

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

3RD REPORT ON STATUS OF ACTION FILED TO CHALLENGE
DECISIONS OF THE DEPARTMENT OF THE INTERIOR
DENYING APPROVAL OF LEASE AND RIGHT-OF-WAY

TIM VOLLMANN
3301-R Coors Rd. NW #302
Albuquerque, NM 87120
Attorney for Skull Valley Band
of Goshute Indians

JAY E. SILBERG
PAUL A. GAUKLER
PILLSBURY WINTHROP SHAW
PITTMAN LLP
2300 N Street, N.W.
Washington, DC 20037
Attorneys for Private Fuel Storage

BACKGROUND

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 ("Utah District Court") 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").

A second status report was filed February 21, 2008. It reported that the administrative record for the Utah action had been filed and served on February 1 and February 8, 2008 and that a schedule had been established for the plaintiffs to file any discovery requests and/or a motion to supplement the administrative record by February 29, 2008. It also reported that a schedule for briefing on the merits had been established but was

dependent on early resolution of issues regarding the content of the administrative record and whether any discovery was warranted.

Pursuant to this Court's Order of June 26, 2007, Intervenors now file the following 3rd Report on behalf of the parties, in which the State of Utah and the Nuclear Regulatory Commission join.¹

THIRD STATUS REPORT

Plaintiffs to the Utah action (the Band and PFS) requested and were granted extensions to March 11, 2008 of the February 29, 2008 deadline to file any discovery requests and/or a motion to supplement the administrative record. On March 11, 2008, the plaintiffs filed a motion to permit the introduction of certain extra-record evidence and also served on the defendants written interrogatories and requests for admissions. On April 1, 2008, the defendants filed a motion requesting the entry of a protective order with respect to plaintiffs' discovery requests. The parties to the Utah action filed responses and replies with respect to the two motions, the last of which was filed May 2, 2008.

A hearing on the two motions was scheduled to be held on June 20, 2008 before Judge Campbell. However, on June 18, 2008, the Utah District

¹ Counsel for Intervenors was unable to reach counsel for Ohngo Gaudadeh Devia and counsel for the United States of America to confirm whether they join in this report.

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Petitioners,)	
)	
v.)	No. 05-1419, 05-1420
)	06-1087.
UNITED STATES NUCLEAR)	(consolidated)
REGULATORY COMMISSION and the)	
)	
UNITED STATES OF AMERICA,)	
Respondents.)	
)	

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing "3rd Report on 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 the 20th day of June, 2008:

John F. Cordes, Jr., Esq. Solicitor, Office of the General Counsel U.S. Nuclear Regulatory Commission Washington, DC 20555-0001	Attorney General of the United States U.S. Department of Justice 950 Pennsylvania Avenue Washington, DC 20530
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Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, DC 20555-0001

Paul EchoHawk, Esq.
EchoHawk Law Offices
151 North 4th Avenue, Suite A
P.O. Box 6119
Pocatello, ID 83205-6119

Martin G. Malsch
Attorney for Appellants
Egan, Fitzpatrick, Malsch & Cynkar,
PLLC
8300 Boone Boulevard, Suite 340
Vienna, VA 22182

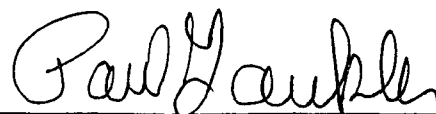
Michael A. Bauser
Nuclear Energy Institute
1776 I Street, N.W., Suite 400
Washington, DC 20006-3708
Amici Curiae

Tim Vollmann, Esq.
Skull Valley Band of Goshute Indians
3301-R Coors Road, N.W.
Suite 302
Albuquerque, NM 87120

Roy T. Englert, Jr.
Noah A. Messing
Robbins, Russell, Englert, Orseck &
Untereiner, LLP
1801 K Street, N.W., Suite 411
Washington, DC 20006

Mark L. Shurtleff, Attorney General
Denise Chancellor, Asst. Attorney General
Fred G. Nelson, Asst. Attorney General
James R. Soper, Asst. Attorney General
Connie Nakahara, Special Asst. Attorney
General
Attorneys for the State of Utah
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114-0873

Dated: June 20, 2008



Paul A. Gaukler