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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

In the Matter of

PRIVATE FUEL STORAGE, L.L.C.

(Independent Spent Fuel Storage Installation)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

November 21, 2001

MEMORANDUM AND ORDER

(Establishing Schedule for Further Filings Regarding Representation)

In response to an October 11, 2001 Licensing Board memorandum and order, by letter to the Board dated October 24, 2001, the group representing themselves as the new tribal leadership of intervenor Skull Valley Band of Goshute Indians (Skull Valley Band) indicated they anticipated retaining and gaining Tribal General Council approval of new legal counsel for the Skull Valley Band by mid-November 2001. Additionally, by filing dated October 24, 2001, counsel who previously entered an appearance on behalf of intervenor Skull Valley Band indicated that he has not withdrawn from this proceeding and still represents the Skull Valley Band.

As of this date, there has been no notice of appearance by counsel on behalf of, or any additional information regarding the retention of counsel by, the purported new Skull Valley Band tribal leadership group. Given the October 24, 2001 filing by current counsel for intervenor Skull Valley Band, the lack of any additional submission regarding legal counsel by those asserting they are the new tribal leadership is troubling.

Up to this point, in accordance with the leadership group's earlier request, the Board has accorded the group the courtesy of date-of-issuance facsimile service of all Board issuances. If, however, by Friday, November 30, 2001, the Board has not received (1) a 10 C.F.R. § 2.713(b) notice of appearance on behalf of the group; or (2) a filing by the group that (a) provides a status report on the retention of counsel, and (b) specifies a near-term date certain by which such a notice of appearance will be filed, the Board may discontinue providing same-day courtesy service to the group.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 21, 2001

* Copies of this memorandum and order were sent this date by Internet e-mail and/or facsimile transmission to (1) applicant Private Fuel Storage, L.L.C.; (2) intervenors Skull Valley Band, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State of Utah; and (3) the NRC staff.

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Installation))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (ESTABLISHING SCHEDULE FOR FURTHER FILINGS REGARDING REPRESENTATION) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Sherwin E. Turk, Esquire
Catherine L. Marco, Esquire
Office of the General Counsel
Mail Stop - 0-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Diane Curran, Esquire
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

Joro Walker, Esquire
Director, Utah Office
Land and Water Fund of the Rockies
1473 South 1100 East, Suite F
Salt Lake City, UT 84105

Martin S. Kaufman, Esquire
Atlantic Legal Foundation
205 E. 42nd St.
New York, NY 10017

Docket No. 72-22-ISFSI
LB MEMORANDUM AND ORDER (ESTABLISHING
SCHEDULE FOR FURTHER FILINGS REGARDING
REPRESENTATION)

Denise Chancellor, Esquire
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114

Jay E. Silberg, Esquire
D. Sean Barnett, Esquire
Shaw Pittman
2300 N Street, NW
Washington, DC 20037-1128

John Paul Kennedy, Sr., Esquire
David W. Tufts, Esquire
Confederated Tribes of the Goshute
Reservation and David Pete
Durham Jones & Pinegar
111 East Broadway, Suite 900
Salt Lake City, UT 84105

Richard Wilson
Department of Physics
Harvard University
Cambridge, MA 02138

Richard E. Condit, Esquire
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, CO 80302

Tim Vollmann, Esquire
3301-R Coors Road N.W., #302
Albuquerque, NM 87120

Larry EchoHawk, Esquire
Paul C. EchoHawk, Esquire
Mark A. EchoHawk, Esquire
EchoHawk PLLC
P.O. Box 6119
Pocatello, ID 83205-6119

Marlinda Moon, Chairman
Sammy Blackbear, Sr., Vice-Chairman
Miranda Wash, Secretary
Skull Valley Band of Goshute Indians
P.O. Box 511132
Salt Lake City, UT 84151-1132

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 21st day of November 2001