



72-22

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 29, 1999

Mr. John D. Parkyn
Chairman of the Board
Private Fuel Storage, L.L.C.
P.O. Box C4010
La Crosse, WI 54602-4010

SUBJECT: PUBLIC DISCLOSURE DETERMINATION

Dear Mr. Parkyn:

By letter dated December 18, 1998, and affidavit executed by you on December 16, 1998, you submitted "PFSLLC, Private Fuel Storage L.L.C. Business Plan, January 1997," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. The affidavit stated that the document contained sensitive information concerning the estimate cost to design, license, procure equipment, construct, operate, maintain, and decommission the proposed Private Fuel Storage, L.L.C. (PFS) independent spent fuel storage installation.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure because the information is commercially sensitive to the conduct of PFS' business, i.e., the development of an independent spent fuel storage facility, and its disclosure to competitors and customers could place PFS at a competitive disadvantage and cause PFS substantial harm.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the "PFSLLC, Private Fuel Storage L.L.C. Business Plan, January 1997" marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the Nuclear Regulatory Commission (NRC). You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the

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J. Parkyn

NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure. If you have any questions regarding this matter, I may be reached at 301-415-8500.

Sincerely,

ORIGINAL SIGNED BY SUSAN F. SHANKMAN FOR /s/

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-22

cc: Service List

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Private Fuel Storage

cc:

Mr. John D. Parkyn
Chairman of the Board
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La Crosse, WI 54602-4010

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The Honorable Michael O. Leavitt
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The Honorable Leon D. Bear, Chairman
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