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United States Of America
Nuclear Regulatory Commission
Before the Atomic Safety and Licensing Board

'98 JAN 14 P3:08

In the matter of)	
)	
Private Fuel Storage L.L.C.)	Docket No. 72-22
)	
(Private Fuel Storage Facility))	ASLBP No. 97-732-02-ISPSI

OFFICE OF THE
GENERAL COUNSEL
AD

**RESPONSE OF SKULL VALLEY BAND OF GOSHUTES TO
FURTHER SUPPLEMENTAL MEMORANDUM IN SUPPORT OF THE
PETITION OF THE CONFEDERATED TRIBES OF THE GOSHUTE
RESERVATION AND DAVID PETE TO INTERVENE AND FOR A HEARING**

The Confederated Tribes of the Goshute Reservation seeks to intervene in this proceeding based upon the spurious claim that certain of its members visit the Skull Valley Reservation, gather and eat food that grows in the "Skull Valley area," and are otherwise directly affected by what happens on the Skull Valley reservation. The Skull Band of Goshutes is a tribe separate and apart from the Confederated Tribes of the Goshute Reservation. As a matter of Federal law, Skull Valley and the Confederated Tribes are completely separate entities. They have different Federal ID numbers and different agencies under the Bureau of Indian Affairs. Elections in Ibapah for the Confederated Tribes do not have any impact on the members of Skull Valley and vice versa. As has previously been set forth in other pleadings, the Skull Valley Reservation is at least 60 miles as the crow flies, from the Confederated Tribes, whose Reservation extends into Nevada. The two Reservations are separated by three mountain ranges and one major deseret. By car, the distance is at least 180 miles.

The Confederated Tribes have no rights on or to the Skull Valley Reservation and therefore do not have standing to intervene in this proceeding. The Band respectfully

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submits that this position is indisputable based upon the actions and statements of the Confederated tribes itself.

On October 4, 1992, Leon D. Bear, the now Chairman of the Skull Valley Band was hunting with his brother on the Confederated Tribes' Reservation at the Deep Creek Mountain Range. On that date, at approximately 11:15 a.m., Leon and his brother were stopped by a Confederated Tribes' Tribal Law Enforcement Officer, who confiscated their hunting rifles. The two were also charged with criminal trespass on the Confederated Tribe's Reservation. Exhibit 1 is a copy of the Appearance Ticket/Complaint issued to Mr. Bear by the Confederated Tribes' Tribal Law Enforcement Officer.

After several attempts to resolve this matter, on December 23, 1992, John Paul Kennedy, counsel for the Confederated Tribes, finally wrote to the undersigned counsel for the Skull Valley Band offering to drop the criminal charges,

“if they [Leon D. Bear and his brother] would stipulate that they have no right to hunt and fish (or gather) on the Goshute Reservation at Ibapah and they would not do so in the future without written authorization of the Tribal Business Council at Ibapah.”

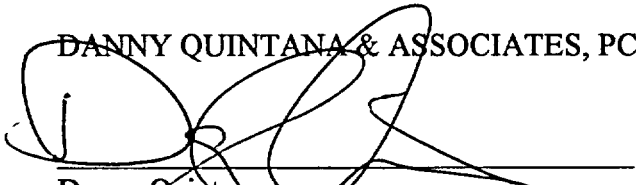
A copy of Kennedy's letter is attached as Exhibit 2. Since it is the Confederated Tribes' position that members of the Skull Valley Band are trespassing on the Confederated tribes' Reservation when they hunt, fish and gather without “written authorization” of the Confederated Tribes' Business Council, then as a matter of simple reciprocity (let alone fairness and equity), the members of the Confederated Tribes can have no greater rights with respect to the Skull Valley Reservation. The Confederated Tribes should certainly not be entitled to claim credit for access to and the hospitality of the Skull Valley Reservation when they treat access to their own reservation by members

of the Skull Valley Band as a criminal trespass. The Confederated Tribes are estopped from claiming any rights to the Skull Valley Reservation. This Honorable Court can take judicial notice that there are over 500 Federally recognized tribes in the United States. Each have their own government. Many still have their own reservations. Some share reservations like the Confederated Goshutes who include within their membership, Piauxes and Western Shoshones. The Uintah and Ouray Reservation in Northeast Utah includes White River and Uncompadre Utes and Uintahs. The language groups and blood lines have resulted in tribes having some proximity to each other, like the various Sioux and Oklahoma tribes. However, where tribes have defined borders and Federal ID numbers, different B.I.A. agencies and completely different governments, they are separate tribes.

Unless members are enrolled in both tribes, which is clearly not the case here, they have no rights in the internal affairs of the other tribe. Only Congress under Article I, Section 8 has the power "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes". Governor Michael "over my dead body" Leavitt and Mr. Kennedy seem to be oblivious to this fundamental legal principle. The Skull Valley Band of Goshutes respectfully pray that the Confederated Tribes of Goshute Reservation be denied intervention in this proceeding.

