

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,



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Dated: November 28, 2000

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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.

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Office of the Secretary
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Attention: Rulemakings and Adjudications
Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)

* Adjudicatory File
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