

November 28, 2000

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
PRIVATE FUEL STORAGE L.L.C.)	Docket No. 72-22
)	
(Private Fuel Storage Facility))	ASLBP No. 97-732-02-ISFSI

**APPLICANT'S AND STATE OF UTAH'S JOINT
MOTION FOR LEAVE TO CONDUCT UTAH K DEPOSITIONS**

Private Fuel Storage ("Applicant" or "PFS") and the State of Utah ("State") jointly request the Atomic Safety and Licensing Board ("Licensing Board" or "Board") for leave to conduct depositions of two witnesses with respect to Contention Utah K identified after the discovery cut-off for Utah K. Specifically, on April 6, 2000, the State of Utah identified Lt. Col. Hugh L. Horstman USAF (Ret.) as an expert witness for the State on Utah K¹ and on April 18, 2000, Applicant identified Col. Ronald E. Fly, USAF (Ret.) as an expert witness for PFS on Utah K.² Except for discovery against the NRC Staff, the discovery period for Contention Utah K closed May 28, 1999.³

PFS and the State have mutually agreed to the deposition of each other's newly identified witness. Therefore, in accordance with the Board's Memorandum and Order of

¹ See State of Utah's Fifth Supplemental Response to Applicant's First Set of Formal Discovery Requests (April 6, 2000).

² See Applicant's Fourth Supplemental Response to State's First Requests for Discovery (April 18, 2000).

³ See Memorandum and Order (General Schedule Revision, Withdrawal of Contentions Utah H and Utah U, and Status of Contention Utah GG) (Sept. 5, 2000).

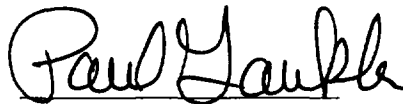
Template = SECY-041

SECY-02

September 20, 1999, PFS and the State request the Board for leave to conduct the depositions of Col. Fly and Lt. Col. Horstman. PFS and the State have agreed that the depositions will be held in Washington, D.C. on December 11 (Lt. Col. Horstman) and December 12 (Col. Fly), 2000.

Wherefore the Applicant and the State respectfully request that the Board grant leave for PFS and the State to conduct the depositions of Col. Fly and Lt. Col. Horstman as agreed to and set forth above. Counsel for Applicant has conferred with counsel for the NRC Staff and has been advised that the Staff does not object to this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Gaukler", written over a horizontal line.

Jay E. Silberg

Ernest L. Blake, Jr.

Paul A. Gaukler

D. Sean Barnett

SHAW PITTMAN

2300 N Street, N.W.

Washington, DC 20037

(202) 663-8000

Counsel for Private Fuel Storage L.L.C.

Dated: November 28, 2000

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
PRIVATE FUEL STORAGE L.L.C.)	Docket No. 72-22
)	
(Private Fuel Storage Facility))	ASLBP No. 97-732-02-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's and State of Utah's Joint Motion for Leave to Conduct Utah K Depositions were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage prepaid, this 28th day of November 2000.

G. Paul Bollwerk III, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: GPB@nrc.gov

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: JRK2@nrc.gov; kjerry@erols.com

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: PSL@nrc.gov

* Susan F. Shankman
Deputy Director, Licensing & Inspection
Directorate, Spent Fuel Project Office
Office of Nuclear Material Safety &
Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications
Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)

* Adjudicatory File
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Catherine L. Marco, Esq.
Sherwin E. Turk, Esq.
Office of the General Counsel
Mail Stop O-15 B18
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
e-mail: pfscase@nrc.gov

John Paul Kennedy, Sr., Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, Utah 84105
e-mail: john@kennedys.org

Diane Curran, Esq.
Harmon, Curran, Spielberg &
Eisenberg, L.L.P.
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
e-mail: dcurran@harmoncurran.com

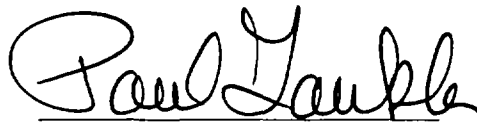
Richard E. Condit, Esq.
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, CO 80302

* By U.S. mail only

Denise Chancellor, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, Utah 84114-0873
e-mail: dchancel@state.UT.US

Joro Walker, Esq.
Land and Water Fund of the Rockies
2056 East 3300 South, Suite 1
Salt Lake City, UT 84109
e-mail: joro61@inconnect.com

Danny Quintana, Esq.
Skull Valley Band of Goshute Indians
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, Utah 84101
e-mail: quintana@xmission.com



Paul A. Gaukler