

March 4, 2002

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Before the Commission

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

**INTERVENOR SKULL VALLEY BAND'S MOTION  
FOR PROTECTIVE ORDER AS TO CERTAIN EXHIBITS  
ATTACHED TO THE DECLARATION OF LEON D. BEAR**

Intervenor Skull Valley Band of Goshute Indians (Skull Valley Band) hereby moves for a Protective Order with respect to two one-page Exhibits attached to the Declaration of Leon D. Bear, which was filed today as Exhibit 1 to the Skull Valley Band's Motion for Directed Certification for Review of the Licensing Board's Memorandum and Order of February 22, 2002, on Contention OGD O (LBP-02-08). That motion challenges the lawfulness of the Board's Order setting a trial on the issue of the Skull Valley Band's allocation, expenditure, distribution, and use of lease revenues received from Applicant Private Fuel Storage, L.L.C. (PFS), and seeks the Commission's review. The Skull Valley Band contends that the Memorandum and Order infringes on the Band's sovereignty and exceeds the authority of the Board.

The two one-page exhibits for which protection of the Board is sought in this motion are financial documents, and thus proprietary information, of the Skull Valley Band, namely one page of a bank statement showing deposits made into a Skull Valley

Band account, and a dividend check issued to a member of the Band. A principal point in support of the Band's Motion for Directed Certification is that the accounting required by March 22, 2002, would necessarily reveal Band transactions involving non-lease revenues, and also internal transactions involving only the Band and its individual members. To demonstrate this point, these two financial documents were attached, though redacted, to a Declaration of Tribal Chairman Leon Bear, which is Exhibit 1 to the Motion for Directed Certification. The Band does not thereby waive its sovereign right to protect such information from disclosure to outsiders, in accordance with tribal law. Accordingly, it has not served those two one-page exhibits along with the other documents accompanying the Motion for Directed Certification, which was served on the other parties today. Once the Board has accorded sufficient protection to these two financial documents, they will be served on the affected parties.

These two one-page financial documents are similar in kind to the documents, for which a Protective Order was sought and granted from the Board, which were exhibits to the June 28, 2001, Declaration of Sammy Blackbear, attached to the Response of Ohngo Gaudadeh Devia (OGD) to the Motion of Applicant PFS for Summary Disposition of OGD O. Counsel for the Skull Valley Band proposes to contact counsel for OGD and PFS to inquire whether their clients will agree to amend the November 27, 2001, Confidentiality Agreement, which the parties signed relative to the Sammy Blackbear exhibits, and which is referenced in the Board's Protective Order of February 22, 2002, to add these two documents to the coverage of that Agreement. If the parties agree, and an adequate amendment to the Agreement is negotiated, Skull Valley Band will agree to serve the two documents on OGD and PFS, the only other parties affected by the Board's

and Commission's consideration of Contention OGD O. The status of this proposal may be discussed during the conference call scheduled by the Board on March 7, 2002, to discuss settlement of Contention OGD O among counsel OGD, PFS, and the Skull Valley Band (and perhaps also NRC Staff.)

If either party does not agree to inclusion of those two documents within the protections of said Confidentiality Agreement, the Skull Valley Band will propose an alternative Protective Order for entry by the Board to protect these two financial documents from unwarranted disclosure. Skull Valley Band submits that the release of the bank statement to the public may result in competitive harm to the Band by revealing the amount of some of its revenues; and that release of the redacted dividend check runs the risk of violating the privacy of the payee, though the payee name has been redacted from the exhibit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tim Vollmann", with a long horizontal line extending to the left.

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Attorney for the Skull Valley Band  
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(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the Intervenor Skull Valley Band's Motion for Directed Certification (except for two one-page exhibits, which are the subject of a new Motion for a Protective Order), the Band's Motion for Stay, and the Band's new Motion for Protective Order were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage prepaid, this 4<sup>th</sup> day of March, 2002.<sup>1</sup>

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<sup>1</sup> The postmark on the envelopes shows the date March 5, 2002, but the postage was in fact placed on the envelopes on March 4, 2002.

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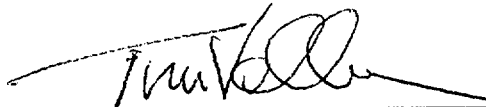
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