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December 13, 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 potentially still in dispute (i.e., the "FLUENT" software package) in discovery on contention Utah H ("Utah H") be extended from December 13, 1999 to December 20, 1999 and that the time for the State to respond to any motion filed by PFS be extended from December 23, 1999 to December 30, 1999. Under the Atomic Safety and Licensing Board's ("Board") November 19, 1999 Order (Granting Protective Order Extension Motion), as requested by the parties, PFS was to provide by Tuesday November 30, 1999 the additional information which it had agreed to produce to the State regarding Utah H. In turn, the State was to review that material and to determine by Tuesday, December 7, 1999 whether or not it wished to maintain its request for PFS to provide to the State a copy of the commercially-available software package "FLUENT." If the State maintained its request for PFS to provide the State a copy of the software

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package, PFS was to file a motion for protective order by Monday, December 13, 1999, and any State response thereto was to be filed by Thursday, December 23, 1999.

Pursuant to the Board's November 19, 1999 Order, PFS produced to the State on November 30, 1999 the additional Contention Utah H-related information as agreed to between the State and PFS. The State diligently reviewed the materials and raised various questions throughout last week, seeking clarification from PFS of the materials provided so as to be able to withdraw its request for the FLUENT software package. PFS diligently responded to these questions in an attempt to avoid further litigation on this issue and, indeed, the parties believed, as of Friday, December 10, that resolution of this matter had been reached such that the State would not pursue its request for the FLUENT software package at this time. However, today last minute issues have been identified (which both the PFS and the State are attempting to resolve) that prompt the instant request for an extension of time. The requested extension should allow the parties sufficient time to determine whether they can reach agreement and avoid further litigation of this issue.

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 were in daily contact from Tuesday December 7 onward, seeking to resolve this issue without further Board involvement. They believed, as of last Friday, that resolution of this issue had been reached. However, last minute issues arose today which require further discussions between PFS and the

State. Because the parties are close to reaching resolution on this matter, both PFS and the State believe that it is worthwhile to continue these discussions in an attempt to resolve this issue without further litigation. PFS and the State submit that the requested extension is appropriate because: (1) both PFS and the State agree to the extension; (2) both the State and PFS have worked diligently in an attempt to resolve this issue without further litigation, and (3) the extension may result in the complete resolution of the dispute without involvement of the Board.

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: December 13, 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 13th day of December 1999.

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