

RAS 4319

DOCKET NUMBER
PROD. & UTIL. FAC. ~~72-22-ISFSI~~

From: "William Simmons" <simmons@redd-team.com>
To: <cag@nrc.gov>
Date: 4/15/02 4:03PM
Subject: NRC Docket No. 72-22-ISFSI amicus curiae brief

DOCKETED
USNRC

April 16, 2002 (4:30PM)

As per you invitation in the April 15, 2002 issued National Register, please consider the following:

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of PFS, LLC (Independent Spent Fuel Storage Installation) CLI-02-11 the following seems straightforward.

NRC Requirement 50.38 Ineligibility of certain applicants states:

Any person who is a citizen, national, or agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to believe is owned, controlled, or dominated by an alien, a foreign corporation or foreign government, shall be ineligible to apply for and obtain a license.

The current leadership of the Goshute Nation by their own admission is such a foreign government that such an entity, PFS is dominated by.

On many occasions the leadership of the Goshute Nation has openly proclaimed defiance to the jurisdiction of the United States and to the NRC itself. Please take heed of this fact.

As example;

March 14, 2002, "They have got to realize the tribe is a foreign nation, and they can't just come in and ask for documents." Leon Bear, President, Goshute Nation.

"Intrusion into the internal affairs of a sovereign entity..." Attorney for the Goshute Nation, Tim Vollman.

Feb. 26, 2002, "My question is 'Does the (NRC regulatory panel) have the jurisdiction over that?'" Leon Bear, Goshute Nation President.

Please do continue to make the mistake that the Goshute Tribe is not a rogue nation. However small they may be, they control and dominate the land that PFS is using for this facility. Supported in this premise that they do consider themselves sovereign are the facts that they refused to be part of the 1934 Indian Reorganization Act which means that the BIA has no clout or power over them on internal issues. The Goshute Nation by choice has no charter and no constitution, which means response and rules can be easily altered. And the fact that they claim complete sovereignty as they do the State of Utah and the Federal Government represented by the NRC has no jurisdiction over this Goshute Nation by their leadership mandates.

If a license was issued and material is placed at the site, accountability for that land for which it is placed on must be guaranteed by a stable organization which the current Goshute Nation has failed to prove that they are.

In support of the State of Utah question of jurisdiction they do so rightly by questioning that jurisdiction by the intent of the Goshute Nations

Template = SECY-021

SECY-02

leadership of not adhering to the fact that the NRC themselves, according to the Goshute Leadership, even has jurisdiction.

and further by:

NRC Requirement 50.53 Jurisdictional limitations,

"No license under this part shall be deemed to have been issued for activities which are not under or within the jurisdiction of the United States."

And by the admission of the Goshute Nation Officials, they are sovereign and do not themselves consider to be under jurisdiction of the regulatory governing body of the United States and especially the NRC.

As such, it is in the best and interest for the citizens of the United States not to consider granting a license to PFS who is dominated by such a rogue nation as the Goshute Nation for obvious reasons and future consequences.

**NRC, Please respond.
Thank you,
William Simmons**

CC: <mstewart@utah.gov>

From: Carol Gallagher
To: Evangeline Ngbea
Date: 4/15/02 4:20PM
Subject: Fwd: NRC Docket No. 72-22-ISFSI amicus curiae brief

The attached is in reference to CLI-02-11 published in the Federal Register today. Don't know why I received it; do you collect these?

Thanks,
Carol