

Private Fuel Storage, L.L.C.

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

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

November 19, 1999

**EIS COMMITMENT RESOLUTION LETTER #3 – PROPRIETARY
DOCKET NO. 72-22/TAC NO. L22462
PRIVATE FUEL STORAGE FACILITY
PRIVATE FUEL STORAGE L.L.C.**

- References:
1. U.S.NRC letter, Flanders to Parkyn, Request For Additional Information For The Environmental Impact Statement (TAC No. L22462), dated August 19, 1999
 2. PFS letter, Parkyn to U.S. NRC, Responses To Second Round EIS Request For Additional Information, dated October 19, 1999
 3. PFS letter, Donnell to U.S. NRC, EIS Commitment Resolution Letter #1, dated November 12, 1999
 4. PFS letter, Donnell to U.S. NRC, EIS Commitment Resolution Letter #2, dated November 19, 1999

During our November 5, 1999 conference call, the NRC/ORNL requested clarification and additional information regarding several RAI responses provided by Private Fuel Storage (PFS) in Reference 2. Responses were provided to most of these requests in Reference 3, which indicated that an additional letter(s) would be forthcoming to provide information associated with the remaining requests, specifically EIS RAI No. 2, Questions 2-5 and 5-1. The remaining information requested by the NRC/ORNL was provided in Reference 4, with the exception of certain proprietary information that is being forwarded by this letter.

In response to additional information requested by the NRC related to EIS RAI No. 2, Question 2-5, PFS provided a discussion in Reference 4 of information from a local Tooele County contractor that has performed large construction projects in the Utah West Desert similar to the PFS project. As stated in Reference 4, the contractor provided a letter to PFS indicating that, based on historical experience, the North end of the Stansbury Mountains has the capacity to provide the quantity and quality of water needed for construction of the PFSF, and the Low Corridor rail line or the Intermodal Transfer Point (ITP). The contractor's letter itself is proprietary, and was not included in

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Reference 4. This proprietary letter is included in Attachment 1, herein. Attachment 2 is the affidavit which provides PFS's reasons for requesting that the NRC treat the contractor's letter as proprietary in accordance with 10 CFR 2.790.

In response to additional information requested by the NRC related to EIS RAI No. 2, Question 5-1, PFS submitted in Reference 4 a report by Energy Resources International, Inc. (ERI) entitled "Utility At-Reactor Spent Fuel Storage Costs For the Private Fuel Storage Facility Cost-Benefit Analysis" (ERI-2025-9901). This report provides the annualized avoided costs (benefits) for a 2002 PFS versus repository only cases. As stated in Reference 4, the electronic file of this ERI report is proprietary to ERI. The electronic file contains spreadsheet logic and algorithms that are not accessible in the hard-copy report. These logic and algorithms were developed by ERI, and are considered proprietary by ERI, Attachment 3 of this letter is the CDROM that contains the proprietary electronic file of the ERI report. Attachment 4 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.

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: Scott Flanders-1/2
Jay Silberg-1/1
Mark Delligatti-1/0
Sherwin Turk-1/0
Denise Chancellor-1/0
John Parkyn-1/0
Scott Northard-1/0
Murray Wade-1/0
Richard E. Condit-1/0
John Paul Kennedy-1/0
Joro Walker-1/0

ATTACHMENT 2

Affidavit for Letter from
Tooele County Contractor

November 19, 1999

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
PRIVATE FUEL STORAGE L.L.C.) Docket No. 72-22
)
(Private Fuel Storage Facility))

**AFFIDAVIT OF JOHN L. DONNELL PURSUANT TO 10 C.F.R. § 2.790
REGARDING WITHHOLDING OF PROPRIETARY INFORMATION
PROVIDED TO THE NRC STAFF**

CITY OF ENGLEWOOD)
) SS:
STATE OF COLORADO)

I, John L. Donnell, being duly sworn, state as follows:

1. I am Project Director for Private Fuel Storage, L.L.C. ("PFS"), a limited liability company organized and existing under the laws of the State of Delaware with its principal office currently located in La Crosse, Wisconsin. I report directly to John Parkyn, the Chairman of the Board of PFS. In my capacity as Project Director, I am responsible for the execution and integration of the legal and technical activities of the Private Fuel Storage Facility ("PFSF") project. I am authorized to apply for the withholding of proprietary information on behalf of PFS.
2. PFS is providing to the Nuclear Regulatory Commission ("NRC") staff a copy of the PFS document attached to this affidavit which PFS requests the NRC to treat as

proprietary and to withhold from public disclosure. The document is prominently stamped with the statement "Proprietary." The document is being provided to the NRC staff to facilitate its review of the PFS license application to construct and operate the PFSF and not for any other reason.

3. The information contained in the attached document is sensitive, proprietary commercial information that could cause great harm to PFS if it were made publicly available. Accordingly, PFS requests the NRC to withhold this sensitive, proprietary commercial information, owned by PFS, from public disclosure pursuant to 10 C.F.R. § 2.790 of its regulations. This affidavit provides the reasons why this information should be withheld from public disclosure as required by the regulation.

