

United States Court of Appeals

District of Columbia Circuit

DOCKETING STATEMENT

Administrative Agency Review Proceedings
(To be completed by appellant/petitioner)

1. CASE NO. 03-1018 2. DATE DOCKETED 1/31/03
3. CASE NAME
(lead parties only) Margene Bullcreek et al v. U.S. Nuclear Regulatory Commission
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint ☐ Tax Court
X
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? YES ☐ NO ☒
- If YES, cite statute: _____
6. CASE INFORMATION:
- a. Identify agency whose order is to be reviewed: Nuclear Regulatory Commission
- b. Give agency docket or order number(s): Docket #72-22-ISFSI Order #CLI-02-29
- c. Give date(s) of order(s): 12/18/02
- d. Has a request for rehearing or reconsideration been filed at the agency? YES ☐ NO ☒
If so, when was it filed? _____ By whom? _____
Has the agency acted? YES ☐ NO ☐ If so, when? _____
- e. Are any other cases involving the same underlying agency order pending in this Court or in any other Court?
YES ☐ NO ☒ If YES, identify case name(s), docket number(s), and court(s): _____
- f. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?
YES ☐ NO ☒ If YES, give case name(s) and number(s) of these cases and identify court/agency: _____
- g. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? YES ☐ NO ☒ If so, provide the name of the program and the dates of participation. _____

Signature Paul C. Echohawk Date 3/5/03

Name of Party (Print) Paul C. Echohawk, Esq.

Name of Counsel for Appellant/Petitioner (Print) Paul C. Echohawk Firm Echohawk Law Offices

Address P.O. Box 6119
Pocatello, ID 83205

Phone (208) 478-1624 Fax No. (208) 478-1670

ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 10 days by letter, with copies to all other parties, specifically referring to the challenged statement. An original and three copies of such letter should be submitted.

template 06C002

06C002

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

MARGENE BULLCREEK, et al,) No. 03-1018

Petitioners,)

v.)

UNITED STATES NUCLEAR
REGULATORY COMMISSION, and the)
UNITED STATES OF AMERICA)

Respondents.)

No. 03-1022

STATE OF UTAH,)

Petitioner,)

v.)

NUCLEAR REGULATORY
COMMISSION and UNITED STATES)
OF AMERICA,)

Respondents.)

PETITIONERS' PROVISIONAL CERTIFICATE

COME NOW Margene Bullcreek, Lisa Bullcreek, Rex Allen, Mary Allen, Daniel Moon, Delford Moon, Lena Knight, Abby Bullcreek, and Linda Williams, individual members of the Skull Valley Band of Goshute Indians and members of the Band's General Council, and Ohngo Gaudadeh Devia ("OGD"), through their attorneys, EchoHawk Law Offices, pursuant to Circuit Rule 15(c)(3), and submit the following Provisional Certificate in conjunction with the Docketing Statement:

(A) Parties and Amici.

The relevant parties appearing before the Nuclear Regulatory Commission were as follows:

Denise Chancellor, Esq.
Assistant Attorney General
State of Utah
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, Utah 84114-0873
e-mail: dchancellor@utah.gov

Jay Silberg, Esq.
Paul Gaukler, Esq.
Sean Barnett, Esq.
Attorneys for Private Fuel Storage, LLC
Shaw Pittman, LLP
2300 N Street, N.W.
Washington, DC 20037-1128
e-mail: jay.silberg@shawpittman.com
paul.gaukler@shawpittman.com
sean.barnett@shawpittman.com

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

John F. Cordes, Jr., Solicitor
Grace H. Kim, Sr. Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
The parties before this court are as follows:

In addition to Petitioners, the parties before this Court are the same parties as before the Nuclear Regulatory Commission.

The Skull Valley Band has filed a motion to intervene, which has not been adjudicated by this Court.

(B) Rulings Under Review

The ruling(s) at issue in this case are: Memorandum Decision and Order

These rulings were issued on December 18, 2002, by Nuclear Regulatory Commissioners Richard A. Meserve, Greta Joy Dicus, Nils J. Diaz, Edward McGarffigan, Jr., and Jeffrey S. Merrifield.

