

ROBBINS, RUSSELL, ENGLERT, ORSECK & UNTEREINER LLP

1801 K STREET, N.W., SUITE 411  
WASHINGTON, D.C. 20006  
PHONE (202) 775-4500  
FAX (202) 775-4510  
www.robbinsrussell.com

Noah A. Messing

Right side

Stipulation

(202) 775-4493  
nmessing@robbinsrussell.com

March 12, 2007

Grace Kim  
Senior Attorney  
Office of General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Paul A. Gaukler, Esq.  
Pillsbury Winthrop Shaw Pittman, LLP  
2300 N Street, N.W.  
Washington, DC 20037-8007

Re: *Ohngo Gaudadeh Devia and State of Utah v. U.S. Nuclear Regulatory Commission*  
and *United States of America*, USCA DC Cir. No. 05-1419, 05-1420, 06-1087

Dear Counsel:

Enclosed for your file, please find an original, fully executed copy of the Stipulation of U.S. Nuclear Regulatory Commission, State of Utah and Private Fuel Storage LLC in the above captioned matter.

Sincerely,

Noah A. Messing /llbs

Noah A. Messing

Enclosure

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

---

OHNGO GAUDADEH DEVIA, and	)	
STATE OF UTAH,	)	
	)	
Petitioners,	)	
	)	
	)	
v.	)	
	)	
NUCLEAR REGULATORY COMMISSION and	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Respondents.	)	

---

Nos. 05-1419, 05-1420  
06-1087

**STIPULATION OF U.S. NUCLEAR REGULATORY COMMISSION,  
STATE OF UTAH AND PRIVATE FUEL STORAGE LLC**

1. This stipulation is entered into by only the parties in the above-captioned, consolidated cases that have qualified under applicable Nuclear Regulatory Commission (NRC) regulations and Licensing Board orders to obtain access to otherwise-nonpublic information known as "Safeguards Information." Those parties are respondent NRC, intervenor Private Fuel Storage, LLC (PFS), and petitioner State of Utah.

2. NRC has reviewed Utah's initial brief and Utah's reply brief and has determined that those briefs do not contain Safeguards Information. PFS has reviewed Utah's initial brief and Utah's reply brief and has determined that information blacked out on page 60 of the public version of Utah's initial brief contains PFS proprietary information.

3. The undersigned parties hereby stipulate that, notwithstanding any prior designation of any materials as Safeguards Information, it will not violate any applicable NRC regulation,

Licensing Board order, or statute, for the final versions of Utah's briefs (due in this Court March 15, 2007) to disclose publicly any of the information that was contained in the non-public versions of Utah's initial opening brief (filed November 13, 2006) and Utah's initial reply brief (filed March 1, 2007). Likewise, any other party that has referred in its brief to the non-public versions of Utah's initial briefs may make changes to refer instead to the public versions of Utah's final briefs.

4. The undersigned parties hereby stipulate that information blacked out from page 60 of the public version of Utah's initial opening brief was blacked out not because it was Safeguards Information, but because it was and remains proprietary information. That information should remain under seal, will not be disclosed publicly in the final version of Utah's opening brief, and may not be revealed by any party at oral argument.

5. The undersigned parties hereby stipulate that none of them will object under the Federal Rules of Appellate Procedure or the Rules of this Court to changes made in any party's opening and reply briefs between the initial and public versions, so long as the only reason for each change is to reveal publicly information covered by paragraph 3 above or to refer to the public rather than the non-public versions of Utah's briefs. The parties do not otherwise waive any rights to demand strict compliance with the rules governing initial and final briefs under the deferred-appendix method of Federal Rule of Appellate Procedure 30(c) and related rules.

6. This stipulation does not affect which portions of the joint appendix (filed March 1, 2007) are filed under seal.

7. At oral argument and in other public settings, the parties may refer to any information contained in the public briefs, including information covered by paragraph 3 above.

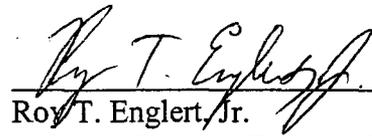
8. This stipulation does not give the parties permission to discuss or reveal publicly any previously classified Safeguards Information other than that contained in the final public briefs.

Agreed to by the undersigned,

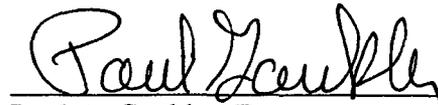
3/9/07  
Date

  
\_\_\_\_\_  
Grace H. Kim  
Senior Attorney  
Office of General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

3/12/07  
Date

  
\_\_\_\_\_  
Roy T. Englert, Jr.  
Robbins, Russell, Englert, Orseck  
& Untereiner LLP  
1801 K Street, N.W.  
Suite 411  
Washington, D.C. 20006

3/12/07  
Date

  
\_\_\_\_\_  
Paul A. Gaukler, Esq.  
Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-8007