

May 30, 2003 (3:30PM)

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

BEFORE THE COMMISSIONERS

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In the Matter of:	}	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC	}	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel Storage Installation)	}	May 27, 2003

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STATE OF UTAH'S REQUEST FOR ENLARGEMENT OF PAGES AND  
PERMISSION TO APPEND A REFERENCE APPENDIX TO ITS  
PETITION FOR REVIEW OF PARTIAL INITIAL DECISION,  
LBP-03-08 (CONTENTION UTAH L/QQ, GEOTECHNICAL)

On May 22, 2003, the Licensing Board issued its partial initial decision, LBP-03-08, on Contention Utah L/QQ, Geotechnical. The Board's decision is 372 pages long and addresses six distinct issues. Given the length of the decision and the complexity of the issues, the State requests an enlargement of pages from 10 to 15 pages, plus permission to append a reference appendix listing relevant documents filed in Utah L/QQ.

In accordance with the Commission's Memorandum, CLI-00-24, 52 NRC 351 (2000), 10 C.F.R. § 2.786(b)(1), and LBP-03-08, the State must petition the Commission for review of all issues relating to Contention Utah L/QQ by June 11, 2003. Under 10 CFR § 2.786(b)(2) the page limitation for a petition for review of an initial decision is ten pages. The Board's 372 page decision addresses six major issues: (1) characterization of subsurface soils; (2) use of soil-cement and construction; (3) seismic design and foundation stability; (4) cask stability; (5) seismic exemption request; and (6) compliance with radiation dose limits. See LBP-03-08, slip op at 106-08. The State is still evaluating the Board's 372 page decision for purposes of appeal. However, given the complexity and breadth of the issues raised by

the Board's lengthy decision and the long procedural path by which those issues have been raised, the regulation's page limitations would severely constrain the ability of the State to present a petition on these important issues to the Commission. Further, the regulations require a statement, with record citation, as to where the matters raised in the petition were previously raised before the Board. 10 C.F.R. § 2.786(b)(2)(ii). Instead of encumbering the petition with lengthy citations to the record, a reference appendix would make the petition more readable. In addition to satisfying § 2.786(b)(2)(ii) for the most part, a reference appendix should be extremely useful to the Commission and its staff by showing the lengthy procedural path relating to many issues that are likely to be appealed.

WHEREFORE, the State respectfully requests an enlargement of the page limitation to 15 pages plus a reference appendix in a petition for review of the Board's initial decision, LBP-03-08, on Contention Utah L/QQ.

Counsel for the Applicant does not object to the State's request, provided it may have the same enlargement of pages and reference appendix in responding to any petition the State may file. The State was unable to contact Staff counsel.

DATED this 27<sup>th</sup> day of May, 2003.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S REQUEST FOR ENLARGEMENT OF PAGES AND PERMISSION TO APPEND A REFERENCE APPENDIX TO ITS PETITION FOR REVIEW OF PARTIAL INITIAL DECISION, LBP-03-08 (CONTENTION UTAH L/QQ; GEOTECHNICAL) was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 27<sup>th</sup> day of May, 2003:

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