4. I have been delegated the function of reviewing the attached PFS document attached to this affidavit and I have reviewed and am familiar with the sensitive, proprietary commercial information contained in the document. I am authorized to speak to the PFS practice of maintaining such information in confidence and the harm that would befall PFS if it were to be publicly disclosed.

5. The PFS document attached to this affidavit contains sensitive, proprietary commercial information concerning the identity of a business entity that is a consultant and potential supplier to PFS and the business entity's role in connection with PFS. PFS is the owner of this information. The business entity has supplied commodities and services in the past for construction contracts in the vicinity of the PFSF project, and has

supplied consulting services and may supply construction commodities and services to PFS for the PFSF project. The business entity is reluctant to act as a consultant to PFS if its identity in connection with PFS is disclosed to the public at this time. The proprietary document attached to this affidavit discloses the identity of the business entity and its connection to PFS throughout the document. PFS therefore requests that the attached document be withheld in its entirety from public disclosure.

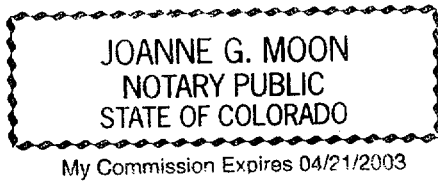
6. PFS has held the sensitive, proprietary commercial information contained in the attached document in confidence and the information is of the type customarily held in confidence by PFS. PFS has not disclosed this information to the public, and it is not available from public sources. The rational basis for not disclosing this information is that public disclosure of the information would result in the business entity's services becoming unavailable to PFS. The business entity is a valuable consultant and potential supplier to PFS, and its unavailability could cause substantial harm to the commercial and competitive position of PFS.

7. Accordingly, the PFS document 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 and the sensitive commercial information it contains will be received and held in confidence by the Commission and will be withheld from public disclosure.

John L. Donnell
John L. Donnell

Sworn to before me this 19th day of November 1999

Joanne G. Moon
Notary Public



ATTACHMENT 3

**CDROM Containing Energy Resources International, Inc. (ERI)
Proprietary Electronic File of Report ERI-2025-9901**

ATTACHMENT 4

Affidavit for Energy Resources International, Inc. (ERI)
Electronic File of Report ERI-2025-9901

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In the Matter of)	
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PRIVATE FUEL STORAGE L.L.C.)	Docket No. 72-22 ISFSI
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)	
(Private Fuel Storage Facility))	
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CITY OF WASHINGTON)
) SS:
DISTRICT OF COLUMBIA)

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 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 the analyses performed by ERI to support PFS' response 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

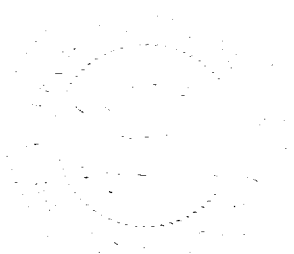
C.F.R. 2.790 of its regulations. This affidavit supplies the reasons why this information should be withheld from public disclosure as required by the regulation.

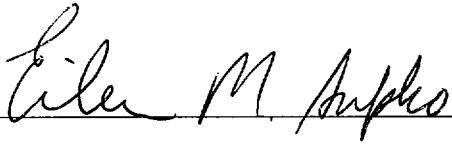
3. ERI's analyses, "Utility At-Reactor Spent Fuel Storage Costs For the Private Fuel Storage Facility Cost-Benefit Analysis, Revision 1," ERI-2025-9901, November 1999, is attached along with a CD-ROM containing copies of the electronic spreadsheets used to calculate utility at-reactor storage costs to support ERI's analyses. 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 document identified as ERI-2025-9901, may be fully disclosed. Please note that hard copy printouts of the resulting calculations from the proprietary electronic spreadsheets are contained in ERI-2025-9901, Appendices B through M, and may also be fully disclosed.

4. I am familiar with the sensitive, proprietary, and commercial information contained in ERI's response (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.

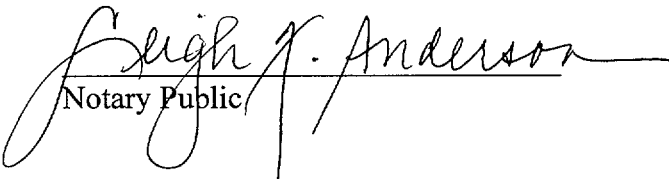
5. ERI requests that the electronic spreadsheets contained on the CD-ROM (Attachment to this affidavit) remain proprietary and confidential due to the investment of time and money by ERI in developing the logic and algorithms contained in the spreadsheets associated with the modeling of system-wide waste 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 response (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 response (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 16 day of November 1999


Notary Public

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

ATTACHMENT 1

Proprietary Letter to PFS from Tooele County Contractor