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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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

**INTERVENOR SKULL VALLEY BAND'S AMENDED 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 amends its March 4, 2002, Motion for a Protective Order with respect to two one-page Exhibits attached to the Declaration of Leon D. Bear, which was filed as an Exhibit to the Skull Valley Band's March 4, 2002, Motion for Directed Certification, and which is also attached as Exhibit EE to today's Opening Brief Seeking Reversal of February 22, 2002, Memorandum and Order (LBP-02-08) of the Atomic Safety and Licensing Board. The two one-page exhibits for which protection of the Board has been sought in this motion are Exhibits A and B to Exhibit EE.<sup>1</sup>

These two one-page exhibits are financial documents, and thus proprietary information, of the Skull Valley Band, namely one page of a bank statement showing

<sup>1</sup> The Motion for Directed Certification refers to the March 4, 2002, Declaration of Leon D. Bear as Exhibit 1, but the Declaration was incorrectly marked as "Exhibit A." The Declaration refers to the two attachments as Exhibits A and B, but they were incorrectly marked as "Exhibit 1" and "Exhibit 2". The designation of the Declaration as Exhibit EE, attached to today's Opening Brief, will hopefully eliminate any confusion caused by movant's counsel with his filings on March 4, 2002.

deposits made into a Skull Valley Band account, and a dividend check issued to a member of the Band. A principal point in the Band's Opening Brief is that the accounting required by the Board's February 22, 2002, Memorandum and Order 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 are attached, though redacted, to the March 4, 2002, Declaration of Tribal Chairman Leon D. Bear. The Skull Valley Band does not hereby 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 attached to the Opening Brief, 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. PFS, OGD, and the Skull Valley Band entered into a Confidentiality Agreement, dated November 27, 2001, to protect those exhibits from public view. The Atomic Safety and Licensing Board then entered a Protective Order on February 22, 2002, in reference to that Confidentiality Agreement.

Counsel for the Skull Valley Band has contacted 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, to add these two documents to the coverage of that Agreement. Counsel for OGD and PFS have agreed to this proposal. NRC Staff has already indicated, with its Response of March 19, 2002, that they do not oppose the Band's Motion for Protective Order.

Once the amendment to the November 27, 2001 Confidentiality Agreement has been executed, these two documents will be served on OGD and PFS, the only other parties affected by the Board's and Commission's consideration of Contention OGD O.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tim Vollmann", written over a horizontal line.

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**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before The Commission

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

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the Intervenor Skull Valley Band's Opening Brief Seeking Reversal of February 22, 2002, Memorandum and Order (LBP-02-08) of the Atomic Safety and Licensing Board (except for two one-page exhibits, which are the subject of an Amended Motion for a Protective Order) and the Band's Amended 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 5<sup>th</sup> day of April, 2002.

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