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Private Fuel Storage, L.L.C.

ADJ

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John D. Parkyn, Chairman of the Board

September 29, 2000

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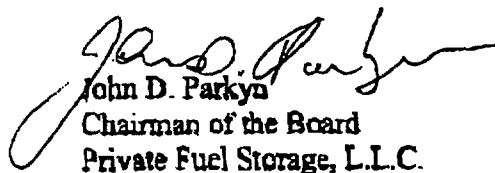
Re: Private Fuel Storage - Docket No. 72-22 - ASLBP No. 97-732-02

To the Secretary of the Commission:

Today, Private Fuel Storage ("PFS") is filing with respect to the licensing proceeding for its Private Fuel Storage Facility ("PFSF") the "Model of Agreement for Storage of Spent Nuclear Fuel" ("Model Service Agreement") at the PFSF, along with a cover pleading entitled, "Applicant's Submission of Model Service Agreement" ("Cover Pleading"). Both the Model Service Agreement and the Cover Pleading contain sensitive proprietary commercial and financial information that could cause great harm to PFS if they were made publicly available. Accordingly, PFS requests that the NRC treat both documents as confidential information under 10 C.F.R. § 2.790 for the reasons set forth in my Declaration enclosed with this letter.

If you have any questions, please contact Paul Gaukler of Shaw Pittman at (202) 663-1304.

Sincerely,


John D. Parkyn
Chairman of the Board
Private Fuel Storage, L.L.C.

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SECY-02

Emil L. Julian
September 29, 2000
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cc: G. Paul Bollwerk III, Esq.
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John Paul Kennedy, Esq. (without enclosures)
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2. PFS is submitting to the Atomic Safety and Licensing Board in the licensing proceeding for the Private Fuel Storage Facility (“PFSF”) the “Model Agreement for Storage of Spent Nuclear Fuel” (“Model Service Agreement”) at the PFSF, along with a cover pleading entitled, “Applicant’s Submission of Model Service Agreement” (“Cover Pleading”) The Model Service Agreement and the Cover Pleading are being submitted pursuant to the Commission’s decision in Private Fuel Storage (Independent Spent Fuel Storage Installation), CLI-00-13 __ NRC __, slip op. at __ (2000). Included in both of these documents 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 declaration supplies the reasons why this information should be withheld from public disclosure as required by the regulation.

3. The Model Service Agreement and Cover Pleading that PFS requests the Commission to treat as proprietary and to withhold from public disclosure are being filed in conjunction with this declaration. Both documents are clearly identified as "Containing Proprietary Information." I am familiar with the sensitive commercial and financial information contained in both 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 Model Service Agreement and Cover Pleading contain sensitive proprietary information concerning terms and conditions under which PFS would agree to store spent nuclear fuel at the PFSF. The Model Service Agreement sets forth model terms under which PFS would provide such services. The Cover Pleading summarize the terms of the Model Service Agreement pertinent to PFS's meeting the proposed financial assurance License Conditions for the PFSF, including the payment provisions of the Model Service Agreement. The sensitive, proprietary commercial and financial information contained in both 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.

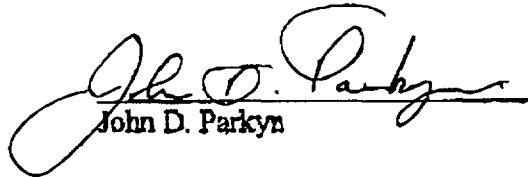
5. The rational basis for not disclosing this type of information is that the information is commercially sensitive to the conduct of PFS's business, i.e., the development and operation of an independent spent fuel storage facility, and its disclosure to competitors and customers could cause PFS substantial competitive harm. If the information contained in the

ments became available to PFS' competitors or customers (both current and potential), those competitors 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 Model Service Agreement and Cover Pleading being filed in connection 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 both 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.

Witness my hand on September 28, 2000


John D. Parkyn