

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

PAUL A. GAUKLER
 (202) 663-8304
 paul.gaukler@shawpittman.com

April 13, 2004

DOCKETED
 USNRC

April 20, 2004 (4:06PM)

By Electronic Filing and Mail Delivery

Emile L. Julian
 Assistant for Rulemakings and Adjudications
 Rulemakings and Adjudications Staff
 Office of the Secretary of the Commission
 U. S. Nuclear Regulatory Commission
 11555 Rockville Pike, One White Flint North
 Rockville, MD 20852-2738
 Attn: Docketing & Services Branch

OFFICE OF SECRETARY
 RULEMAKINGS AND
 ADJUDICATIONS STAFF

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

Dear Mr. Julian:

Today, Private Fuel Storage, L.L.C. ("PFS") is filing two pleadings that contain PFS proprietary information. The first pleading is a Motion for Stay Pending Commission Review being filed with the Atomic Safety and Licensing Board requesting the Board to stay, pending appeal, the effectiveness of its March 31, 2004 Memorandum and Order (Disclosure/Redaction of Evidentiary and Decisional Materials Relating to Contentions Utah E/Confederated Tribes F and Utah S; Adopting Transcript Corrections Relating to Contentions Utah E/Confederated Tribes F and Utah S) insofar as it orders the public disclosure of information that will be the subject of a petition for review that PFS will file later this week. This pleading contains confidential commercial and financial information concerning PFS cost estimates and the terms of the Model Service Agreement under which PFS would provide spent fuel storage services, among related matters. Thus, for the reasons previously set forth in the 2.790 affidavit and declarations of John D. Parkyn, Chairman of PFS, of May 15, 2000, September 25, 2000, September 28, 2000, December 4, 2000, and July 2, 2003, PFS requests that the NRC treat this pleading as confidential information under 10 C.F.R. § 2.790.

The second pleading, which is being filed with the Commission, contains PFS's designation of proposed redactions to CLI-04-10 issued by the Commission on March 24, 2004. It consists of a cover document, which does not contain proprietary information, and an appendix containing a copy of CLI-04-10 that is bolded to designate PFS proprietary information. Because CLI-04-10 contains confidential commercial and financial information concerning PFS cost estimates and the terms of the Model Service Agreement, PFS requests that, for the reasons previously set forth in the 2.790 affidavit and declarations of John D. Parkyn, Chairman of PFS, of May 15, 2000, September 25,

Template=SECY-043

2300 N Street, NW Washington, DC 20037-1128

202.663.8000 Fax: 202.663.8007

SECY-02

www.shawpittman.com


Washington, DC
 Northern Virginia
 New York
 Los Angeles
 London

Emile L. Julian
April 13, 2004
Page 2

2000, September 28, 2000, December 4, 2000, and July 2, 2003, the NRC treat the appendix to this second pleading as confidential information under 10 C.F.R. § 2.790.

If you have any questions, please contact me at (202) 663-8304.

Sincerely,


Paul A. Gaukler

cc: Nils J. Diaz, Chairman
Edward McGaffigan, Jr., Commissioner
Jeffrey S. Merrifield, Commissioner
G. Paul Bollwerk, III, Esq.
Dr. Jerry R. Kline
Dr. Peter S. Lam
Sherwin Turk, Esq.
Denise Chancellor, Esq.
Office of Commission, Appellate Adjudication
Adjudicatory File, Atomic Safety and Licensing Board Panel
Diane Curran, Esq.
John Paul Kennedy, Esq.
Joro Walker, Esq.
Timothy Vollmann, Esq.
Paul Echohawk, Esq.