

October 24, 2001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

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

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**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"),¹ 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

¹ 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,



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Dated: October 24, 2001

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

In the Matter of)
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PRIVATE FUEL STORAGE L.L.C.) Docket No. 72-22
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(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 pre-paid, this 24th day of October, 2001.

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