DATED this 7th January, 1998.

DANNY QUINTANA & ASSOCIATES, PC.



Danny Quintana
General Counsel for the
Skull Valley Band of Goshutes

Exhibit 1

CONFEDERATE TRIBES OF THE GOSHUTE INDIAN RESERVATION APPEARANCE TICKET—COMPLAINT

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THE PEOPLE OF THE CONFEDERATED TRIBES OF THE GOSHUTES

DATE OF ISSUE

CRIMINAL TRAFFIC

THE UNDERSIGNED BEING DULY SWORN, SAYS THAT ON OR ABOUT:

Month: 10 Day: 14 Year: 92 AT Approx: 10:20 AM Day of week: SAT

Defendant's Name (First, Middle, Last)

ARTHUR KUMM OPPENHEIM

Street: P O BOX 15 JACKSON, UT State: UT Zip: 84071

Driver's License Number: 530 Social Security Number: 4872

Race/Sex: M Date of Birth: 2/21/56 Hair: Brun Weight: 200 Height: 5'5 Eye: Blue Scars or Marks:

Employed by: Vehicle Plate Number: 6797 Year: 92 State: UT Vehicle Description (Year, Make, Color): 1990 Ford ck 1.6L Type: 1/4

THE PERSON NAMED ABOVE IN VIOLATION OF: TRAFFIC State Law Tribal Ordinance O.C.F.R.-25

At or Near: Little North Fork Creek Within Goshute Reservation: Tropic, UT County of: Kane Did the following: Switch to member of the tribe of Little North Fork Creek

NOTICE TO DEFENDANT

YOU MUST APPEAR IN COURT TO ANSWER THIS COMPLAINT

on _____ within _____ at _____ a.m. p.m.

In the _____ Court at: WHEN NOTIFIED BY THE COURT

Court Address & Phone Number: Tropic, UT

IF YOU FAIL TO APPEAR AS ORDERED AN ARREST WARRANT FOR YOU WILL BE ISSUED BY THE COURT

Officer's I.D.: _____ Officer or Complainant's Name (Print): R. F. ...

Agency O.R.I.: K024 Agency Name: Tribal Law Enforcement

I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

Date: 10/14/92 Complainant's Signature: _____

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS DATE Signature and Title: _____ Complainant's Signature: _____

PRESS HARD — YOU ARE MAKING THREE COPIES

White & Canary—Court Copies Pink—Prosecutor's Copy Gold—Defendant's Copy

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Exhibit 2

JOHN PAUL KENNEDY
ATTORNEY AT LAW
1385 YALE AVENUE
SALT LAKE CITY, UTAH 84105
TELEPHONE (801) 583-6170
TELEFAX (801) 581-1007

December 23, 1992

By Telefax: 521-4625

Mr. Danny Quintanna
Judge Building, Suite 735
8 East Broadway
Salt Lake City, Utah 84111

Re: Hunting trespass

Dear Danny:

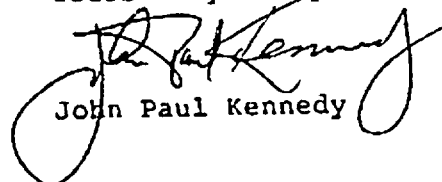
I received your proposed agreement on gaming.

I must say that the proposal was nothing like what I discussed with you. To reiterate my clients' position: If your individual clients would like to avoid going through a criminal trial on the hunting matter, the Goshute Tribe at Ibapah would be willing to resolve the matter if they would stipulate that they have no right to hunt and fish (or gather) on the Goshute Reservation at Ibapah and that they would not do so in the future without written authorization of the Tribal Business Council at Ibapah. I suggested that since they are the leaders at Skull Valley, they should have a council resolution setting forth the foregoing so we don't have similar problems with others in the future.

Your draft sets forth numerous matters which I am certain would be unacceptable to the Goshute Tribe at Ibapah.

If the case is resolved, I am confident that we can arrange for the speedy return of the rifles. Short of resolution, however, I think the police will object to such a return. Please let me know as soon as possible whether your clients want to resolve this matter along the lines I've indicated. If not, the case should go forward.

Yours very truly,


John Paul Kennedy

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USNRC

CERTIFICATE OF SERVICE

'98 JAN 14 P3:08

I hereby certify that copies of the above Response were served upon the persons indicated below in the manner stated on the date stated:

OFFICE OF SECRETARY
RULEMAKING
ADJUDICATION STAFF

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Rockville, MD 20852-2738
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Dated: January 13, 1998.

A handwritten signature in cursive script, appearing to read "Clayton Parr", is written over a horizontal line.