

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBEFORE THE COMMISSION

In the Matter of)	
)	
PRIVATE FUEL STORAGE, L.L.C.)	Docket No. 72-22-ISFSI
)	
(Independent Spent)	
Fuel Storage Installation))	

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

On May 27, 2003, the State of Utah ("State") filed a request for enlargement of pages and for permission to append a reference appendix to its planned petition for review of the Licensing Board's Partial Initial Decision on Contention Utah L/QQ (Geotechnical), LBP-03-08, 57 NRC ____ (May 22, 2003).¹ Therein, the State requests leave to file a 15-page petition for review, to which it would append a "reference appendix" listing the documents filed in this proceeding with respect to Contention Utah L/QQ. The State represents in its Motion that "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" (Motion, at 2-3). The State further represents that it was unable to contact Staff counsel prior to filing its Motion. *Id.* at 3.

The Staff does not object to the State's Motion, subject to the Staff's being afforded the same enlargement of pages for its response to the State's petition. Further, the Staff notes that the regulations in 10 C.F.R. § 2.786(b)(2)(ii) require that a petition for review must provide "[a]

¹ "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)," dated May 27, 2003 ("Motion").

statement (including record citation) where the matters of fact or law raised in the petition for review were previously raised before the presiding officer.” While the State asserts that its planned reference appendix “for the most part” would satisfy the requirements of 10 C.F.R. § 2.786(b)(2)(ii) (*Id.* at 2), the Staff notes that the regulation requires a petitioner to identify the location where the matter was raised previously; in the Staff’s view, this requirement would not be satisfied by providing a lengthy list of all relevant documents, without further specification of the location in the documents where the matter had been raised. Accordingly, while the Staff does not object to the State’s provision of a reference appendix, the State should provide the specific record citation required by 10 C.F.R. § 2.786(b)(2)(ii).

Respectfully submitted,

/RA/

Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, Maryland
this 30th day of May 2003

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO STATE OF UTAH'S REQUEST FOR ENLARGEMENT OF PAGES AND PERMISSION TO APPEND A REFERENCE APPENDIX TO ITS PETITION FOR REVIEW OF LBP-03-08 (CONTENTION UTAH L/QQ, GEOTECHNICAL)," in the above captioned proceeding have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 30th day of May, 2003:

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