UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

COMMISSIONERS

Richard A. Meserve, Chairman Greta Joy Dicus Nils J. Diaz Edward McGaffigan, Jr. Jeffrey S. Merrifield

In the Matter of

PRIVATE FUEL STORAGE L.L.C.

(Independent Spent Fuel Storage Installation) Docket No. 72-22-ISFSI

CLI-02-15

)

ORDER

By this order, the Commission grants the April 5, 2002 Motion filed by Intervenor Skull Valley Band of Goshute Indians (Skull Valley Band) for a Protective Order in connection with the pending Commission review of LBP-02-08, 55 NRC ____ (Feb. 22, 2002). See CLI-02-08, 55 NRC ____ March 7, 2002). The Band's motion sought to add, by agreement of all interested parties,¹ two one-page documents to the list of documents already covered by a Protective Order entered by the Atomic Safety and Licensing Board on February 22, 2002.

The two documents at issue were attached as Exhibits A and B to Exhibit EE, the Declaration of Leon D. Bear, which, in turn, was attached to the Skull Valley Band's Motion for Directed Certification. The Band also attached the Bear affidavit to its initial brief (filed on April

DOCKETED 4/12/02

SERVED 4/12/02

¹ The interested parties are Private Fuel Storage, LLC (PFS), Ohngo Gaudadeh Devia (OGD), and the NRC staff.

5, 2002). The exhibits consist of confidential financial documents, and thus proprietary information, of the 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.

Previously (on November 27, 2001) the Band, PFS, and OGD entered into a Confidentiality Agreement to protect from public view various listed exhibits containing sensitive financial information. The Licensing Board then entered a Protective Order on February 22, 2002, in reference to that Confidentiality Agreement. According to counsel for the Band, OGD and PFS have agreed to amend the November 27, 2001 Confidentiality Agreement to add these two documents to the coverage of that Agreement. The NRC staff does not oppose the Band's Motion for Protective Order.

After reviewing the proposed protective order request, we adopt the following terms as governing disclosure of the items in question:

Absent further order of the Board or the Commission,

1. The NRC Office of the Secretary (SECY) should continue to treat the documents attached as Exhibits A and B to Exhibit EE, Declaration of Leon D. Bear, as nonpublic documents;

2. OGD, PFS, and the Skull Valley Band shall treat these two exhibits as confidential in accordance with the November 27, 2001 confidentiality agreement among OGD, PFS, and the Skull Valley Band that formed the basis for the Board's February 22, 2002 Protective Order; and

3. The two exhibits covered by this order need be provided only to OGD, PFS, and the NRC staff, as they are the parties involved in the Commission's review of LBP-02-08.

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IT IS SO ORDERED.

For the Commission²,

/RA/

Annette L. Vietti-Cook

Dated at Rockville, Maryland this 12^{th} day of April, 2002

² Commissioners Dicus and Merrifield were not present for the affirmation of this Order. If they had been present, they would have approved it.