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November 13, 2006

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Re: *Ohngo Gaudadeh Devia, and State of Utah v. NRC and the United States of America, D.C. Cir. Nos. 05-1419, 05-1420 & 06-1087*

Dear Counsel:

Pursuant to Fed. R. App. P. 30(c)(1), petitioner State of Utah designates the materials listed below for inclusion in the deferred appendix for the above-referenced cases. We expect currently to file under seal the documents that are bold-faced and underlined below; please inform me if there are other documents that you believe should be filed under seal. We intend to include the entirety of the documents cited below (including any exhibits or attachments to that document) unless we specify below page numbers, chapters, sections, exhibits, or attachments.

Counsel for respondents, OGD, and intervenors
November 13, 2006
Page 2

We reserve the right to supplement the appendix with any additional materials that we rely on in our reply brief and with any materials that we may have inadvertently omitted from this letter.

- Decisions, Orders, and License from PFS Licensing Proceedings – 47 N.R.C. 142; 50 N.R.C. 232; 52 N.R.C. 364; 53 N.R.C. 416; 54 N.R.C. 255; 54 N.R.C. 476; 54 N.R.C. 497; 55 N.R.C. 11; 56 N.R.C. 340; 57 N.R.C. 69; 57 N.R.C. 279; 57 N.R.C. 293; 60 N.R.C. 125; CLI-01-22; CLI-04-04; CLI-04-22; CLI-05-12; CLI-05-19; CLI-06-03; LBP-00-06; LBP-01-19; LBP-01-37; LBP-01-39; LBP-03-04; LBP-05-05; LBP-05-12; LBP-05-29; Board’s Public Memorandum and Order (Feb. 24, 2005) (available at ADAMS Accession No. ML050620391); 4/15/04 Licensing Board Scheduling Order; 12/1/04 Order Directing Clarification of Record; License No. SNM-2513; **CLI-04-10; Board’s Final Partial Initial Decision on Aircraft Crashes (February 24, 2005).**
- Transcripts from PFS Licensing Proceedings – Tr. 3007-15; **4/6/05 Transcript of Utah’s Motion for Reconsideration on Contention Utah K (containing Tr. 19,704 to Tr. 19,994).**
- Exhibits, Submitted Testimony, and Filings from PFS Licensing Proceedings – Utah’s Proposed Findings of Fact on Contention Utah K (2002); Utah Pet. Rev. Cont. K; “Utah Brief on the Question Certified in LBP-01-19” (July 13, 2001); Utah’s Response to Applicant’s Motion for Summary Disposition (Utah K) (Jan. 30, 2001) and Exhibit 1 thereto (including attachments A, I and O of Exhibit 1); PFS Summ. J. Mot. (June 7, 1999); Pre-filed Testimony of James L. Cole, Jr. *et al.* (Feb. 19, 2002) cover page and 114 [referred to as “Cole Report”]; State of Utah’s Request for Admission of Late-Filed Contention Utah UU (Nov. 12, 2004); State of Utah’s Motion to Reopen the Record and to Amend Contention Utah UU (Nov. 3, 2005); Declaration of James L. Cole, Jr., *et al.* in support of Applicant’s Motion for Summary Disposition of Contention Utah K (Dec. 30, 2000) Exhibit 4, Tab N; Exhibit N, Tab N to the 2/19/02 Testimony of Jeffrey Johns; **PFS Findings of Fact (Oct. 2004) cover page & p. 109; 9/12/04 Utah Offer of Proof and Exhibits 281 (Thompson Report (Sept. 2003)) and 282 (Thorne Criticality Report (Sept. 2003)); Utah Findings of Facts (Oct. 28, 2004); Hoffman et al. Report (Sept. 2003) cover page and pp. 1, 13 and 18.**
- Standards and Review Plan – Accident Analysis for Aircraft Crash into Hazardous Facilities, DOE-STD-3014-96; NUREG-0800, *Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants* §§ 2.2.1; 2.2.2; 2.2.3; and 3.5.1.6.

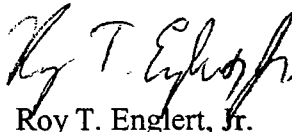
Counsel for respondents, OGD, and intervenors

November 13, 2006

Page 3

- Additional Materials – NUREG-1714, *Final Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah; Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*, Chapter 7 and S-67, S-68, S-70, S-76 and pp. 1-24, 2-86, 4-68, 4-78, 5-1, 6-4, 6-50, 7-16, 7-33, 7-42, 7-54, 10-10.

Very truly yours,



Roy T. Englert, Jr.