

February 9, 2001

Ms. Eileen Supko
Senior Consultant
Energy Resource International, Inc.
1015 18th Street, NW, Suite 650
Washington, D.C. 20036

SUBJECT: PUBLIC DISCLOSURE DETERMINATION

Dear Ms. Supko:

By letters dated November 15 and November 22, 2000, Private Fuel Storage, L.L.C. (PFS) submitted electronic copies (CD-ROMs) of financial analyses performed by Energy Resources International (ERI) and an affidavit executed by you on November 14 and November 21, 2000, respectively, that requested the information be withheld from public disclosure pursuant to 10 CFR 2.790. These financial analyses were submitted in conjunction with PFS' response to the third round environmental impact statement request for additional information (RAI) included in its application for the proposed PFS facility. Specifically, the proprietary information provided was to support PFS' November 15 and November 22, 2000, submittal that responded to the RAI for the proposed facility. The affidavit stated that the CD-ROMs contained sensitive, proprietary, and commercial information that could cause great harm to ERI if it were made publicly available.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure because:

- the information is commercial sensitive to the conduct of ERI's business and its disclosure could cause ERI substantial harm.
- time and money were invested by ERI in developing the logic and algorithms contained in the financial analyses. The logic and algorithms are 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 is information of the type customarily held in confidence by ERI, and this information is so held.

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 ERI information marked as proprietary in the November 15 and November 20, 2000, PFS submittals, 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 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 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,
/RA/ original signed by /s/
E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-22

cc: Service Lists

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***see previous concurrence**

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