

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

STATE OF UTAH,)	
)	
)	
Petitioner,)	
)	
v.)	No. 06-1087
)	(Consolidated with Cases No.
U.S. NUCLEAR REGULATORY)	05-1419 and 05-1420)
COMMISSION, et al.,)	
)	
Respondents.)	

NOTICE OF PARTICIPATION OF NUCLEAR ENERGY INSTITUTE, INC.
AS AMICUS CURIAE AND REPRESENTATION OF CONSENT

Pursuant to Fed. R. App. P. 29 and D.C. Cir. Rule 29, the Nuclear Energy Institute, Inc. ("NEI") hereby notices its participation as *amicus curiae* in support of Respondents through the filing of this "Notice of Participation of Nuclear Energy Institute, Inc. as Amicus Curiae and Representation of Consent."

1. By Petition docketed March 6, 2006, the State of Utah initiated the above-captioned proceeding, No. 06-1087, seeking review of various actions of the U.S. Nuclear Regulatory Commission ("NRC") pertaining to a licensing proceeding initiated by Private Fuel Storage, LLC, in seeking a license to construct and operate an independent spent fuel storage installation for the temporary storage of used nuclear fuel.

2. NEI participated in the proceedings below before the NRC as *amicus curiae* and has an interest in a number of the issues raised by Petitioner before this Court.

3. NEI has been authorized by attorneys for both the Petitioner and Respondents to represent that Petitioner and Respondents consent to its participation as *amicus curiae*.

WHEREFORE, NEI notices its participation as *amicus curiae* in the instant case,

No. 06-1087.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Bauser".

Ellen C. Ginsberg

Michael A. Bauser*

Anne W. Cottingham

Nuclear Energy Institute, Inc.

1776 I Street, N.W., Suite 400

Washington, D.C. 20006-3708

(202) 739-8144

* Counsel of Record

Dated: May 5, 2006