

*Private Fuel Storage, LLC*

*P.O. Box C4010, La Crosse, WI 54602-4010*

*John D. Parkyn, Chairman of the Board*

October 19, 1999

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

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

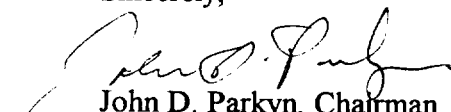
References: 1) NRC Letter, Flanders to Parkyn, Request for Additional Information for the Environmental Impact Statement, dated August 19, 1999  
2) PFSLLC Letter, Parkyn to U.S. NRC Document Control Desk, Responses to Second Round EIS Request for Additional Information, dated October 19, 1999

Please find enclosed a Private Fuel Storage response to the NRC's Second Round EIS Request for Additional Information (Reference 1). The enclosed response to EIS RAI No. 2, Question 4-21, contains proprietary information. Non-proprietary RAI responses are being submitted under separate cover (Reference 2).

The attached affidavit provides Private Fuel Storage reasons for requesting that the NRC treat the enclosed material as proprietary in accordance with 10 CFR 2.790.

If you have any questions regarding this submittal, please contact me at 608-787-1236 or Mr. J. L. Donnell, Project Director, at 303-741-7009.

Sincerely,

  
John D. Parkyn, Chairman  
Private Fuel Storage L.L.C.

JDP:JRJ  
Attachment  
Enclosure

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CC: Ms. Chancellor, Esq. – State of Utah  
Mr. Delligatti – U.S. NRC  
Mr. Donnell – Stone & Webster Engineering  
Mr. Flanders – U.S. NRC (8 copies)  
Mr. Northard – Northern States Power Company  
Mr. Silberg, Esq. – Shaw, Pittman, Potts & Trowbridge

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

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In the Matter of )  
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PRIVATE FUEL STORAGE L.L.C. )  
 )  
 )  
(Private Fuel Storage Facility) )  
\_\_\_\_\_ )

Docket No. 72-22 ISFSI

**Affidavit of John D. Parkyn  
Pursuant to 10 CFR 2.790**

CITY OF LA CROSSE )  
 )  
STATE OF WISCONSIN )

SS:

John D. Parkyn, being duly sworn, states as follows:

1. I am Chairman of the Board of Private Fuel Storage L.L.C. ("PFS"), a limited liability company organized and existing under the laws of the State of Delaware with its principle office located in La Crosse, Wisconsin. In that capacity, I am responsible for the operational and managerial matters of PFS.

2. PFS is filing with the NRC a response to a Request for Additional Information, dated October 19, 1999 (TAC NO. L22462) regarding PFS' application for a license to construct and operate an independent spent fuel storage installation on the reservation of the Skull Valley Band of Goshute Indians. Some of the information contained in PFS' response is sensitive, proprietary, and commercial information that could cause great harm to PFS if it were made publicly available. Accordingly, PFS requests the NRC to withhold this information, developed and owned by PFS, 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. The complete unredacted version of PFS' response containing the sensitive, proprietary, and commercial information for which PFS requests the Commission to treat as proprietary and to withhold from public disclosure is attached to this affidavit.

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

5. PFS' response (Attachment to this affidavit) contains detailed sensitive data associated with the selection of the Private Fuel Storage Facility site. This information is information of the type customarily held in confidence by PFS, and this information is so held. PFS does not disclose this type of information to the public and it is not available from public sources. The rational basis for not disclosing this type of information is that 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 cause PFS substantial harm. If the information contained in PFS' response (Attachment to this affidavit) became available to PFS' competitors or customers (both current and potential), those parties would learn of sensitive information 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 information included in PFS' response attached 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.



John D. Parkyn

John D. Parkyn

Sworn to before me this 14<sup>th</sup> day of October 1999

Carol J. Kirchhof  
Notary Public

Carol J. Kirchhof  
Notary Public - State of Wisconsin  
My Commission Expires: June 1, 2003

**CAROL J. KIRCHHOF**  
**Notary Public**  
**State of Wisconsin**

**Attachment**

**PROPRIETARY INFORMATION**