

**RAS 3643**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

**DOCKETED 12/10/01**

**SERVED 12/10/01**

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

December 10, 2001

MEMORANDUM AND ORDER  
(Regarding Representation of Intervenor  
Skull Valley Band of Goshute Indians)

In response to the October 24, 2001 submission of a group identifying itself as the new trial leadership of intervenor Skull Valley Band of Goshute Indians (Skull Valley Band) indicating that it would retain new counsel for the Skull Valley Band by mid-November, in a November 21, 2001 memorandum and order, the Licensing Board requested that on or before Friday, November 30, 2001, this purported new leadership group provide the Board with either (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) provided a status report on the retention of counsel, and (b) specified a near-term date certain by which such a notice of appearance would be filed. As of this date, more than one week after the due date for the requested filing, the Board has heard nothing from this group, either by way of a notice of appearance or an information report.

As the Board observed in its November 21, 2001 issuance, in response to an initial request from this group, it afforded the group the courtesy of date-of-issuance facsimile service of all Board issuances. As the Board also indicated, however, failure of the group to respond to

the Board's November 21, 2001 directive could result in the Board discontinuing date-of-issuance courtesy service to the group. Given the group's failure to acknowledge or otherwise respond to the Board's November 21, 2001 request, after this issuance the Board will discontinue same-day service to the group. (Because they are on the Office of the Secretary's service list for this proceeding, paper copies of Board issuances will continue to be provided to the group by regular mail.) Further, given the October 24, 2001 filing by current counsel of record for the Skull Valley Band indicating he is not withdrawing his appearance, to which there has been no response from the new leadership group, same-day e-mail service of issuances will continue for that counsel.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 10, 2001

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\* 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.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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Installation) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (REGARDING REPRESENTATION OF INTERVENOR SKULL VALLEY BAND OF GOSHUTE INDIANS) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Docket No. 72-22-ISFSI  
LB MEMORANDUM AND ORDER (REGARDING  
REPRESENTATION OF INTERVENOR SKULL  
VALLEY BAND OF GOSHUTE INDIANS)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 10<sup>th</sup> day of December 2001