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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD '00 FEB -9 P1:32

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

OFFICE OF SECRETARY
RULE MAKING AND
ADJUDICATION STAFF

SERVED FEB - 9 2000

In the Matter of

PRIVATE FUEL STORAGE, L.L.C.

(Independent Spent Fuel
Storage Installation)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

February 9, 2000

MEMORANDUM AND ORDER
(Granting Page Limit Extension and
Providing Additional Pages for
Late-Filed Contention Motions)

Applicant Private Fuel Storage, L.L.C., (PFS) has filed an unopposed request for a ten-page extension of the ten-page limitation on motions relative to the January 26, 2000 motion of intervenor State of Utah (State) for admission of late-filed bases for contention Utah L, Geotechnical. In its motion, PFS requests this relief based on the fact that the State late-admission request to which it will respond was in excess of twenty pages.

The PFS February 7, 2000 motion to extend the page limit for responses to the State's January 26, 2000 motion for admission of late-filed bases for contention Utah L is granted in that party responses to the State's motion may be up to and including twenty pages in length.

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Relative to the question of pleading page limitations, we also note that in establishing a ten-page limit on motions in this proceeding, we did not specify what filings would be considered a "motion." The provision of the agency's rules of practice on motions, 10 C.F.R. § 2.730, suggests in paragraph (b) that a motion is a pleading (or that portion of a pleading) that requests relief from the Board. Arguably, a pleading asking the Board to admit a late-filed contention falls into this category.

This being said, we also recognize that for a late-filed contention request, in addition to making a showing about the admissibility of the contention, a movant generally is required to address a preliminary procedural point -- the five late-filing factors of 10 C.F.R. § 2.714(a). As a consequence, we consider it appropriate to provide five additional pages for such a motion as well as party responses to that motion. Accordingly, absent leave of the Board, a motion to admit a late-filed contention and

any responses thereto shall not exceed fifteen pages in length.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

This memorandum and order is issued pursuant to the authority of the Chairman of the Atomic Safety and Licensing Board designated for this proceeding.

Rockville, Maryland

February 9, 2000

* Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for (1) applicant PFS; (2) intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State; and (3) the staff.

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PRIVATE FUEL STORAGE, LLC

(Independent Spent Fuel Storage
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Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing M&O (GRANT'G PAGE LIMIT EXT..) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Dated at Rockville, Md. this
9 day of February 2000


Office of the Secretary of the Commission