



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

May 11, 1999

Mr. John D. Parkyn, Chairman
Private Fuel Storage, L.L.C.
P.O. Box C4010
LaCrosse, WI 54602-4010

SUBJECT: PUBLIC DISCLOSURE DETERMINATION, PRIVATE FUEL STORAGE, L.L.C.,
RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION
(TAC NO. L22462)

Dear Mr. Parkyn:

By letter dated February 10, 1999, Private Fuel Storage, L.L.C. (PFS) submitted information to support its application to license an independent spent fuel storage installation (ISFSI) on the reservation of the Skull Valley Band of Goshute Indians. Specifically, PFS submitted responses to Financial Questions 1-1, 1-2, and 1-3 of the staff's December 10, 1999, request for additional information (RAI). The responses address financing for the construction and operation of the PFS ISFSI and estimate the cost for constructing a rail transportation spur to the ISFSI site.

The letter included an affidavit executed by you on February 9, 1999. The affidavit characterizes the information as sensitive commercial and financial information and requests that the information be withheld from public disclosure pursuant to 10 CFR 2.790 for the following reasons:

- (1) Disclosure of the information would allow competitors and customers to learn sensitive financial information which could be used against PFS in competition for customers or during negotiation of contracts or services.
- (2) Disclosure of the information could place PFS at a significant competitive disadvantage which could cause substantial commercial harm.

With regard to the provisions of 10 CFR 2.790(b)(4), you state that the information is of a type customarily held in confidence by PFS and that the information has been so held. You further state that the information is not customarily disclosed to the public and is not available in public sources. Finally you state that the information is being transmitted to the Nuclear Regulatory Commission in confidence under the provisions of 10 CFR 2.790 with the understanding that it is to be received in confidence. 110
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On the basis of your submittal, our review of your submittal and affidavit, and in light of the requirements of 10 CFR 2.790, we have determined that your response to Financial Questions 1-1, 1-2, and 1-3 transmitted by your February 10, 1999, letter should be withheld from public disclosure pursuant to 10 CFR 2.790.

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It is the policy of the NRC to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the basis for and effects of licensing and rulemaking actions. 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 disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify NRC. Please be advised that 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 withheld information. In all review situations, if NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

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

Docket No.: 72-22

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