

RAS 3637

DOCKETED  
USNRC

2001 DEC 10 AM 9:43

OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

October 24, 2001

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
PRIVATE FUEL STORAGE L.L.C.	)	Docket No. 72-22
	)	
(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

**Interim Joint Report on the Status of  
Federal Lawsuit Skull Valley Band v. Leavitt**

Pursuant to the October 11, 2001 Memorandum and Order of the Atomic Safety and Licensing Board ("Board"),<sup>1</sup> Applicant Private Fuel Storage, L.L.C. ("PFS"), the Skull Valley Band of Goshute Indians ("Skull Valley Band" or "Band"), and the State of Utah ("State" or "Utah") jointly submit this interim report on the status of the federal lawsuit, Skull Valley Band of Goshute Indians v. Leavitt, Case No. 2:01CV00270C (D. Utah, filed Apr. 19, 2001). In its October 11, 2001 Memorandum and Order, the Board requested a "joint report from the parties . . . outlining whether there has been any change regarding . . . the status of the pending federal court litigation." The parties report that there has been no change concerning the status of the federal court litigation from that reported in the "Third Joint Report on the Status of Federal Lawsuit Skull Valley Band v. Leavitt" filed by the parties on September, 28, 2001 except as follows: (1) the parties have filed a stipulation with the court providing that PFS's and the Band's response to the State Defendants Motion for Judgment on the Pleadings is due November 8, 2001, and

<sup>1</sup> Memorandum and Order (Schedule for Filings Relating to Representation for Intervenor Skull Valley Band of Goshute Indians) (October 11, 2001).

(2) on October 11, 2001 counsel for the State Defendants sent counsel for PFS and counsel for the Band a letter requesting a Rule 26(f) meeting of the parties.

PFS, the Band, and the State will next report on the status of the pending federal court litigation in their next regularly scheduled joint status report to the Board due November 12, 2001.

Respectfully submitted,

Jay E. Silberg  
Ernest L. Blake, Jr.  
Paul A. Gaukler  
D. Sean Barnett  
SHAW PITTMAN  
2300 N Street, N.W.  
Washington, DC 20037  
(202) 663-8000  
Counsel for Private Fuel Storage L.L.C.

Dated: October 24, 2001

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
PRIVATE FUEL STORAGE L.L.C.	)	Docket No. 72-22
	)	
(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the Interim Joint Report on the Status of Federal Lawsuit Skull Valley Band v. Leavitt 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 24th day of October, 2001.

G. Paul Bollwerk III, Esq., Chairman  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [GPB@nrc.gov](mailto:GPB@nrc.gov)

Dr. Peter S. Lam  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [PSL@nrc.gov](mailto:PSL@nrc.gov)

Dr. Jerry R. Kline  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [JRK2@nrc.gov](mailto:JRK2@nrc.gov); [kjerry@erols.com](mailto:kjerry@erols.com)

\*Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemakings and Adjudications  
Staff  
e-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)  
(Original and two copies)

Catherine L. Marco, Esq.  
Sherwin E. Turk, Esq.  
Office of the General Counsel  
Mail Stop O-15 B18  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
e-mail: [pfscase@nrc.gov](mailto:pfscase@nrc.gov)

John Paul Kennedy, Sr., Esq.  
David W. Tufts, Esq.  
Confederated Tribes of the Goshute  
Reservation and David Pete  
Durham Jones & Pinegar  
111 East Broadway, Suite 900  
Salt Lake City, Utah 84105  
e-mail: [dtufts@djplaw.com](mailto:dtufts@djplaw.com)

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

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

\* Adjudicatory File  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Denise Chancellor, Esq.  
Assistant Attorney General  
Utah Attorney General's Office  
160 East 300 South, 5<sup>th</sup> Floor  
P.O. Box 140873  
Salt Lake City, Utah 84114-0873  
e-mail: [dchancel@state.UT.US](mailto:dchancel@state.UT.US)

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

Tim Vollmann, Esq.  
Skull Valley Band of Goshute Indians  
3301-R Coors Road, N.W.  
Suite 302  
Albuquerque, NM 87120  
e-mail: [tvollmann@hotmail.com](mailto:tvollmann@hotmail.com)

Paul EchoHawk, Esq.  
Larry EchoHawk, Esq.  
Mark EchoHawk, Esq.  
EchoHawk PLLC  
P.O. Box 6119  
Pocatello, ID 83205-6119  
e-mail: [pechohawk@hollandhart.com](mailto:pechohawk@hollandhart.com)

\* By U.S. mail only

---

Paul A. Gaukler