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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before 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 MODIFY SCHEDULE FOR ADDITIONAL  
DEPOSITION OF LT. COLONEL HUGH L. HORSTMAN, USAF (RET.)**

Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS") and the intervenor State of Utah ("State") hereby jointly request the Atomic Safety and Licensing Board ("Licensing Board" or "Board") to modify the schedule for the additional deposition of Lt. Colonel Hugh L. Horstman, USAF (Ret.), provided for by the Board in its May 31, 2001 Memorandum and Order on PFS's request for summary disposition of Utah K.<sup>1</sup> As ordered in relevant part by the Board there:

[A]bsent some agreement by the parties setting another date, PFS shall have up to and including Friday, June 15, 2001, within which to conduct an additional deposition of State declarant Horstman regarding his assessment of the F-16 accident reports and the PFS claim, based on those reports, that F-16 pilots would remain in control of their aircraft in the event of an emergency.

Counsel for PFS and the State are conferring among themselves, and with counsel for the NRC Staff (who has stated his intent to attend the deposition), on potential dates that everyone would be available for the deposition. Counsel have determined that not everyone would be available for deposition this week, or next week, and have agreed to work together to find an acceptable date for the deposition somewhere between June 25,

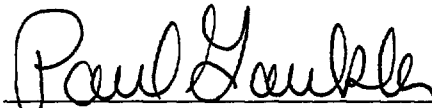
<sup>1</sup> Memorandum and Order (Granting in Part and Denying in Part Summary Disposition Motion Regarding Contention Utah K/Confederated Tribes B; Referring Ruling on Aircraft Crash Hazard Regulatory Standard to the Commission) (May 31, 2001).

2001 and July 31 2001. Counsel are currently in the process of identifying a date for the deposition on which everyone would be available, and counsel for PFS will file a notice of deposition as soon as such a date is established.

Counsel for PFS and the State therefore request the Board to extend the time for conducting the additional deposition of Lt. Col. Horstman provided for by the Board's May 31, 2001 Memorandum and Order to July 31, 2001. This date corresponds to the completion date for discovery against the Staff with respect to any new Utah K/Confederated Tribes B matters and will not delay the hearing schedule for Utah K set forth in the Board's Memorandum and Order of February 22, 2001.<sup>2</sup> The Board has already ruled on PFS's motion for summary disposition on Utah K and the next scheduled activity for Utah K is the filing of pre-filed direct testimony on October 29, 2001.

Counsel for Applicant has conferred with counsel for the NRC Staff and has been advised that the NRC Staff does not oppose this request. Wherefore, PFS and the State hereby request that the time for the additional deposition of Lt. Colonel Horstman "regarding his assessment of the F-16 accident reports and the PFS claim, based on those reports, that F-16 pilots would remain in control of their aircraft in the event of an emergency" be extended to July 31, 2001.

Respectfully submitted,



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June 11, 2001

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<sup>2</sup> See Memorandum and Order (General Schedule Revision), February 22, 2001.

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Commission

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

**CERTIFICATE OF SERVICE**

I hereby certify that copies of Joint Request to Modify Schedule for the Additional Deposition of Lt. Colonel Hugh L. Horstman, USAF (Ret.) were served on the persons listed below (unless otherwise noted) by electronic mail with conforming copies by U.S. mail, first class postage prepaid, this 11<sup>th</sup> day of June 2001.

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