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USNRC

November 19, 1999

'99 NOV 23 P6:16

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

**JOINT MOTION FOR EXTENSION OF TIME TO FILE PROTECTIVE
ORDER REGARDING DISCOVERY FOR CONTENTION UTAH H**

Private Fuel Storage L.L.C. ("Applicant" or "PFS") and the State of Utah ("State") hereby request that the time for PFS to file a motion for protective order regarding material still in dispute in discovery on contention Utah H ("Utah H") be extended from November 19, 1999 to December 13, 1999. Pursuant to the Atomic Safety and Licensing Board's ("Board") directive in its November 2, 1999 Memorandum and Order (Rulings on Summary Disposition and Discovery Motions Regarding Contention Utah H), PFS and the State have diligently worked together and have reached agreement on all document requests regarding Utah H, with a single exception, providing a copy of the commercially available software package "FLUENT." The extension will allow the State time to review the information that PFS has agreed to provide in order to determine whether the State still requests PFS to provide to the State a copy of the aforementioned software package "FLUENT."

PDR ADOCK

DS03

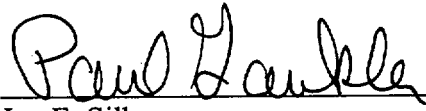
The Board's November 2, 1999 Order directed PFS to file a motion for protective order by November 19, 1999 in the event the parties were unable to agree on disclosure. See LBP-99-42 at 18. The parties have agreed on the documents to be produced by PFS except for the single above mentioned item. The parties request this extension to allow PFS to produce the documents that it has agreed to provide and for the State to review those documents to determine whether it still seeks PFS to provide to the State a copy of the aforementioned software package "FLUENT." To that end, PFS has agreed to provide by Tuesday, November 30, 1999 the additional information which it has agreed produce to the State regarding Utah H. In turn, the State has agreed to review that material and to determine by Tuesday, December 7, 1999 whether or not it wishes to maintain its request for PFS to provide to the State a copy of the commercially-available software package "FLUENT." If the State maintains its requests for PFS to provide the State a copy of the software package, PFS will file a motion for protective order by Monday, December 13, 1999, and any State response thereto would be filed by Thursday, December 23, 1999.

PFS and the State are aware of the Board's instruction that motions for extension of time should be filed at least three days prior to deadlines, absent good cause, but they were unable to do so in this case. PFS and the State have negotiated diligently regarding the disputed disclosure, as directed by the Board, over the past week, and have reached agreement on every issue except this one. PFS and the State submit that the requested

extension is appropriate because: (1) both PFS and the State agree to the extension; and
(2) the extension may result in the complete resolution of the dispute.

Counsel for PFS has called counsel for the NRC Staff and has been advised that
the Staff does not oppose the requested extension of time.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul Gaukler", is written over a horizontal line.

Jay E. Silberg
Ernest L. Blake, Jr.
Paul A. Gaukler
SHAW PITTMAN,
2300 N Street, N.W.
Washington, DC 20037
(202) 663-8000
Counsel for Private Fuel Storage L.L.C.

Dated: November 19, 1999

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OFFICE OF SPECIAL
ATTORNEY
ADJUTANT GENERAL

In the Matter of)

PRIVATE FUEL STORAGE L.L.C.)

(Private Fuel Storage Facility))

Docket No. 72-22 - ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the Joint Motion for Extension of Time to File Protective Order Regarding Discovery for Contention Utah H 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 19th day of November 1999.

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)

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: pfscale@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.HCSE@zzapp.org

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

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

* By U.S. mail only


Paul A. Gaukler