

January 14, 2004 (9:48AM)

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

January 8, 2004

STATE OF UTAH'S UNOPPOSED MOTION FOR EXTENSION OF THE  
PAGE LIMIT FOR ITS COMBINED PETITION FOR REVIEW OF THE  
BOARD'S PARTIAL INITIAL DECISIONS ON CONTENTIONS UTAH E  
(FINANCIAL ASSURANCE) AND UTAH S (DECOMMISSIONING) AND  
RELATED MATTERS

By Order dated June 16, 2003, the Commission set forth the procedure and page limitations for petition for review of Licensing Board decisions relating to financial matters.<sup>1</sup> The Commission granted Utah's request that it may file a combined petition for review of Contentions Utah E and S and related matters within 10 days of the Board's ruling on PFS's Motion for Clarification and/or Reconsideration of financial qualification decisions, and extended the page limitation to 20 pages (plus a reference appendix). In addition, the Commission granted Utah's request that it may file a seven page supplement to its petition for review within seven days of receiving the Board's ruling on which documents are confidential and which will be part of the public record. However, if the Board were to issue its confidentiality ruling within three days of the Reconsideration ruling, then Utah must file

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<sup>1</sup> Partial Initial Decision (Contention Utah E/Confederated Tribes F, Financial Assurance); Partial Initial Decision (Contention Utah S, Decommissioning); and Memorandum and Order (Rulings on Summary Disposition Motion and Other Filings Relating to Remand from CLI-00-13) (May 27, 2003). See also Commission Memorandum CLI-00-24, 52 NRC 351 (2000).

a single petition not exceeding 27 pages. See Commission Order (June 16, 2003).

On January 5, 2004, the Bollwerk Licensing Board issued its Memorandum and Order granting in part and denying in part PFS's motion for reconsideration and/or clarification of financial qualifications decisions. To date, the Board has not issued its confidentiality decision as to the record relating to Contentions Utah E and Utah S, and it is unlikely to do so until after January 30, 2004 when final responses to confidentiality claims as to the Reconsideration decision are due. Reconsideration Ruling at 20.

Utah has prepared a draft petition for review of Contentions Utah E and Utah S which it intends to file on January 15, 2004, in accordance with the schedule established in the Commission's Order. However, while the State has attempted to prepare a response limited to 20 pages, the State has found that it may require up to 25 pages (plus a reference appendix) for its petition to adequately address the 10 C.F.R. § 2.785 factors, especially as they relate to issues of first impression as well as the circuitous procedural complexity of PFS's financial assurance demonstration.<sup>2</sup> The State submits that a five-page extension is reasonable and requests that it may file a 25 page petition for review (plus reference appendix) of issues relating to Contentions Utah E and Utah S. As to the Board's future confidentiality ruling(s), the State will follow the established procedure and page limitation already set in the Commission's June 16, 2003 Order.

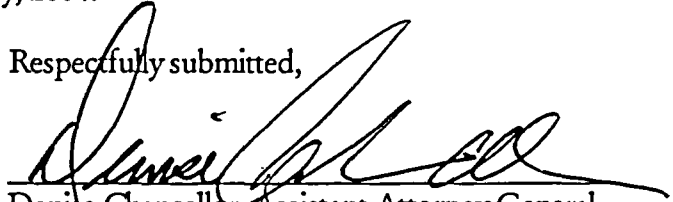
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<sup>2</sup>For a summary of issues and Board rulings relating to Utah E and Utah S that the State must address in its petition, see State of Utah's Request for an Extension of Time for Filing its Combined Petition for Review of the Board's Partial Initial Decisions on Contentions Utah E and Utah S and on All Issues Relating to Contentions E and S, Including Decision on Summary Disposition Relating to Remand from CLI-00-13 and for an Enlargement of the Page Limitation (Many 30, 2003).

Counsel for the State has contacted counsel for the Applicant and the NRC Staff, neither of whom objects to the State's request provided they may have up to 25 pages (plus a reference appendix) to file a response to the State's Petition for review.

DATED this 8<sup>th</sup> day of January, 2004.

Respectfully submitted,

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

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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S UNOPPOSED MOTION FOR EXTENSION OF THE PAGE LIMIT FOR ITS COMBINED PETITION FOR REVIEW OF THE BOARD'S PARTIAL INITIAL DECISIONS ON CONTENTIONS UTAH E (FINANCIAL ASSURANCE) AND UTAH S (DECOMMISSIONING) AND RELATED MATTERS was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 8<sup>th</sup> day of January, 2004:

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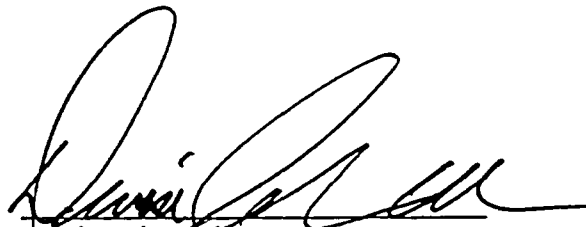
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