

Petitioner,

V.

NUCLEAR REGULATORY COMMISSION and
THE UNITED STATES OF AMERICA

Respondents.

No. 05-1420, 06-1087

**MOTION OF STATE OF UTAH TO EXCEED THE WORD LIMITS IMPOSED BY
RULES 28 AND 32**

The State of Utah (“Utah” or “Petitioner”) respectfully moves the Court to permit Utah’s opening and reply briefs to exceed the word limit imposed by Rules 28 and 32. Under D.C. Circuit Rule 32(a), briefs filed in the D.C. Circuit shall not exceed 14,000 words unless the Court grants a motion to exceed that limit. The Court disfavors expanding the word limit, see D.C. Cir. R. 28(f)(1), but this case is an appropriate situation in which to authorize Petitioner to exceed the limit.

In accordance with D.C. Circuit Rule 28(f)(3), Utah has sought the position of Respondent Nuclear Regulatory Commission (the “NRC”) and Intervenor Private Fuel Storage, L.L.C. (“PFS”) and Skull Valley Band of Goshute Indians on this motion. The NRC declined to take a position on Utah’s request for extra words until after Utah files its Statement of Issues, which is being filed simultaneously with this motion. Intervenor likewise have not advised Utah of their positions with respect to this motion.

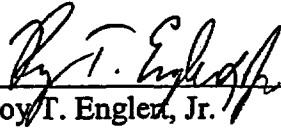
Extending the word limit is appropriate in complex cases challenging multi-year administrative agency proceedings. For example, in *Transmission Access Policy Study Group v. FERC*,

1998 WL 633827 (D.C. Cir. 1998) (unreported), the Court permitted briefs of 22,000 words and 20,000 words. In *Saco River Cellular, Inc. v. FCC*, 1997 WL 404933 (D.C. Cir. 1997) (unreported), the Court permitted a brief of up to 18,250 words.

In this case, allowing Utah to submit a slightly longer brief will facilitate, rather than complicate, the Court's resolution of the case. The licensing proceeding at the NRC took place over the course of eight years and generated many thousands of pages of transcripts, expert reports, pleadings, and decisions. The proceedings also involved a highly technical matter – the storage of nuclear waste – about which the Court will benefit from background information. Utah intends to summarize concisely the history of this administrative proceeding and to challenge only the most arbitrary decisions of the NRC. Even so, Utah intends to brief several issues; the record is long and often confusing; and the Court's understanding of the case will be compromised if Utah must purge critical information from its brief to meet the word limit.

In light of these considerations, Utah respectfully requests that the Court order that Utah's opening brief not exceed 21,000 words and that its reply brief not exceed 10,500 words. Corresponding adjustments to the permissible lengths of Utah's adversaries' briefs would be appropriate.

Respectfully submitted,



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