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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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 REQUEST FOR LEAVE TO FILE A LIMITED  
REPLY TO OHNGO GAUDADEH DEVIA'S (OGD) RESPONSE  
TO PRIVATE FUEL STORAGE'S (PFS) MOTION FOR  
PROTECTIVE ORDER RESTRICTING SCOPE OF DEPOSITION**

In accordance with the Atomic Safety and Licensing Board's ("Licensing Board" or "Board") Memorandum and Order of February 2, 1998 (Memorializing Initial Pre-hearing Conference Directives), Applicant Private Fuel Storage L.L.C. ("PFS") requests leave to file a reply to the Ohngo Gaudadeh Devia's ("OGD") Response to Private Fuel Storage's Motion for Protective Order Restricting Scope of Deposition ("OGD Response"). PFS's reply will be limited to points that interveror OGD made towards the end of its Response under the heading "OGD Must be Permitted to Continue Deposition of Mr. Bear," which concerns matters that arose in the context of the May 3, 2001 deposition of Chairman Bear. While PFS believes that OGD's discussion there is irrelevant to its underlying Motion for Protective Order, PFS requests leave to file a reply to put the matters discussed by OGD in context. Both PFS and OGD have already exchanged lengthy letters concerning these matters which FPS would submit with its brief reply.

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SECY-02

PFS's counsel has attempted to reach counsel for OGD by both telephone and e-mail to inquire whether OGD opposed or supported the instant request as well as to advise OGD counsel that OGD's response exceeded the 10 page limitation established by the Licensing Board in its Memorandum and Order of February 2, 1998 for motions and responses thereto absent prior approval by the Board. PFS counsel was not, however, able to reach OGD counsel. Counsel for PFS has contacted counsel for the NRC Staff who has no objection to PFS's filing a reply to OGD's Response.

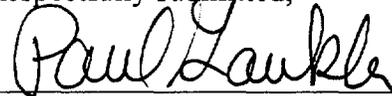
The Licensing Board's February 2, 1998 Order reflects that requests for leave to file a reply are to be filed three business days prior to the time the reply would be filed, which the Order presumes would be within ten days of service of the response the reply is intended to address. In the instant case, however, the Board has indicated that it may rule quickly on PFS's Motion so as to allow the deposition of Chairman Bear to be continued next week to the extent such would be permitted under any protective order that may be entered by the Board. Therefore, PFS is filing its proposed reply simultaneous with this request, so that if the Board granted leave it will have the reply available for its immediate review.

As additional good cause for filing a reply, PFS notes that OGD's Response has exceeded the ten page limit established by the Board for motion and responses thereto absent prior approval of the Board. While PFS considered filing a Motion to Strike, PFS recognizes that OGD's counsel is new to this proceeding and may not be completely aware of the Board's various procedural orders. Therefore, PFS has chosen to request

leave to file a short reply attaching the parties' May 8, 2001 and May 17, 2001 letters concerning the conduct of the deposition discussed in OGD's Response.

Wherefore, Applicant requests leave to file a short, two page reply to OGD's Response submitting the parties' May 8, 2001 and May 17, 2001 letters.

Respectfully submitted,



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Dated: May 25, 2001

**UNITED STATES OF AMERICA**  
**NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

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(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

**CERTIFICATE OF SERVICE**

I hereby certify that copies of Applicant's Request for Leave to File a Limited Reply to Ohngo Gaudadeh Devia's (OGD) Response to Private Fuel Storage's (PFS) Motion for Protective Order Restricting Scope of Deposition 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 25<sup>th</sup> day of May 2001.

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\* By U.S. mail only

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