

Tim Vollmann
3301-R Coors Rd. N.W. #302
Albuquerque, NM 87120
Telephone: (505) 792-9168
Facsimile: (505) 792-9251
Tim_Vollmann@hotmail.com

Attorney for Movant-Intervenor
Skull Valley Band of Goshute Indians
(Application for Admission pending)

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

MARGENE BULLCREEK, *et al.*,
Petitioners,

v.

UNITED STATES NUCLEAR REGULATORY
COMMISSION, and the

UNITED STATES OF AMERICA,
Respondents.

No. 03-1018

MOTION TO INTERVENE

BY THE SKULL VALLEY BAND OF GOSHUTE INDIANS

The Skull Valley Band of Goshute Indians respectfully moves to intervene, pursuant to 28 U.S.C. § 2348, Rule 15(d) of the Federal Rules of Appellate Procedure, and Circuit Rule 15(b), in the above-entitled action as a respondent in support of the order of the Nuclear Regulatory Commission (NRC). In support of this motion, the Skull Valley Band states:

Petitioners have commenced this action to seek review of a December 18, 2002, order issued by the NRC denying a February 11, 2002, petition of the State of Utah to initiate rulemaking. This order also rejected the State of Utah's "Suggestion of Lack of Jurisdiction"

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in a proceeding to consider an application by Private Fuel Storage, L.L.C. (PFS), for a license to construct and operate an Independent Spent Fuel Storage Facility (ISFSI) on the Skull Valley Indian Reservation in Utah. Private Fuel Storage, L.L.C. (ISFSI), CLI-02-29, 56 NRC __ (Dec. 18, 2002). That licensing proceeding is still pending before the NRC.

Skull Valley Band is a federally-recognized Indian Tribe, and an intervenor in the NRC proceeding in support of the application for license. The Band filed its own brief in the NRC proceeding on the jurisdictional issue which is the subject of the order challenged in this action. The Band is entitled to intervene as a matter of right under 28 U.S.C. § 2348 because it is a party in interest in the NRC proceeding, and because it has interests that would be affected if the NRC order were enjoined, set aside, or suspended. The facility, for which the license is sought, is designed to store spent nuclear fuel (SNF) from nuclear power plants. It will be constructed on the tribal lands of the Skull Valley Band pursuant to a lease agreement between PFS and the Band, under which the Band will receive substantial benefits once SNF is delivered to the facility.

Thus, the Band has substantial, direct and tangible interests in the licensing proceeding and the subject Petition for Review, and other parties cannot adequately protect the tribal governmental interests of the Band.

Respectfully submitted,

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

Tim Vollmann
Attorney at Law
Attorney for Skull Valley Band
of Goshute Indians

Dated: February 28, 2003

Tim Vollmann
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CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Motion for Intervention by
Skull Valley Band of Goshute Indians were served upon the following by United States mail,
first class, postage prepaid, on this 28th day of February, 2003:

John F. Cordes, Jr., Esq.
Solicitor
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

John Ashcroft, Esq.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Jay E. Silberg
SHAW PITTMAN, L.L.P.
2300 N Street, N.W.
Washington, D.C. 20037

Tim Vollmann
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