

No. 05-1419

Consolidated with 05-1420, 06-1087

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

OHNGO GAUDADEH DEVIA,
Petitioner

v.

NUCLEAR REGULATORY COMMISSION and
UNITED STATES OF AMERICA,
Respondents

PRIVATE FUEL STORAGE, L.L.C. and
SKULL VALLEY BAND OF GOSHUTE INDIANS,
Intervenors

On Petitions for Review of Orders and a License of the
Nuclear Regulatory Commission

2ND REPORT ON STATUS OF ACTION FILED TO CHALLENGE

DECISIONS OF THE DEPARTMENT OF THE INTERIOR

DENYING APPROVAL OF LEASE AND RIGHT-OF-WAY

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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, and every 120 days thereafter, 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. The first such report was filed on October 24, 2007, reporting that the Band and PFS filed suit on July 17, 2007, in the U.S. District Court for the District of Utah against officials of the U.S. Department of the Interior, challenging the two adverse Interior decisions of September 7, 2006. Skull Valley Band, et al. v. Cason, et al., No. 2:07-cv-526 TC [hereinafter, the Utah action.]. Pursuant to this Court's Order of June 26, 2007, Intervenor now file the following 2nd Report on behalf of the parties. The other parties, the State of Utah, Ohngo Gaudadeh Devia, the Nuclear Regulatory Commission, and the United States of America, join in this report.

On October 31, 2007, the parties to the Utah action filed a Joint Litigation Plan with the Court, and it was signed by Judge Campbell on November 2, 2007. That Litigation Plan called for the filing of the agency's

administrative record by December 21, 2007. On December 20, 2007, the agency filed a Motion for an Extension of Time to file the administrative record by February 1, 2008. Plaintiffs (the Band and PFS) opposed the motion, but the motion was granted by the magistrate judge on January 7, 2008.

Most of the administrative record in the Utah action was filed and served on February 1, 2008; the remainder of the record was filed on February 8, 2008. The revised schedule now provides that plaintiffs must file any discovery requests and/or a motion to supplement the record by February 29, 2008. The schedule also provides that plaintiffs' brief on the merits is due on March 21, 2008; the agency response is due April 18, 2008, and plaintiffs' reply is due on May 2, 2008. However, that briefing schedule is dependent upon early resolution of issues with regard to the appropriate contents of the administrative record, and whether any discovery is warranted.

Respectfully submitted,

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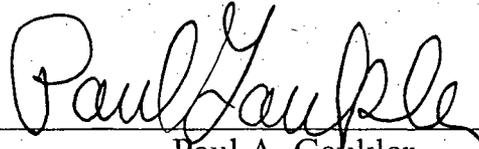
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Dated: February 21, 2008

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