These rulings may be found on file with the Nuclear Regulatory Commission, by docket number 72-22-ISFSI, Order No. CLI-02-29.

(C) Related Cases

The case on review was not previously before this Court or any other court.

DATED: March 5, 2003.

ECHOHAWK LAW OFFICES

By Paul Echohawk
Paul C. EchoHawk (Idaho State Bar #5002)
EchoHawk Law Offices
151 North 4th Ave., Suite A
P.O. Box 6119
Pocatello, Idaho 83205-6119
Telephone: (208) 478-1624
Facsimile: (208) 478-1670
Email: paul@echohawk.com

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of March, 2003, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Grace H. Kim, Senior Attorney
John F. Cordes, Jr., Solicitor
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)

Jay Silberg, Esq.
Paul Gaukler, Esq.
Sean Barnett, Esq.
Shaw Pittman, LLP
2300 N Street, N.W.
Washington, DC 20037-1128

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)

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

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)

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

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)

Paul Echobawh
for ECHOHAWK LAW OFFICES

H:\WDOX\CLIENTS\0002\0018\00003569.DOC

DOCKETING STATEMENT - 2

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

MARGENE BULLCREEK, et al,) No. 03-1018
)
Petitioners,)
v.)
)
UNITED STATES NUCLEAR)
REGULATORY COMMISSION, and the)
UNITED STATES OF AMERICA)
)
Respondent.)

) No. 03-1022
STATE OF UTAH,)
)
Petitioner,)
)
v.)
)
NUCLEAR REGULATORY)
COMMISSION and UNITED STATES)
OF AMERICA,)
)
Respondents.)

PETITIONERS' STATEMENT OF ISSUES TO BE RAISED

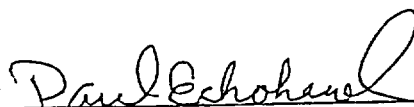
COME NOW Margene Bullcreek, Lisa Bullcreek, Rex Allen, Mary Allen, Daniel Moon, Delford Moon, Lena Knight, Abby Bullcreek, and Linda Williams, individual members of the Skull Valley Band of Goshute Indians and members of the Band's General Council, and Ohngo Gaudadeh Devia ("OGD"), through their attorneys, EchoHawk Law Offices, pursuant to the Court's Order dated February 3, 2003, and submit the following statement of issues to be raised:

The NRC's December 18, 2002 Memorandum and Order, DLI-02-20, denied a petition to institute rulemaking pursuant to 10 C.F.R. § 2.802(a) to amend regulations governing independent spent fuel storage installations (ISFSIs"), 10 C.F.R. Part 72, to make clear that licensing is allowed only for federally owned and operated away-from-reactor spent nuclear fuel ("SNF") storage facilities and not for an away-from-reactor storage facility that is privately owned. The requested amendment is necessary to bring Part 72 into conformity with the Nuclear Regulatory Policy Act of 1982, as amended, 42 U.S. C. §§ 10101 *et seq.* The Petition for Review was filed by Petitioner for review of the NRC Memorandum and Order to the extent the Memorandum and Order denied the Petition to Institute Rulemaking filed before the NRC on February 11, 2002.

DATED: March 5, 2003.

ECHOHAWK LAW OFFICES

By



Paul C. EchoHawk (Idaho State Bar #56402)

EchoHawk Law Offices

151 North 4th Ave., Suite A

P.O. Box 6119

Pocatello, Idaho 83205-6119

Telephone: (208) 478-1624

Facsimile: (208) 478-1670

Email: paul@echohawk.com

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of March, 2003, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Grace H. Kim, Senior Attorney
John F. Cordes, Jr., Solicitor
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)

Jay Silberg, Esq.
Paul Gaukler, Esq.
Sean Barnett, Esq.
Shaw Pittman, LLP
2300 N Street, N.W.
Washington, DC 20037-1128

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)

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

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)

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

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)


for ECHOHAWK LAW OFFICES

H:\WDOX\CLIENTS\0002\0018\00003573.DOC

STATEMENT OF ISSUES TO BE RAISED - 3