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

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OHNGO GAUDADEH DEVIA,
Petitioner,

v.

UNITED STATES NUCLEAR REGULATORY
COMMISSION and the

UNITED STATES OF AMERICA
Respondents.

No. 05-1419

STATE OF UTAH,
Petitioner,

v.

UNITED STATES NUCLEAR REGULATORY
COMMISSION and the

UNITED STATES OF AMERICA
Respondents.

No. 05-1420

**MOTION OF
PRIVATE FUEL STORAGE, L.L.C.
FOR INTERVENTION AS OF RIGHT**

Private Fuel Storage, L.L.C. ("PFS") respectfully moves, pursuant to 28 U.S.C. § 2348, Rule 15(d) of the Federal Rules of Appellate Procedure, and Circuit Rule 15(b), for intervention as of right in the above-entitled consolidated actions as a respondent in support of the agency orders identified in (1) the Petition for Review filed by Ohngo Gaudadeh Devia ("OGD") in Case No. 05-1419¹ and (2) the Petition for Review filed by the State of Utah ("Utah") in Case

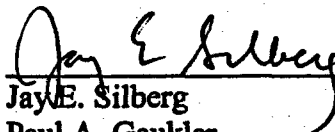
¹ Petition for Review, Ohngo Gaudadeh Devia v. United States Nuclear Regulatory Commission and the United States of America, No. 05-1419, (November 7, 2005).

No. 05-1420.² By order dated November 14, 2005, this Court consolidated the two cases. In support of its motion, PFS states the following:

PFS is entitled to intervene as a matter of right in this action because PFS is a party in interest in the matter before the United States Nuclear Regulatory Commission ("NRC") which is the subject of the Petitions for Review. In 1997, PFS applied to the NRC for a license to construct and operate an independent spent fuel storage facility in Skull Valley, Utah. See Nuclear Regulatory Commission, Docket No. 72-22, "Notice of Consideration of Issuance of a Materials License for the Storage of Spent Fuel and Notice of Opportunity for a Hearing," 62 Fed. Reg. 41099 (1997); Bullcreek v. Nuclear Regulatory Comm., 359 F.3d 536 (D.C. Cir. 2004). PFS fully participated in the NRC adjudicatory proceeding below. The NRC license is required for PFS to construct and operate the proposed facility and therefore to receive a return on its considerable investment to date or receive any of the other expected benefits. PFS's interests therefore would be adversely affected if the NRC's orders identified in the Petitions were enjoined, set aside, or suspended. 28 U.S.C. § 2348.

Thus, PFS has substantial, direct, and tangible interests in this Court's affirmance of the NRC orders challenged by the Petitions. Accordingly, PFS is entitled to intervene as of right in these actions. 28 U.S.C. § 2348.

Respectfully submitted,



Jay E. Silberg

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Counsel for Private Fuel Storage, L.L.C.

Dated: November 21, 2005

² Petition for Review, State of Utah v. United States Nuclear Regulatory Commission and the United States of America, No. 05-1420, (November 8, 2005).

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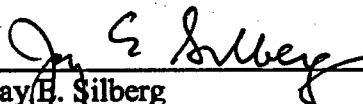
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**CORPORATE DISCLOSURE STATEMENT
OF PRIVATE FUEL STORAGE, L.L.C.**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, Private Fuel Storage, L.L.C. ("PFS") submits this Corporate Disclosure Statement. PFS is a Delaware limited liability company, whose members are eight electric utility companies: Northern States Power Company doing business as XcelEnergy; Genoa FuelTech, Inc.; Indiana Michigan Power Company; Southern California Edison Company; Southern Nuclear Operating Company, Inc.; GPU

Nuclear, Inc.; Entergy Nuclear PFS Company; and Florida Power and Light Company. No other publicly held company has 10 percent or more equity interest in PFS.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Motion of Private Fuel Storage, L.L.C. for Intervention as of Right and Corporate Disclosure Statement of Private Fuel Storage, L.L.C. were served upon the following by United States mail, first class, postage prepaid, on this 21st day of November, 2005:

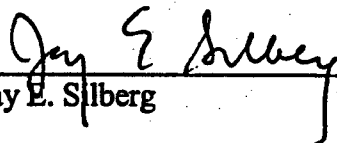
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