

November 19, 2003 (4:00PM)

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)	)	November 14, 2003

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STATE OF UTAH'S REQUEST FOR PERMISSION TO ADD A REFERENCE  
APPENDIX TO ITS TWENTY PAGE PETITION FOR REVIEW OF  
INTERLOCUTORY BOARD ORDERS AS DIRECTED IN CLI-03-16

In CLI-03-16 (dated November 13, 2003), the Commission modified its procedural rules and "direct[ed] all parties to seek immediate appellate review of any interlocutory orders they wish to challenge." CLI-03-16, slip op. at 2. Those petitions are due within 21 days of the Order and may not exceed 20 pages. *Id.* at 3. The State hereby requests permission to add a reference appendix – similar to the one it filed with its June 11, 2003 Petition for Review of LBP-03-08 – to a petition not exceeding 20 pages in length.

A petition for review must generally contain a summary of the decision or action for which review is sought; a statement, with record citation, where the issue has been raised below; a statement why the decision or action is erroneous; and a statement why Commission review should be exercised. 10 C.F.R. § 2.786(b)(2). In the Commission's limit of 20 pages, a party's interlocutory petition must address any Board rulings it wishes to challenge that have occurred in 6 ½ years of litigation. By permitting the State to add a reference appendix, the State will be able to use its scant 20 pages on the substance of its petition rather than encumbering the petition with lengthy citations to the record below.

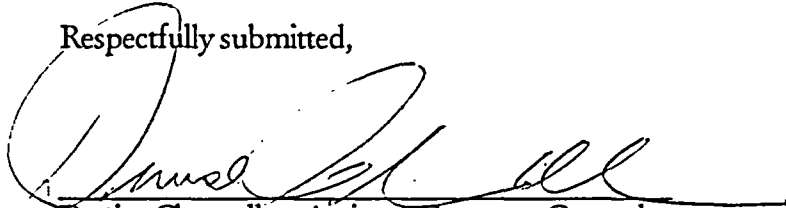
Further, complete references in an appendix to where issues were raised below and the Board's rulings thereon should be of assistance to the Commission and the other parties, especially on matters that were raised or ruled upon many years ago. The State, therefore, has good cause for requesting the addition of a reference appendix to a 20 page petition.

WHEREFORE, the State respectfully requests permission to add a reference appendix, similar to the one it filed in *State of Utah Petition for Review of LBP-03-08*, to its 20 page interlocutory petition for review.

Counsel for the Applicant and the Staff do not object to the State's request, provided they may have the opportunity to use a similar reference appendix in responding to any petition the State may file.

DATED this 14<sup>th</sup> day of November, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Denise Chancellor", written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S REQUEST FOR PERMISSION TO ADD A REFERENCE APPENDIX TO ITS TWENTY PAGE PETITION FOR REVIEW OF INTERLOCUTORY BOARD ORDERS AS DIRECTED IN CLI-03-16 was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 14<sup>th</sup> day of November, 2003:

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