

January 11, 2000

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
Before the Atomic Safety and Licensing Board

In the Matter of )  
 )  
PRIVATE FUEL STORAGE L.L.C. ) Docket No. 72-22  
 )  
(Private Fuel Storage Facility) ) ASLBP No. 97-732-02-ISFSI

**DECLARATION OF JOHN D. PARKYN PURSUANT TO 10 C.F.R. § 2.790  
REGARDING APPLICANT'S OBJECTIONS AND RESPONSES TO STATE OF  
UTAH'S EIGHTH SET OF DISCOVERY REQUESTS [*Proprietary Version*]**

John Parkyn states as follows under penalties of perjury:

1. I am Chairman of the Board of 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. In that capacity, I am responsible for the operational and managerial matters of PFS.
2. PFS is providing to the Commission the Applicant's Objections and Responses to State of Utah's Eighth Set of Discovery Requests [*Proprietary Version*], 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 Applicant's Responses 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 document containing the sensitive, proprietary commercial and financial information for which PFS requests the Commission to treat as proprietary and to withhold from public disclosure is attached to this affidavit. The document is prominently marked that it contains Proprietary Information. This PFS document is 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 document 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 document attached to this affidavit contains 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.

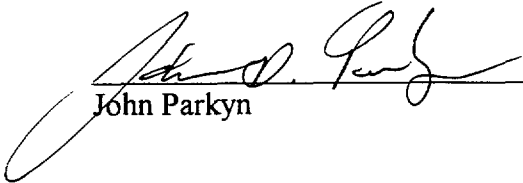
6. The sensitive, proprietary commercial and financial information contained in the document attached to this affidavit is information of the type customarily held in confidence by PFS, and this information and these documents are so held. PFS does not

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 document 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 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 information it contains will be received and held in confidence by the Commission and withheld from public disclosure.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 11, 2000.

  
John Parkyn