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May 22, 1997

James Wilcoxon, Esq.
P.O. Box 357
Muskogee, Oklahoma 74402-0357

Re: In the Matter of Sequoyah Fuels Corporation and General Atomics,
Docket No. 40-8027-EA

Dear Mr. Wilcoxon:

A few weeks ago, the enclosed article appeared in the April 7, 1997 edition of The National Law Journal. The article clearly implies that you have been terminated from all representation of the Cherokee Nation, including the above-captioned proceeding.

As you know, while there is no express requirement that an Intervenor be represented by counsel in NRC proceedings, there are indications that the regulations do not contemplate representation of a party by a non-lawyer and that any party who does not appear pro se must be represented by a lawyer. See, e.g., Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 2), ALAB-474, 7 NRC 746, 748 (1978); Duke Power Co. (Cherokee Nuclear Station, Units 1, 2 & 3), ALAB-440, 6 NRC 642, 643 n.3 (1977). It is clear that with respect to organizations such as the Cherokee Nation, the NRC's Rules of Practice limit representation to either an attorney or a member of the organization. 10 C.F.R. § 2.713(b) states unequivocally that "A partnership, corporation or unincorporated association may be represented by a duly authorized member or officer, or by an attorney-at-law."

The NRC's Rules also provide that an attorney "appearing in a representative capacity shall file with the Commission a written notice of appearance," including, inter alia, "the basis of his or her eligibility as a representative." 10 C.F.R. § 2.713(b). This strongly implies a continuing duty upon an attorney who has previously entered an appearance in a proceeding to inform the Commission of any change in the status of his or her representative capacity.

I am unaware of any effort by you to withdraw as counsel for the Cherokee Nation in the above-captioned proceeding, nor have I received any notice that another person -- whether an officer or an attorney-at-law -- has been substituted as the representative of the Cherokee Nation.

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On or about March 28, 1997, a brief was filed in the instant proceeding in reply to General Atomics' Opposition Brief on Appeal of LBP-96-24. The brief was purportedly filed on behalf of the Cherokee Nation. Although Diane Curran, counsel for Native Americans for a Clean Environment signed the brief on your behalf, you are clearly identified as "Counsel to the Cherokee Nation." I have not previously objected to Ms. Curran signing documents on your behalf. In light of the report in The National Law Journal, however, I would be appreciative if you would advise me (1) whether or not the Cherokee Nation authorized the filing of the March 28, 1997 brief on its behalf, (2) whether or not you are continuing to serve as counsel for the Cherokee Nation, and (3) if you are not, the name and address of your successor.

Sincerely,

A handwritten signature in black ink that reads "Stephen M. Duncan". The signature is written in a cursive style with a large, stylized initial "S".

Stephen M. Duncan

THE NATIONAL LAW JOURNAL

Monday, April 7, 1997

↑ Briefly . . .

▣ THE FORMER CHIEF lawyer for the Cherokee Nation blames tribal politics for his dismissal from the tribe's largest corporation. **Jim Wilcoxan** of Muskogee, Okla., former longtime chief counsel to the state's largest tribe, says he thinks his firing is in retaliation for representing Pat Ragsdale, the tribe's marshal service director, who led a Feb. 25 raid on the tribal complex and seized documents in an investigation into possible misuse of tribal and federal funds. The documents allegedly include details about payments to a tribal employee assigned to work with the Democratic National Committee on President Clinton's re-election campaign last year. The Cherokees and the U.S. government are investigating the allegations.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

DOCKETED
USNRC

'97 MAY 27 P4 :

In the Matter of)

SEQUOYAH FUELS CORPORATION)
and GENERAL ATOMICS)
(Gore, Oklahoma Site)
Decontamination and)
Decommissioning Funding)

Docket No. 40-8027-EA

OFFICE OF SECRETARY
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CERTIFICATE OF SERVICE

I hereby certify that copies of the letter of Stephen M. Duncan, Esq., Counsel for General Atomics, to James Wilcoxon, Esq., Counsel for the Cherokee Nation, in the above-captioned matter have been served on the following by deposit in the United States mail, first-class, postage prepaid this 22nd day of May, 1997.

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Atomic Safety and Licensing Board
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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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Mr. John R. Driscoll
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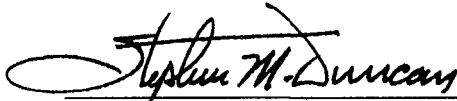
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Adjudicatory File (2)
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Stephen M. Duncan
Counsel for General Atomics