

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of	)	
	)	
PRIVATE FUEL STORAGE, L.L.C.	)	Docket No. 72-22-ISFSI
	)	
(Independent Spent	)	
Fuel Storage Installation)	)	

NRC STAFF’S RESPONSE TO INTERVENOR  
SKULL VALLEY BAND’S MOTION FOR PROTECTIVE ORDER

On March 4, 2002, Intervenor Skull Valley Band of Goshute Indians (“Skull Valley Band” or “Band”) filed a “Motion for protective Order as to Certain Exhibits Attached to the Declaration of Leon D. Bear” (“Motion”). Therein, the Skull Valley Band requested that the Commission issue a Protective Order to preserve the confidentiality of two one-page exhibits that were attached to the Skull Valley Band’s motion for directed certification, filed on March 4, 2002.<sup>1</sup> The referenced exhibits consist of a bank statement and a dividend check issued to a member of the Band, which the Band asserts contain proprietary financial information. The Band further indicates that “[o]nce the Board has accorded sufficient protection to these two financial documents, they will be served on the affected parties” (Motion at 2).

The NRC Staff (“Staff”) herewith responds to the Skull Valley Band’s Motion. For the reasons described in its Motion, the Staff believes that the referenced exhibits contain financial information belonging to the Band and certain of its members, that may properly be withheld from

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<sup>1</sup> “Intervenor Skull Valley Band’s Motion for Directed Certification for Review of Memorandum and Order (LBP-02-08) of the Atomic Safety and Licensing Board,” filed on March 4, 2002 (“Motion for Directed Certification”).

public disclosure. See 10 C.F.R. § 2.790(a)(4).<sup>2</sup> Accordingly, the Staff does not oppose the Skull Valley Band's request that these documents be withheld from public disclosure.<sup>3</sup>

Respectfully submitted,

**/RA/**

Sherwin E. Turk  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 19th day of March 2002

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<sup>2</sup> The certificate of service attached to the Band's Motion for Directed Certification indicates that the motion was served upon all persons on the service list "(except for two one-page exhibits, which are the subject of a new Motion for a Protective Order)."

<sup>3</sup> The Staff notes that the Licensing Board has recently established procedures for the protection of confidential financial information filed in the litigation of Contention OGD O (Environmental Justice). See "Memorandum and Order (Granting Motion for Protective Order)," dated February 22, 2002.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO INTERVENOR SKULL VALLEY BAND'S MOTION FOR PROTECTIVE ORDER," in the above captioned proceeding have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 19th day of March, 2002:

Michael C. Farrar, Chairman\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copy to [MCF@NRC.GOV](mailto:MCF@NRC.GOV))

Office of the Secretary\*  
ATTN: Rulemakings and Adjudications  
Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copies to [SECY@NRC.GOV](mailto:SECY@NRC.GOV)  
and [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV))

Dr. Jerry R. Kline\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copy to [JRK2@NRC.GOV](mailto:JRK2@NRC.GOV))

Office of the Commission Appellate  
Adjudication  
Mail Stop: 16-C-1 OWFN  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. Peter S. Lam\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copy to [PSL@NRC.GOV](mailto:PSL@NRC.GOV))

James M. Cutchin, V\*  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail to [JMC3@NRC.GOV](mailto:JMC3@NRC.GOV))

Atomic Safety and Licensing Board  
Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Jay E. Silberg, Esq.\*\*  
Ernest Blake, Esq.  
Paul A. Gaukler, Esq.  
Sean Barnett, Esq.  
Shaw Pittman  
2300 N Street, N.W  
Washington, DC 20037-8007  
(E-mail copy to jay\_silberg,  
paul\_gaukler, sean\_barnett, and  
ernest\_blake@shawpittman.com)

Tim Vollmann, Esq.\*\*  
3301-R Coors Road N.W.  
Suite 302  
Albuquerque, NM 87120  
(E-mail copy to [tvollmann@hotmail.com](mailto:tvollmann@hotmail.com))

Leon Bear, Chairman  
Skull Valley Band of Goshute Indians  
3359 South Main  
Box 808  
Salt Lake City, Utah 84115

Denise Chancellor, Esq.\*\*  
Fred G. Nelson, Esq.  
Laura Lockhart, Esq.  
Utah Attorney General's Office  
160 East 300 South, 5th Floor  
P.O. Box 140873  
Salt Lake City, UT 84114-0873  
(E-mail copies to dchancel, fnelson,  
llockhar, and jbraxton@att.State.UT.US,  
adminag@xmission.com)

Connie Nakahara, Esq.\*\*  
Utah Dep't of Environmental Quality  
168 North 1950 West  
P. O. Box 144810  
Salt Lake City, UT 84114-4810  
(E-mail copy to  
[cnakahar@att.state.UT.US](mailto:cnakahar@att.state.UT.US))

Diane Curran, Esq.\*\*  
Harmon, Curran, Spielberg & Eisenberg  
1726 M Street, N.W., Suite 600  
Washington, D.C. 20036  
(E-mail copy to  
[dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com))

John Paul Kennedy, Sr., Esq.\*\*  
David W. Tufts, Esq.  
Durham, Jones & Pinegar  
111 East Broadway, Suite 900  
Salt Lake City, UT 84105  
(E-mail copy to [dtufts@djplaw.com](mailto:dtufts@djplaw.com))

Joro Walker, Esq.\*\*  
Land and Water Fund of the Rockies  
1473 South 1100 East, Suite F  
Salt Lake City, UT 84105  
(E-mail copy to [utah@lawfund.org](mailto:utah@lawfund.org))

Paul C. EchoHawk, Esq.  
EchoHawk Law Offices  
151 North 4th Avenue, Suite A  
P.O. Box 6119  
Pocatello, Idaho 83205-6119  
(E-Mail copies to: paul, larry and  
[mark@echohawk.com](mailto:mark@echohawk.com))

**/RA/**

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Sherwin E. Turk  
Counsel for NRC Staff