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RULEMAKINGS AND  
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

|                                 |   |                           |
|---------------------------------|---|---------------------------|
| In the Matter of                | ) |                           |
|                                 | ) |                           |
| PRIVATE FUEL STORAGE L.L.C.     | ) | Docket No. 72-22          |
|                                 | ) |                           |
| (Private Fuel Storage Facility) | ) | ASLBP No. 97-732-02-ISFSI |

JOINT REPORT ON THE STATUS OF FEDERAL LAWSUIT  
SKULL VALLEY BAND V. LEAVITT

Pursuant to the June 14, 2001 order of the Atomic Safety and Licensing Board ("Board"),<sup>1</sup> Applicant Private Fuel Storage, L.L.C. ("PFS"), the Skull Valley Band of Goshute Indians ("Skull Valley Band"), and the State of Utah ("State" or "Utah") jointly submit this report on the status of the federal lawsuit, Skull Valley Band of Goshute Indians v. Leavitt, Case No. 2:01CV00270C (D. Utah, filed Apr. 19, 2001). On April 13, 2001, the State filed Contention Security-J, Law Enforcement ("Security-J"), which contended that PFS is unable to comply with the regulatory mandate that a "[d]ocumented liaison with a designated response force or local law enforcement agency (LLEA) must be established to permit timely response to unauthorized penetration or activities," 10 C.F.R. § 73.51(d)(6), because recently-adopted Utah legislation prohibits any state or local government entity from entering into such an agreement relative to the PFS facility. Order at 1. The Board deferred any ruling on the State's request to admit Security-J, pending resolution of the federal district court litigation in which the Skull Valley Band and PFS

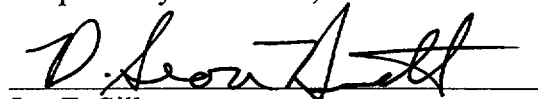
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<sup>1</sup> Memorandum and Order (Deferring Admissibility Ruling on Late-Filed Contention Security-J) (June 14, 2001) ("Order").

contest the constitutionality of the Utah legislation, or further order of the Board. Order at 2. In order to monitor that proceeding to determine whether any developments would warrant further Board action on the contention pending a court ruling, the Board requested PFS, the Skull Valley Band, and the State to file periodic joint reports on the status of the lawsuit. Id. at 9. The first report is due on June 29, 2001; subsequent reports are due every 45 days. Id.

The Board has before it a copy of the federal complaint, which was filed on April 19, 2001.<sup>2</sup> By joint Stipulation the parties to the federal litigation have agreed that the defendants have until July 18, 2001 to file their answer to the complaint. PFS, the Skull Valley Band, and the State will submit their next joint status report to the Board on August 13, 2001.

Respectfully submitted,



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Dated: June 29, 2001

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<sup>2</sup> PFS attached a copy of the Complaint to its response to Utah's request to admit Utah Security-J. See Applicant's Response to State of Utah's Request for Admission of Late-filed Contention Utah Security J—Law Enforcement, dated April 27, 2001.

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| (Private Fuel Storage Facility) | ) | ASLBP No. 97-732-02-ISFSI |

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the Joint Report on the Status of Federal Lawsuit Skull Valley Band v. Leavitt were served on the persons listed below (unless otherwise noted) by electronic mail with conforming copies by U.S. mail, first class postage pre-paid, this 29<sup>th</sup> day of June 2001.

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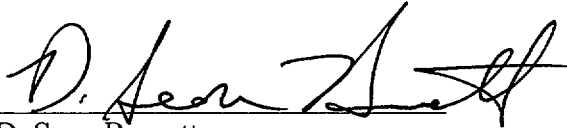
\* Adjudicatory File  
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