

RAS 3367

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DOCKETED
USNRC

August 31, 2001 (via E-mail & U.S. Mail)

September 5, 2001 (5:07PM)

/G. Paul Bollwerk III, Esq., Chairman
Dr. Jerry R. Kline, Administrative Judge
Dr. Peter S. Lam, Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: In the Matter of Private Fuel Storage L.L.C. (Private Fuel Storage Facility)
Docket No. 72-22, ASLBP No. 97-732-02-ISFSI
OGD Contention O – Exhibits to Declaration of Sammy Blackbear

Dear Chairman Bollwerk, Judge Kline, and Judge Lam:

In its July 24, 2001, Memorandum and Order (Status of "Confidential" Documents) the Board addressed the failure of former counsel to Ohngo Gaudadeh Devia (OGD) to file or serve the exhibits to a June 28, 2001 Declaration of Sammy Blackbear offered in support of OGD's opposition to the applicant's Motion for Summary Disposition of OGD Contention O. The Board noted that OGD counsel had advised the Board that the exhibits should be treated as confidential due to the sovereignty of the Skull Valley Band. (Mr. Blackbear claims to be the Band's rightful Chairman. ¶ 6, Blackbear Declaration.)

After substitution of new counsel for OGD, the Board entered an Order (Filing Date for Protective Order Request), dated August 15, 2001, for OGD to file by August 31, 2001, a motion for protective order relative to those exhibits based on an agreement with other parties, or in lieu of such agreement, a motion for Board entry of an order withholding those exhibits from the public record of this proceeding.

I am new counsel for the Skull Valley Band of Goshute Indians, and I have been discussing these exhibits with counsel for OGD. I first received copies of these exhibits from counsel on August 22, 2001. Today OGD has advised the Board that it will not seek to have any of the exhibits treated as confidential. See Withdrawal of Request for Confidential Treatment of Exhibits to Declaration of Sammy Blackbear, filed August 31, 2001. These exhibits do, however, include past financial and budget information of the Band and internal governmental communications of the Band which, to counsel's knowledge, have heretofore been treated by the Band as confidential and available only to members of the Band's General Council and representatives of the Band.

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SECY-02

In light of OGD's new position on the confidentiality of these documents, the Band itself is considering filing a motion for protective order which would treat certain of the exhibits as confidential, proprietary information of the Band. This motion will identify the specific documents for which protection is sought, the basis for the claim of and need for confidentiality, and the shape of the relief sought. I anticipate that this motion will be filed next week.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Vollmann". The signature is written in a cursive style with a long horizontal stroke extending to the left.

Tim Vollmann
Counsel, Skull Valley Band of Goshute Indians

Attachment: Certificate of Service

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached letter to the judges of the Board 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 31st day of August, 2001.

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Office of the Secretary
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Attention: Rulemakings and Adjudications
Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)

* Adjudicatory File
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