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Before the Atomic Safety and Licensing Board

**ASLBP No. 97-732-02-ISFSI**

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2. PFS is providing to the Commission a motion for summary disposition of Contention Utah E/Confederated Tribes F, "Applicant's Motion for Partial Summary Disposition Of Utah Contention E and Confederated Tribes Contention F – Financial Assurance," and the Declaration of John Parkyn (which includes the PFS Amended and Restated Limited

Liability Company Agreement as an exhibit), in support of the motion, pursuant to the licensing proceeding for the Private Fuel Storage Facility ("PFSF"), an independent spent fuel storage installation, on the reservation of the Skull Valley Band of Goshute Indians. Some of the information contained in the PFS motion and the Parkyn declaration is sensitive proprietary commercial and financial information that could cause great harm to PFS if it were made publicly available. Accordingly, PFS requests the NRC to withhold this sensitive information, developed and owned by PFS, from public disclosure pursuant to 10 CFR 2.790 of its regulations. This affidavit supplies the reasons why this information should be withheld from public disclosure as required by the regulation.

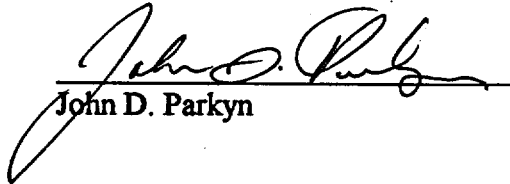
3. The PFS documents containing the sensitive, proprietary commercial and financial information for which PFS requests the Commission to treat as proprietary and to withhold from public disclosure are attached to this affidavit. Each of the documents is prominently marked that it contains "Proprietary" information. These PFS documents are being provided to the Commission pursuant to the licensing proceeding for the Private Fuel Storage Facility ("PFSF").

4. I am familiar with the sensitive commercial and financial information contained in the PFS documents attached to this affidavit. I am authorized to speak to PFS's practice of maintaining such information proprietary and the harm that would befall PFS if it were publicly disclosed.

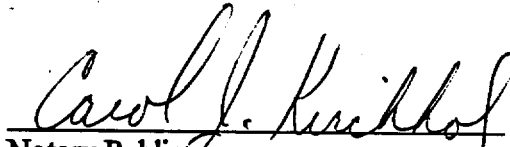
5. The PFS documents attached to this affidavit contain sensitive proprietary information concerning PFS financial and business plans including evaluation of the financial viability and potential financial liability of the PFSF, financial comparison of the PFSF to potential competitors, PFS financing arrangements, PFS budgeting, PFS corporate agreements, PFS financial agreements and cost estimates and cost-related strategies for construction, operation and decommissioning of the PFSF.

6. The sensitive, proprietary commercial and financial information contained in the documents attached to this affidavit is information of the type customarily held in confidence by PFS, and this information and these documents are 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 and operation of an independent spent fuel storage facility, and its disclosure to competitors and customers could cause PFS substantial competitive harm. If the information contained in the PFS documents attached to this affidavit became available to PFS' competitors or customers (both current and potential), those parties would learn of sensitive commercial, cost and financial 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.

7. Accordingly, the PFS documents attached to this affidavit are being transmitted to the Commission in confidence under the provisions of 10 C.F.R. § 2.790 with the understanding that they and the information they contain will be received and held in confidence by the Commission and withheld from public disclosure.

  
John D. Parkyn

Sworn to before me this 2<sup>nd</sup> day of December 1999

  
Notary Public  
My Commission Expires: June 1, 2003

CAROL J. KIRCHHOF  
Notary Public  
State of Wisconsin