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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of: )  
 )  
PRIVATE FUELS STORAGE, L.L.C. )  
 )  
(Independent Spent Fuel Storage )  
Installation) )  
\_\_\_\_\_ )

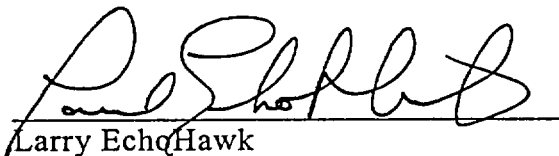
CLARIFICATION OF OHNGO GAUDADEH DEVIA ("OGD") JOINDER  
OF STATE OF UTAH'S PETITION TO INSTITUTE RULEMAKING

On February 11, 2002, the State of Utah filed a petition to institute rulemaking pursuant to 10 CFR 2.802(a), and to stay the PFS licensing proceeding until final resolution of Utah's petition to amend its regulations governing independent spent fuel storage installations ("ISFSIs"), 10 C.F.R. Part 72, to the extent those regulations may be deemed to relate to a privately owned, away-from-reactor, spent nuclear fuel storage facility. Specifically, Utah petitioned that the Commission amend the ISFSI regulations 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 when privately owned.

On October 18, 2002, OGD filed with the Commission a joinder of the State of Utah's Petition to Institute Rulemaking. In that document, the docket numbers to the PFS licensing proceeding were erroneously added. OGD intends to join the State of Utah's Petition for Rulemaking that was filed independent and outside of the PFS licensing proceeding. On April 3, 2002, the Commission issued a memorandum and order, CLI-02-11, in which the Commission deferred a decision on Utah's rulemaking petition. Accordingly, OGD's joinder is timely and proper.

Having reviewed the State of Utah's petition to institute rulemaking, OGD hereby joins, adopts, and incorporates by this reference the entirety of the State of Utah's petition to institute rulemaking and all documents filed in support thereof.

Respectfully submitted this 20<sup>TH</sup> day of November, 2002.



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## CERTIFICATE OF SERVICE

I hereby certify that on this 21<sup>st</sup> day of November, 2002, I caused to be served a true and correct copy of the foregoing by United States Mail, First Class and conforming copies by electronic mail, unless otherwise noted, and addressed to the following:

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