

October 24, 2001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

2002 JAN -8 PM 1:08

In the Matter of

)

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

PRIVATE FUEL STORAGE L.L.C.

)

Docket No. 72-22

(Private Fuel Storage Facility)

)

ASLBP No. 97-732-02-ISFSI

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

Pursuant to the October 11, 2001 Memorandum and Order of the Atomic Safety and Licensing Board ("Board"),¹ Applicant Private Fuel Storage, L.L.C. ("PFS"), the Skull Valley Band of Goshute Indians ("Skull Valley Band" or "Band"), and the State of Utah ("State" or "Utah") jointly submit this interim 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). In its October 11, 2001 Memorandum and Order, the Board requested a "joint report from the parties . . . outlining whether there has been any change regarding . . . the status of the pending federal court litigation." The parties report that there has been no change concerning the status of the federal court litigation from that reported in the "Third Joint Report on the Status of Federal Lawsuit Skull Valley Band v. Leavitt" filed by the parties on September, 28, 2001 except as follows: (1) the parties have filed a stipulation with the court providing that PFS's and the Band's response to the State Defendants Motion for Judgment on the Pleadings is due November 8, 2001, and

¹ Memorandum and Order (Schedule for Filings Relating to Representation for Intervenor Skull Valley Band of Goshute Indians) (October 11, 2001).

(2) on October 11, 2001 counsel for the State Defendants sent counsel for PFS and counsel for the Band a letter requesting a Rule 26(f) meeting of the parties.

PFS, the Band, and the State will next report on the status of the pending federal court litigation in their next regularly scheduled joint status report to the Board due November 12, 2001.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Gaukler", written over a horizontal line.

Jay E. Silberg
Ernest L. Blake, Jr.
Paul A. Gaukler
D. Sean Barnett
SHAW PITTMAN
2300 N Street, N.W.
Washington, DC 20037
(202) 663-8000
Counsel for Private Fuel Storage L.L.C.

Dated: October 24, 2001

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the Interim Joint Report on the Status of Federal Lawsuit Skull Valley Band v. Leavitt were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage pre-paid, this 24th day of October, 2001.

G. Paul Bollwerk III, Esq., Chairman Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: GPB@nrc.gov

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: JRK2@nrc.gov; kjerry@erols.com

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: PSL@nrc.gov

*Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications
Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)

Catherine L. Marco, Esq.
Sherwin E. Turk, Esq.
Office of the General Counsel
Mail Stop O-15 B18
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
e-mail: pfscase@nrc.gov

John Paul Kennedy, Sr., Esq.
David W. Tufts, Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
Durham Jones & Pinegar
111 East Broadway, Suite 900
Salt Lake City, Utah 84105
e-mail: dtufts@djplaw.com

Diane Curran, Esq.
Harmon, Curran, Spielberg &
Eisenberg, L.L.P.
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
e-mail: dcurran@harmoncurran.com

*Richard E. Condit, Esq.
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, CO 80302

* Adjudicatory File
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Denise Chancellor, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, Utah 84114-0873
e-mail: dchancel@state.UT.US

Joro Walker, Esq.
Land and Water Fund of the Rockies
1473 South 1100 East
Suite F
Salt Lake City, UT 84105
e-mail: utah@lawfund.org

Tim Vollmann, Esq.
Skull Valley Band of Goshute Indians
3301-R Coors Road, N.W.
Suite 302
Albuquerque, NM 87120
e-mail: tvollmann@hotmail.com

Paul EchoHawk, Esq.
Larry EchoHawk, Esq.
Mark EchoHawk, Esq.
EchoHawk PLLC
P.O. Box 6119
Pocatello, ID 83205-6119
e-mail: pechohawk@hollandhart.com

* By U.S. mail only


Paul A. Gaukler