



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.

IT IS SO ORDERED.

For the Commission<sup>2</sup>,

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Annette L. Vietti-Cook

Dated at Rockville, Maryland  
this 12<sup>th</sup> day of April, 2002

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