

RAS 3765

DOCKETED
USNRC

2002 JAN 14 AM 8: 17

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**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))

**DECLARATION OF DAVID L. ALLISON
PURSUANT TO 10 C.F.R. § 2.790**

David L. Allison, being duly sworn, states as follows under penalty of perjury:

1. I am the Superintendent of the Uintah & Ouray Agency of the Bureau of Indian Affairs in Fort Duchesne, Utah. I have served in this position since April 1995. Among my responsibilities as Superintendent is the government-to-government relationship between the U.S. Department of the Interior and the Skull Valley Band of Goshute Indians. I am responsible for federal programs administered by the Bureau of Indian Affairs for the benefit of the Skull Valley Band, and federal funds to support these federal programs.

2. The governing body of the Skull Valley Band is the General Council, which is made up of all adult members of the Band. In my position as Superintendent I am often requested to attend General Council meetings of the Skull Valley Band on the Skull Valley Reservation in Utah. I attended General Council meetings held on August 25, 2001, and October 13, 2001.

3. At the General Council meeting held on August 25, 2001, there was a

Template = SECY-018

SECY-02

recall petition circulated by Band Secretary Rex A. Allen among adult tribal members in an effort to remove Chairman Leon D. Bear and Vice-Chair Lori B. Skiby from their positions on the Skull Valley Band Executive Committee. The only copy of the recall petition, ostensibly circulated before, during, and after that meeting, which I have seen does not contain the signatures of a majority of the adult members of the Skull Valley Band.

4. At meetings, facilitated by an attorney in the Office of the Salt Lake City Field Solicitor's Office, held on September 4, 11, 12, and 13, 2001, attended by Chairman Bear, Vice-Chair Skiby, and Secretary Allen, and others representing those officers of the Band, the need to call another meeting of the General Council to address leadership, recall, and election issues was discussed.

At the meeting on September 13, 2001, it was agreed that a General Council meeting, previously scheduled by Rex Allen for September 22, 2001, be postponed until October 13, 2001. Upon presentation of the final Notice, to be sent to all adult members of the Tribe, typed on Tribal stationery, Mr. Allen refused to sign it, stating that he would wait until the following Monday (September 17, 2001) to sign or not sign. He wanted the weekend to discuss the matter with his associates. Chairman Bear stated that if Mr. Allen did not sign the agreed Notice of General Council Meeting scheduled for October 13, 2001, that he and the Vice-Chair would sign the Notice and mail it.

When Mr. Allen did not make contact with me on the following Monday, as he had agreed to do, the Chairman, Leon Bear, and the Vice-Chair signed the Notice and mailed it to all members of the General Council.

5. I understand that Rex Allen sent a Notice to some, but not all, General Council members calling a meeting for September 22, 2001. However, I was not invited to that meeting, and consequently was not present. I understand that the September 22, 2001, meeting was held, but I have not seen satisfactory evidence that the September 22, 2001 meeting was a duly-called meeting of the General Council.

6. I understand that an election of officers on the Executive Committee was conducted at the September 22nd meeting, but I have seen no satisfactory evidence that there were any vacancies to be filled for those positions, which are elective offices of the Band, and which had previously been filled in the course of regularly-scheduled elections of the Band.

7. After the meeting of September 22, 2001, and in response to much of the confusion generated by reports of an election held at that meeting, Chairman Bear and Vice-Chair Skiby mailed an additional Notice, dated October 2, 2001, again notifying all members of the General Council of the Special General Council meeting to be held on October 13, 2001.

8. I was invited to, and did attend, the October 13, 2001, General Council meeting. I counted 42 adults present, most of whom, I believe, were members of the Band. I believe that a majority of the adult members of the Band were present.

9. At the October 13, 2001, meeting there were discussions among members of the General Council on the appropriate procedures to be followed for recall of Band officers, on the events since the General Council meeting of August 25, 2001, and of the need to clarify the leadership of the Skull Valley Band. A resolution was introduced at that meeting to reaffirm the validity of the results of the election of Chairman Bear and Vice-Chair Skiby at the regularly scheduled election of November 2000. A majority of those present at the meeting were in favor of that resolution.

10. Based on my experience as a BIA Superintendent responsible for matters involving the government of the Skull Valley Band, and my observation of the relevant events since August 25, 2001, and for purposes of the provision of federal programs and federal funds, I see no basis at this time for dealing with anyone other than Chairman Leon Bear and Vice-Chair Lori Skiby as continuing as duly elected officers of the Executive Committee of the Skull Valley Band.

11. My understanding is that Secretary Rex Allen resigned his position as Secretary on September 22, 2001, but I have no documentation of that reported

resignation.

I declare under penalties of perjury that the foregoing is true and correct.

Executed on October 24, 2001.

A handwritten signature in black ink, appearing to read 'D. Allison', is written over a horizontal line.

David L. Allison

Superintendent

Uintah & Ouray Agency

Bureau of Indian Affairs

Phone (505)792-9168
Fax (505)792-9251
Email: Tim_Vollmann@hotmail.com

October 29, 2001

Office of the Secretary
Attention: Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: In the Matter of Private Fuel Storage L.L.C. (Private Fuel Storage Facility)
Docket No. 72-22, ASLBP No. 97-732-02-ISFSI

To Whom It May Concern:

As I promised in my filing letter of October 24, 2001, enclosed for filing please find the original and two copies of the Declaration of David L. Allison, a copy of which was attached to Intervenor Skull Valley Band's Report to the Board on Status of Counsel and Pending Motion. Mr. Allison executed this Declaration in Utah on Wednesday, October 24; thus, I was not able to include the original with the other documents mailed to the Office of the Secretary for filing that day.

Please call me if you have any questions.

Sincerely,



Tim Vollmann
Counsel, Skull Valley Band of Goshute Indians

cc: Service list