

November 19, 1999

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."

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,



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Dated: November 19, 1999

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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.

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