

in a proceeding to consider an application by Private Fuel Storage, L.L.C. (PFS), for a license to construct and operate an Independent Spent Fuel Storage Facility (ISFSI) on the Skull Valley Indian Reservation in Utah. Private Fuel Storage, L.L.C. (ISFSI), CLI-02-29, 56 NRC __ (Dec. 18, 2002). That licensing proceeding is still pending before the NRC.

Skull Valley Band is a federally-recognized Indian Tribe, and an intervenor in the NRC proceeding in support of the application for license. The Band filed its own brief in the NRC proceeding on the jurisdictional issue which is the subject of the order challenged in this action. The Band is entitled to intervene as a matter of right under 28 U.S.C. § 2348 because it is a party in interest in the NRC proceeding, and because it has interests that would be affected if the NRC order were enjoined, set aside, or suspended. The facility, for which the license is sought, is designed to store spent nuclear fuel (SNF) from nuclear power plants. It will be constructed on the tribal lands of the Skull Valley Band pursuant to a lease agreement between PFS and the Band, under which the Band will receive substantial benefits once SNF is delivered to the facility.

Thus, the Band has substantial, direct and tangible interests in the licensing proceeding and the subject Petition for Review, and other parties cannot adequately protect the tribal governmental interests of the Band.

Respectfully submitted,



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of Goshute Indians

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(Application for Admission pending)*

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

MARGENE BULLCREEK, *et al.*,
Petitioners,

v.

UNITED STATES NUCLEAR REGULATORY
COMMISSION, and the

UNITED STATES OF AMERICA,
Respondents.

No. 03-1018

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Motion for Intervention by Skull Valley Band of Goshute Indians were served upon the following by United States mail, first class, postage prepaid, on this 28th day of February, 2003:

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