

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).<sup>1</sup> 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]

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<sup>1</sup> "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:

Michael C. Farrar, Chairman\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copy to [MCF@NRC.GOV](mailto:MCF@NRC.GOV))

Office of the Secretary\*  
ATTN: Rulemakings and Adjudications  
Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copies to [SECY@NRC.GOV](mailto:SECY@NRC.GOV)  
and [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV))

Dr. Jerry R. Kline\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copy to [JRK2@NRC.GOV](mailto:JRK2@NRC.GOV))

Office of the Commission Appellate  
Adjudication  
Mail Stop: 16-C-1 OWFN  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. Peter S. Lam\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copy to [PSL@NRC.GOV](mailto:PSL@NRC.GOV))

James M. Cutchin, V\*  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail to [JMC3@NRC.GOV](mailto:JMC3@NRC.GOV))

Atomic Safety and Licensing Board  
Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Jay E. Silberg, Esq.\*\*  
Paul A. Gaukler, Esq.  
Sean Barnett, Esq.  
Shaw Pittman  
2300 N Street, N.W  
Washington, DC 20037-8007  
(E-mail copy to jay\_silberg,  
paul\_gaukler, and sean\_barnett  
@shawpittman.com)

Tim Vollmann, Esq.\*\*  
3301-R Coors Road N.W.  
Suite 302  
Albuquerque, NM 87120  
(E-mail copy to [tvollmann@hotmail.com](mailto:tvollmann@hotmail.com))

Leon Bear, Chairman  
Skull Valley Band of Goshute Indians  
3359 South Main  
Box 808  
Salt Lake City, Utah 84115

Denise Chancellor, Esq.\*\*  
Fred G. Nelson, Esq.  
Laura Lockhart, Esq.  
Utah Attorney General's Office  
160 East 300 South, 5th Floor  
P.O. Box 140873  
Salt Lake City, UT 84114-0873  
(E-mail copies to dchancellor, fnelson,  
llockhart, jsoper, and [jbraxton@utah.gov](mailto:jbraxton@utah.gov),  
and attygen@xmission.com)

Connie Nakahara, Esq.\*\*  
Utah Dep't of Environmental Quality  
168 North 1950 West  
P. O. Box 144810  
Salt Lake City, UT 84114-4810  
(E-mail copy to  
[cnakahara@utah.gov](mailto:cnakahara@utah.gov))

Diane Curran, Esq.\*\*  
Harmon, Curran, Spielberg & Eisenberg  
1726 M Street, N.W., Suite 600  
Washington, D.C. 20036  
(E-mail copy to  
[dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com))

John Paul Kennedy, Sr., Esq.\*\*  
David W. Tufts, Esq.  
Durham, Jones & Pinegar  
111 East Broadway, Suite 900  
Salt Lake City, UT 84105  
(E-mail copy to [dtufts@djplaw.com](mailto:dtufts@djplaw.com))

Joro Walker, Esq.\*\*  
Land and Water Fund of the Rockies  
1473 South 1100 East, Suite F  
Salt Lake City, UT 84105  
(E-mail copy to [utah@lawfund.org](mailto:utah@lawfund.org))

Paul C. EchoHawk, Esq.  
EchoHawk Law Offices  
151 North 4th Avenue, Suite A  
P.O. Box 6119  
Pocatello, Idaho 83205-6119  
(E-Mail copies to: paul, larry and  
[mark@echohawk.com](mailto:mark@echohawk.com))

**/RA/**

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Sherwin E. Turk  
Counsel for NRC Staff