



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 1, 2006

Mark J. Langer, Clerk
U. S. Court of Appeals
E. Barrett Prettyman U.S. Courthouse
333 Constitution Ave., N.W.
Washington, D.C. 20001

RE: Ohngo Gaudadeh Devia, et al. v. Nuclear Regulatory Commission, No. 05-1419 and
05-1420 (consolidated)

Dear Mr. Langer:

On December 13, 2005, respondent Nuclear Regulatory Commission ("NRC") filed an unopposed motion to hold the above-referenced consolidated cases in abeyance. For the reasons set forth in the December 13 motion, the NRC asked that the Court hold the cases in abeyance until the issuance of a final NRC decision on the State of Utah's then-pending motion to reopen the record of the administrative proceeding below. The Court has not yet acted on the NRC's December 13 abeyance motion. This letter is to inform the Court that yesterday, January 31, 2006, a final order on Utah's motion to reopen was issued by the NRC. The NRC's order denied Utah's motion to reopen in its entirety. *In the Matter of Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), CLI-06-03, 62 N.R.C. __ (Jan. 31, 2006).

Given this development, we anticipate that the Court will issue a fresh scheduling order establishing deadlines for subsequent filings.

Please date stamp the enclosed copy of this letter to indicate date of receipt, and return the copy to me in the enclosed envelope, postage pre-paid, at your convenience.

Respectfully submitted,

Grace H. Kim
Senior Attorney
Office of the General Counsel

cc: service list