

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

OHNGO GAUDADEH DEVIA, et al.,)	
Petitioners,)	
)	
v.)	No. 05-1419, 05-1420
)	06-1087
UNITED STATES NUCLEAR REGULATORY)	(Consolidated)
COMMISSION and the)	
)	
UNITED STATES OF AMERICA,)	
Respondents.)	
)	

**REPORT ON THE STATUS OF ACTION FILED TO CHALLENGE
DECISIONS OF THE DEPARTMENT OF THE INTERIOR
DENYING APPROVAL OF LEASE AND RIGHT-OF-WAY**

This Court's Order of June 26, 2007 requires the parties, including the Intervenor, to file a report within 120 days from the date of the Order on the status of any action challenging the Department of Interior's denial of either the lease between the Skull Valley Band of Goshute Indians ("the Band") and Private Fuel Storage, L.L.C. ("PFS") or the requested right-of-way across public land regarding the facility at issue in this case. Pursuant to the Order, Intervenor file the following Report on behalf of the parties.

On July 17, 2007, the Band and PFS filed a civil action in the United States District Court for the District of Utah against officials of the U.S.

Department of the Interior, and the Department, seeking judicial review of the September 7, 2006 decisions denying approval of the Band's lease with PFS for storage of spent nuclear fuel on tribal land on the Skull Valley Reservation, and denying the application of PFS for a right-of-way across public land administered by the Bureau of Land Management for transportation of spent nuclear fuel casks to the storage site on the Reservation. Skull Valley Band of Goshute Indians v. Cason, Case No. 2:07cv00526 TC. On July 20, 2007, an Amended Complaint was filed substituting C. Stephen Allred, Assistant Secretary of the Interior, for named defendant Chad Calvert, who is no longer employed by the Department.

The action prays the District Court to vacate the two decisions as arbitrary and capricious, an abuse of discretion, not in accordance with law, and without observance of procedures required by law, and to remand the two matters to the Department of Interior for approval with directions to adhere to agency regulations, and to defer, to the maximum extent possible, to the determination of the Band that the lease with PFS is in the Band's best interests, as required by agency regulations.

On October 9, 2007, the Federal Defendants filed their Answer to the Amended Complaint denying that the Band and PFS are entitled to the relief requested in the Amended Complaint. The parties to the action are now

discussing a proposed schedule for litigating the case to be filed with the
Utah District Court.

Respectfully submitted,

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Dated: October 24, 2007

OHNGO GAUDADEH DEVIA, et al.,)	
Petitioners,)	
)	
v.)	
)	
UNITED STATES NUCLEAR REGULATORY)	
COMMISSION and UNITED STATES OF)	Nos. 05-1419, 05-1420, and 06-1087
AMERICA,)	(Consolidated)
Respondents, and)	
)	
)	
PRIVATE FUEL STORAGE, L.L.C. and)	
SKULL VALLEY BAND OF GOSHUTE)	
INDIANS,)	
Intervenors.)	
)	
)	

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing “Report on the Status of Action Filed to Challenge Decisions of the Department of the Interior Denying Approval of Lease and Right-of-Way” were served upon the following by United States mail, first class, postage prepaid, on this 24th day of October, 2007:

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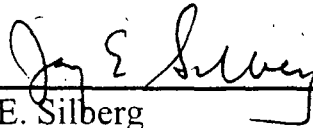
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