nils J. Diaz, Chairman  
Edward McGaffigan, Jr., Commissioner  
Jeffrey S. Merrifield, Commissioner  
G. Paul Bollwerk, III, Esq.  
Dr. Jerry R. Kline  
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