



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

November 30, 1999

Mr. John D. Parkyn  
Chairman of the Board  
Private Fuel Storage, L.L.C.  
P.O. Box C4010  
La Crosse, WI 54602-4010

SUBJECT: PUBLIC DISCLOSURE DETERMINATION

Dear Mr. Parkyn:

By letter dated February 18, 1999, and affidavit executed by you on February 16, 1999, you submitted responses to certain portions of the Nuclear Regulatory Commission (NRC) request for additional information (RAI), dated December 18, 1998, and requested that they be withheld from public disclosure pursuant to 10 CFR 2.790. Specifically, you provided proprietary responses to RAIs 6-2 and 15-3. The response to RAI 6-2 included a field investigation report that was identified by you as proprietary. With the exception of the field investigation report, a nonproprietary version of the responses to the RAI were submitted under separate cover dated February 18, 1999, for placement in the NRC public document room.

After discussion with the NRC staff, Private Fuel Storage (PFS) submitted, by letter dated July 30, 1999, a non-proprietary version of the field investigation report.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure because 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 place PFS at a competitive disadvantage and cause PFS substantial harm.

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 version(s) of the submitted information marked as proprietary 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.

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J. Parkyn

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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,  
ORIGINAL SIGNED BY /s/ Susan Shankman for  
E. W. Brach, Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-22

cc: Service List

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Private Fuel Storage

cc:

Mr. John D. Parkyn  
Chairman of the Board  
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