

Private Fuel Storage, L.L.C.

7677 East Berry Ave., Englewood, CO 80111-2137

Phone 303-741-7009 Fax: 303-741-7806

John L. Donnell, P.E., Project Director

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

November 22, 2000

**PROPRIETARY RESPONSES TO THIRD ROUND EIS
REQUEST FOR ADDITIONAL INFORMATION
DOCKET NO. 72-22/TAC NO. L22462
PRIVATE FUEL STORAGE FACILITY
PRIVATE FUEL STORAGE L.L.C.**

- References:
1. NRC letter, Delligatti to Parkyn, Request for Additional Information for the Environmental Impact Statement, dated October 24, 2000
 2. PFS letter, Donnell to NRC, Proprietary Responses to Third Round EIS Request for Additional Information, dated November 15, 2000
 3. PFS letter, Donnell to NRC, Responses to Third Round EIS Request for Additional Information, dated November 15, 2000
 4. PFS letter, Donnell to NRC, Responses to Third Round EIS Request for Additional Information, dated November 22, 2000

Reference 1 submitted the NRC's Third Round Environmental Impact Statement (EIS) Request for Additional Information. Reference 2 submitted the proprietary electronic files of the cost-benefit analyses performed by Energy Resources International, Inc. (ERI) to address question no. 5 of Reference 1, assuming that spent fuel continues to be received at the PFSF subsequent to 20 years of facility operation (discussed in Reference 3). The purpose of this letter is to submit the proprietary electronic files of the cost-benefit analyses performed by ERI to address question nos. 5 and 6 of Reference 1, assuming that no spent fuel is received at the PFSF subsequent to 20 years of facility operation (discussed in Reference 4). In addition, the Reference 2 proprietary electronic files have been revised to address an NRC comment discussed in Reference 3. Specifically, the NRC requested that the cost-benefit analyses consider the effects of modifications to fuel pools of some of the operating reactors that may increase the spent fuel inventory of the pools by means of installation of higher density fuel racks, or installation of fuel racks in previously unracked areas of the fuel pools. In those cases where "reracking" significantly increased a pool's storage capacity, the latest cost benefit analyses reflect consequent delays in the date of projected loss of full-core offload capability which impacts the timing of spent fuel shipments from these reactors to the PFSF. The effects of fuel pool

NMSSO/PROP

reracking have been incorporated in the latest cost-benefit analyses contained in the attached proprietary electronic files which assume that no spent fuel is received at the PFSF subsequent to 20 years of facility operation. In addition, the previous proprietary electronic files submitted in Reference 2, which assume that spent fuel continues to be received at the PFSF subsequent to 20 years of facility operation, have also been revised to address this comment and are included in the attached proprietary electronic files.

The electronic files attached to this letter contain spreadsheet logic and algorithms that are not accessible in the Reference 3 or 4 hard-copy responses to question nos. 5 and 6, nor in the electronic files contained in the diskettes enclosed with References 3 and 4. The logic and algorithms were developed by ERI, and are considered proprietary by ERI. The Attachment to this letter is the affidavit which provides ERI's reasons for requesting that the NRC treat the compact disc and electronic file as proprietary in accordance with 10 CFR 2.790. The CDROM that contains the proprietary electronic files of the cost-benefit analyses, both those assuming that spent fuel continues to be received at the PFSF subsequent to 20 years of facility operation (updated from the Reference 2 submittal), and those assuming that no spent fuel is received at the PFSF subsequent to 20 years of operation, is also included with Attachment 1.

If you have any questions regarding this response, please contact me at 303-741-7009.

Sincerely



John L. Donnell
Project Director
Private Fuel Storage L.L.C.

Attachments

Copy to (with Attachments):

Scott Flanders (2 copies)
Greg Zimmerman
Jay Silberg

Copy to (without Attachments):

Mark Delligatti
John Parkyn
John Paul Kennedy
Richard E. Condit

Sherwin Turk
Scott Northard
Denise Chancellor
Joro Walker

ATTACHMENT 1

**Affidavit for Energy Resources International, Inc's. (ERI's)
Electronic File of Cost-Benefit Analyses Performed to Address
Question Nos. 5 and 6 of EIS RAI #3, and CDROM Containing ERI's
Proprietary Electronic File of Cost-Benefit Analyses**

**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 Eileen M. Supko
Pursuant to 10 CFR 2.790

CITY OF WASHINGTON)

SS:

DISTRICT OF COLUMBIA)

Eileen M. Supko, being duly sworn, states as follows:

1. I am a Senior Consultant with Energy Resources International, Inc. (ERI), supporting Private Fuel Storage L.L.C. ("PFS") on the Private Fuel Storage Facility ("PFSF") project. As a consultant to PFS on the PFSF, I am responsible for performing projections of utility at-reactor spent fuel storage requirements and associated analyses to be used as input to the PFS cost benefit analysis.

