

September 5, 2001 (5:07PM)

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

| | | |
|---------------------------------|---|--------------------------|
| In the Matter of: |) | |
| |) | Docket No. 72-22-ISFSI |
| PRIVATE FUELS STORAGE, LLC |) | |
| |) | ASLBP No. 97-732-02-ISFI |
| (Independent Spent Fuel Storage |) | |
| Installation) |) | August 31, 2001 |
| _____ |) | |

**WITHDRAWAL OF REQUEST FOR CONFIDENTIAL TREATMENT OF
EXHIBITS TO DECLARATION OF SAMMY BLACKBEAR**

In the Atomic Safety and Licensing Board's Order (Filing Date for Protective Order Request) dated August 15, 2001, the Board ordered that on or before August 31, 2001, Ohngo Gaudadeh Devia ("OGD") file a motion that requests Board approval of a protective order agreed upon by the interested parties relative to the exhibits in question, or, in lieu of such an agreement, Board entry of an order withholding those exhibits from the public record in this proceeding.

OGD's original confidentiality claims were based on certain personal financial information contained in the exhibits. OGD has received consent of the interested individuals to use the personal financial information in this proceeding. Therefore, because the confidentiality concerns of the OGD have

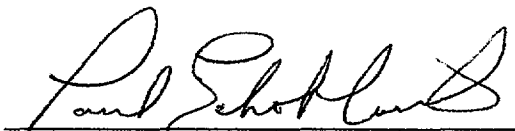
WITHDRAWAL OF REQUEST FOR CONFIDENTIAL TREATMENT OF
BLACKBEAR EXHIBITS - 1

been resolved, OGD hereby withdraws its request that the exhibits to the Declaration of Mr. Sammy Blackbear ("Blackbear exhibits") be treated as confidential.

In the course of discussing the status of the Blackbear exhibits with other interested parties, counsel for PFS and the Band have raised separate confidentiality concerns regarding a number of the Blackbear exhibits. While the basis for the confidentiality claims has been orally described in general terms, the precise legal basis for the confidentiality claims has not been provided to OGD. Accordingly, the remaining claims that the Blackbear exhibits are confidential are those of the Band and/or PFS. While counsel for OGD and the Band are continuing discussions concerning terms for a possible protective agreement, no agreement has been reached to date. Counsel for the Band has indicated that the Band will in the near future seek a protective order based on the Band's confidentiality claims.

To give the Band an opportunity to raise its confidentiality concerns, OGD will not serve the Blackbear exhibits on other interested parties pending resolution of the Band's motion for protective order, entry of a protective agreement, or further direction from the Board.

Respectfully submitted this 31st day of August, 2001.



Larry EchoHawk
Paul C. EchoHawk

Mark A. EchoHawk
EchoHawk Law Offices
151 N. 4th Avenue, Suite 1
P.O. Box 6119
Pocatello, Idaho 83205-6119
Telephone: (208) 317-6884
Fax: (208) 237-6883
E-Mail: larry@echohawk.com
E-Mail: paul@echohawk.com
E-Mail: mark@echohawk.com

Attorneys for Ohngo Gaudadeh Devia
(OGD)

CERTIFICATE OF SERVICE

I hereby certify that on this 31ST day of August, 2001, I caused to be served a true and correct copy of the foregoing by United States Mail, First Class and conforming copies by electronic mail, unless otherwise noted, and addressed to the following:

Rulemaking & Adjudication Staff
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington D.C. 20555
E-mail: hearingdocket@nrc.gov
(original and two copies)

Jay E. Silberg, Esq.
Ernest L. Blake, Jr., Esq.
Paul A. Gaukler, Esq.
Shaw Pittman, LLP
2300 N Street, N. W.
Washington, DC 20037-8007
E-Mail: Jay_Silberg@shawpittman.com
E-Mail: ernest_blake@shawpittman.com
E-Mail: paul_gaukler@shawpittman.com

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: gpb@nrc.gov

Denise Chancellor, Esq.
Fred G Nelson, Esq.
Connie Nakahara, Esq.
Diane Curran, Esq.
Assistant Attorneys General
Utah Attorney General's Office
P.O. Box 140873
Salt Lake City, UT 84114-0873
E-Mail: dchancel@state.ut.us
E-Mail: jbraxton@email.usertrust.com
E-Mail: dcurran@harmoncurran.com

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: jrk2@nrc.gov
E-Mail: kjerry@erols.com

John Paul Kennedy, Sr., Esq.
David W. Tufts
Durham Jones & Pinegar
111 East Broadway, Suite 900
Salt Lake City, Utah 84111
E-Mail: dtufts@djplaw.com

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: psl@nrc.gov

Joro Walker, Esq.
Land and Water Fund of the Rockies
1473 South 1100 East, Suite F
Salt Lake City, Utah 84105
E-Mail: joro61@inconnect.com

Sherwin E. Turk, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: set@nrc.gov
E-Mail: clm@nrc.gov
E-Mail: pfscase@nrc.gov

Tim Vollmann
3301-R Coors Road N.W. #302
Albuquerque, NM 87120
E-Mail: tvollmann@hotmail.com

James M. Cutchin
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-Mail: jmc3@nrc.gov
(*electronic copy only*)

Office of the Commission Appellate
Adjudication
Mail Stop: O14-G-15
U. S. Nuclear Regulatory Commission
Washington, DC 20555


for ECHOHAWK LAW OFFICES