



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

December 20, 1999

Mr. John L. Donnell
Project Director
Private Fuel Storage, L.L.C.
P.O. Box C4010
La Crosse, WI 54602-4010

SUBJECT: PUBLIC DISCLOSURE DETERMINATION

Dear Mr. Donnell:

By letter dated November 19, 1999, and affidavit executed by you on November 19, 1999, you submitted a response to a portion of the Nuclear Regulatory Commission (NRC) request for additional information (RAI) dated, August 19, 1999, and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. Specifically, you provided a proprietary response to RAI 2-5 regarding available water sources. The affidavit stated that the document contained sensitive, proprietary, and commercial information that could cause great harm to Private Fuel Storage, L.L.C. (PFS) if it were made publically available.

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

- 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.

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 November 19, 1999, response to RAI 2-5 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.

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 Nuclear Regulatory Commission (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

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J. Donnell

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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. SHANKMAN FOR /s/

E. William 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:

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