

November 19, 2003 (4:00PM)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONOFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFFBEFORE THE COMMISSIONERS

In the Matter of:

Docket No. 72-22-ISFSI

PRIVATE FUEL STORAGE, LLC
(Independent Spent Fuel
Storage Installation)

ASLBP No. 97-732-02-ISFSI

November 14, 2003

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.

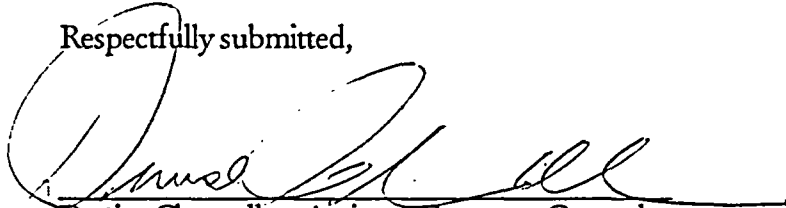
Further, complete references in an appendix to where issues were raised below and the Board's rulings thereon should be of assistance to the Commission and the other parties, especially on matters that were raised or ruled upon many years ago. The State, therefore, has good cause for requesting the addition 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 14th day of November, 2003.

Respectfully submitted,

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

Denise Chancellor, Assistant Attorney General
Fred G Nelson, Assistant Attorney General
Connie Nakahara, Special Assistant Attorney General
Diane Curran, Special Assistant Attorney General
Attorneys for State of Utah,
Utah Attorney General's Office
160 East 300 South, 5th Floor, P.O. Box 140873
Salt Lake City, Utah 84114-0873
Telephone: (801) 366-0286, Fax: (801) 366-0292

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 14th day of November, 2003:

Emile L. Julian, Assistant for
Rulemakings and Adjudications
Rulemaking & Adjudication Staff
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington D.C. 20555
e-mail: hearingdocket@nrc.gov
(original and two copies)

Nils J. Diaz, Chairman
U.S. Nuclear Regulatory Commission
Mail Stop O-16 G15
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738
e-mail: chairman@nrc.gov

Edward McGaffigan, Jr., Commissioner
U.S. Nuclear Regulatory Commission
Mail Stop O-16 G15
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738
e-mail: cmrmcgaffigan@nrc.gov

Jeffrey S. Merrifield, Commissioner
U.S. Nuclear Regulatory Commission
Mail Stop O-16 C1
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738
e-mail: cmrmerrifield@nrc.gov

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-Mail: gpb@nrc.gov

Michael C. Farrar, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-Mail: mcf@nrc.gov

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: jrk2@nrc.gov
E-Mail: kjerry@erols.com

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: psl@nrc.gov

Sherwin E. Turk, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: set@nrc.gov
E-Mail: clm@nrc.gov
E-Mail: pfscase@nrc.gov

Jay E. Silberg, Esq.
Paul A. Gaukler, Esq.
Shaw Pittman
2300 N Street, N. W.
Washington, DC 20037-8007
E-Mail: Jay_Silberg@shawpittman.com
E-Mail: paul_gaukler@shawpittman.com

John Paul Kennedy, Sr., Esq.
David W. Tufts
Durham Jones & Pinegar
111 East Broadway, Suite 900
Salt Lake City, Utah 84111
E-Mail: dtufts@djplaw.com

Joro Walker, Esq.
Land and Water Fund of the Rockies
1473 South 1100 East, Suite F
Salt Lake City, Utah 84105
E-Mail: utah@lawfund.org
(*electronic copy only*)

Larry EchoHawk
Paul C. EchoHawk
Mark A. EchoHawk
EchoHawk Law Offices
151 North 4th Avenue, Suite A
P.O. Box 6119
Pocatello, Idaho 83205-6119
E-mail: paul@echohawk.com

Tim Vollmann
3301-R Coors Road N.W. # 302
Albuquerque, NM 87120
E-mail: tvollmann@hotmail.com

James M. Cutchin
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-Mail: jmc3@nrc.gov
(*electronic copy only*)

Office of the Commission Appellate
Adjudication
Mail Stop: 16-G-15 OWFN
U. S. Nuclear Regulatory Commission
Washington, DC 20555
(*United States mail only*)



Denise Chancellor
Assistant Attorney General
State of Utah