2. PFS is filing with the NRC the results of an updated costs benefit analysis for the proposed PFSF as requested by NRC in "*Request for Additional Information for the Environmental Impact Statement (TAC No. L22482)*", dated October 24, 2000.(10/24/00 RAI). The results of the updated analyses are contained in "*Responses to Third Round EIS Request for Additional Information*", Docket No. 72-22 / TAC No. L22462, Private Fuel Storage Facility, Private Fuel Storage LLC, submitted November 22, 2000 (RAI Response 11/22/00). Some of the information contained in the analyses performed by ERI to support PFSF cost benefit

analysis is sensitive, proprietary, and commercial information that could cause great harm to ERI if it were made publicly available. Accordingly, ERI requests the NRC to withhold this information, developed and owned by ERI, from public disclosure pursuant to 10 C.F.R. 2.790 of its regulations. This affidavit supplies the reasons why this information should be withheld from public disclosure as required by the regulation.

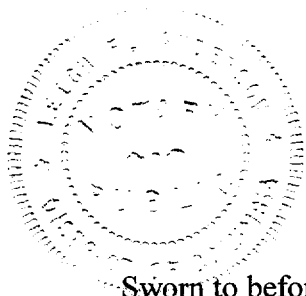
3. ERI's analyses contained in RAI Response 11/22/00 was performed to support PFS' cost benefit analysis. The enclosed CD-ROM contains copies of the electronic spreadsheets used to calculate utility at-reactor storage costs to support ERI's analyses summarized in RAI Response 11/22/00. The electronic spreadsheets on the enclosed CD-ROM contain the sensitive, proprietary, and commercial information which ERI requests the Commission to treat as proprietary and to withhold from public disclosure. The summary of the analysis in response to Questions 5 and 6 of the 10/24/00 RAI as contained in RAI Response 11/22/00 may be fully disclosed.

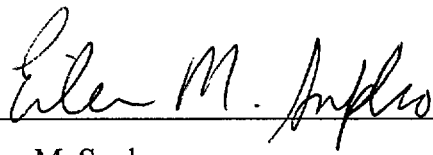
4. I am familiar with the sensitive, proprietary, and commercial information contained in ERI's analyses (Attachment to this affidavit). I am authorized to speak to ERI's practice of maintaining such information proprietary and the harm that would befall ERI if it were publicly disclosed.

5. ERI requests that the electronic spreadsheets contained on the CD-ROM (Attachment to this affidavit) remain proprietary and confidential due to the investment of time and money by ERI in developing the logic and algorithms contained in the spreadsheets associated with the modeling of system-wide waste management costs that provide ERI with a unique analysis capability that it would like to retain. This information is information of the type customarily held in confidence by ERI, and this information is so held. 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 the electronic files is that the information is commercially sensitive to the conduct of ERI's business, i.e., modeling the costs associated with spent nuclear fuel management in the U.S., and its disclosure to competitors could cause ERI substantial harm. If the electronic files contained in ERI's analyses (Attachment to this affidavit) became available to ERI's competitors, those parties would learn of sensitive information which could be used against

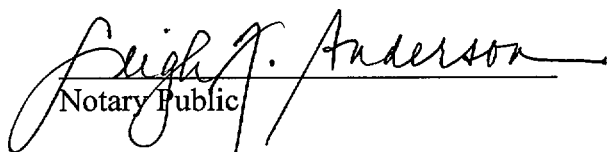
ERI in the competition for customers. Such a result would provide potential competitors with competitively advantageous information, and cause ERI substantial commercial harm.

6. Accordingly, the electronic spreadsheets contained on the CD-ROM included in ERI's analyses (Attachment to this affidavit) is being transmitted to the Commission in confidence under the provisions of 10 C.F.R. 2.790 with the understanding that it will be received and held in confidence by the Commission and withheld from public disclosure.




Eileen M. Supko

Sworn to before me this 21 day of November 2000


Notary Public

LEIGH F. ANDERSON
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires September 30, 2004

Attachment

PROPRIETARY INFORMATION