

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION '01 APR 23 P3:43Before the Atomic Safety and Licensing Board OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

**JOINT REQUEST TO DEFER DEPOSITIONS FOR UTAH CONTENTIONS V,
Z, AND AA AND EXTENSION OF THE STATE'S TIME TO RESPOND**

Applicant Private Fuel Storage, L.L.C. ("Applicant" or "PFS") and the State of Utah ("State") jointly request the Board to defer the existing schedule for depositions regarding Utah Contentions V, Z, and AA, pending the Board's decision regarding Applicant's motions for summary disposition of these contentions.¹ Further, the State moves the Board for a one week extension of the time to respond to PFS's Motions for Summary Disposition of Utah Contentions V and AA.² PFS does not oppose this extension.

Specifically, in view of the outstanding motions for summary disposition on Contentions Utah V (Inadequate Consideration of Transportation-Related Radiological Environmental Impacts), Utah Z (No Action Alternative), and Utah AA (Range of Alternatives), Counsel for PFS and the State have conferred and believe that it would be most efficient for the overall proceeding if further depositions with respect to Utah V, Utah Z

¹ See Applicant's Motion for Summary Disposition of Utah Contention Z – No Action Alternative (Feb. 14, 2001); Applicant's Motion for Summary Disposition of Utah Contention V – Inadequate Consideration of Transportation-Related Radiological Environmental Impacts (Apr. 16, 2001); Applicant's Motion for Summary Disposition of Utah Contention AA – Range of Alternatives (Apr. 18, 2001).

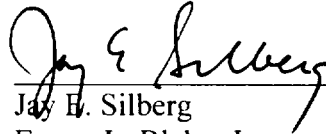
² The State and the NRC Staff have already responded to PFS's motion for Summary Disposition of Utah Z and no further pleadings are to be filed with respect to this Motion. See State of Utah's Response to Applicant's Motion for Summary Disposition On Utah Contention Z (Mar. 6, 2001); NRC Staff's Response to Applicant's Motion for Summary Disposition of Utah Contention Z – No Action Alternative (Mar. 6, 2001); State of Utah's Reply to Staff's Response to Applicant's Motion for Summary Disposition On Utah Contention Z (Mar. 16, 2001).

and Utah AA were deferred until the Board rules on the pending motions for summary disposition. The Board's rulings could significantly change the focus of, or eliminate the need for, depositions regarding these contentions. Following the Board's decisions, counsel will undertake to schedule and conduct appropriate depositions.

The State also requests the Board to grant an extension of one week for the time to respond to the PFS Motions for Summary Disposition regarding Utah V and Utah AA. This additional time is required because the State's attorneys are fully involved in depositions during the week following submittal of the PFS motions.³ As a result, the State will be unable to begin preparing responses as contemplated by the rules, see 10 C.F.R. § 2.749(a), until after the depositions. PFS does not oppose this extension of time.

Therefore, PFS and the State request the Board to defer depositions on Utah V, Utah Z, and Utah AA as set forth above and the State requests additional time to respond to Applicant's motions for Summary Disposition on Utah V and Utah AA. Counsel for Applicant has conferred with Counsel for the NRC Staff who has stated that he has no objection to the above requests, provided the Staff is granted the same time to respond Applicant's Summary Disposition motions as is the State.

Respectfully submitted,



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Dated: April 17, 2001

³ Joint Notice of Depositions (Apr. 13, 2001).

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CERTIFICATE OF SERVICE

I hereby certify that copies of Joint Request to Defer Depositions for Utah Contentions V, Z, and AA and Extension of the State's Time to Respond 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 18th day of April 2001.

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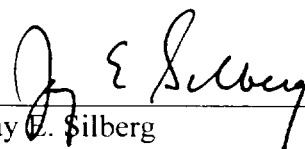
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