

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION '01 APR 23 P3:43

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 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.<sup>1</sup> 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.<sup>2</sup> 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

<sup>1</sup> 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).

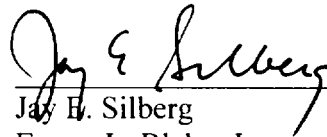
<sup>2</sup> The State and the NRC Staff have already responded to PFS's motion for Summary Disposition of Utah Z and no further pleadings are to be filed with respect to this Motion. See State of Utah's Response to Applicant's Motion for Summary Disposition On Utah Contention Z (Mar. 6, 2001); NRC Staff's 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.<sup>3</sup> 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,



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: April 17, 2001

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<sup>3</sup> Joint Notice of Depositions (Apr. 13, 2001).

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NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

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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 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.

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](mailto: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](mailto:JRK2@nrc.gov); [kjerry@erols.com](mailto: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](mailto: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](mailto:hearingdocket@nrc.gov)  
(Original and two copies)

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

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: [pfscase@nrc.gov](mailto:pfscase@nrc.gov)

John Paul Kennedy, Sr., Esq.  
Confederated Tribes of the Goshute  
Reservation and David Pete  
Reservation  
1385 Yale Avenue  
Salt Lake City, Utah 84105  
e-mail: [john@kennedys.org](mailto: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@harmoncurran.com](mailto:dcurran@harmoncurran.com)

\*Richard E. Condit, Esq.  
Land and Water Fund of the Rockies  
2260 Baseline Road, Suite 200  
Boulder, CO 80302

\*Office of Commission Appellate Adjudi-  
cation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

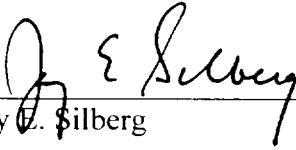
\* By U.S. Mail only

Denise Chancellor, Esq.  
Assistant Attorney General  
Utah Attorney General's Office  
160 East 300 South, 5<sup>th</sup> Floor  
P.O. Box 140873  
Salt Lake City, Utah 84114-0873  
e-mail: [dchancel@state.UT.US](mailto:dchancel@state.UT.US)

Joro Walker, Esq.  
Land and Water Fund of the Rockies  
1473 South 1100 East, Suite F  
Salt Lake City, UT 84105  
e-mail: [joro61@inconnect.com](mailto: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](mailto:quintana@xmission.com)

Samuel E. Shepley, Esq.  
Steadman & Shepley, LC  
550 South 300 West  
Payson, Utah 84651-2808  
e-mail: [Steadman&Shepley@usa.com](mailto:Steadman&Shepley@usa.com)

  
Jay E. Silberg