

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATION STAFF

SERVED NOV 19 1997

In the Matter of

PRIVATE FUEL STORAGE, L.L.C.

(Independent Spent Fuel
Storage Installation)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

November 19, 1997

MEMORANDUM AND ORDER
(Additional Guidance on
Service Procedures)

In response to a procedural inquiry from counsel for petitioner Ohngo Gaudadeh Devia (OGD), the Licensing Board provides the following additional guidance to the participants on the requirements governing service of courtesy copies of pleadings that were outlined in the Board's September 23, 1997 initial prehearing order. See Licensing Board Memorandum and Order (Initial Prehearing Order) (Sept. 23, 1997) at 5-6 (unpublished).

If a participant has a pleading it wishes to send by e-mail that includes attachments it is unable to convert to electronic form, it should do one of the following:

1. If the attachments the participant is unable to convert to electronic form are fifteen pages or less, the attachments should be sent by a separate facsimile transmission contemporaneous with the transmission of the

pleading by e-mail. The e-mail and facsimile transmissions should note that separate transmission modes are being used. Paper service copies of the pleading and attachments should be sent by first-class mail.

2. If the attachments the participant is unable to convert to electronic form are more than fifteen pages, the pleading should be sent by e-mail and the paper service copy of the pleading with the attachments should be sent by express mail or other means that will ensure delivery on the next business day. The e-mail should note that there will be next-day service of the pleading with the attachments.

Transmission of courtesy and service copies of pleadings, whether at the direction of the Board or initiated by counsel, should be done by the same method for both the Board and the other participants and the certificate of service accompanying the pleading should reflect the service methods used. When the Board directs the use of same day transmission of courtesy copies, if counsel believes other participants might be satisfied with a less expeditious service method (e.g., first class mail service of a paper copy), counsel should contact those participants to reach agreement on waiving same day courtesy

copy transmission and using some other mutually agreeable arrangement for service on that participant.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

G. Paul Bollwerk, III
G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 19, 1997

* Copies of this memorandum and order were sent this date to counsel for the applicant Private Fuel Storage, L.L.C., and to counsel for petitioners Skull Valley Band of Goshute Indians, OGD, Confederated Tribes of the Goshute Reservation and David Pete, Castle Rock Land and Livestock, L.C., et al., and the State of Utah by Internet e-mail transmission; and to counsel for the NRC staff by e-mail through the agency's wide area network system.

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NUCLEAR REGULATORY COMMISSION

In the Matter of

PRIVATE FUEL STORAGE, LLC

(Independent Spent Fuel Storage
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Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (ADD'L GUIDANCE...) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No.(s)72-22-ISFSI
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Dated at Rockville, Md. this
19 day of November 1997

Adria T. Byrdson
Office of the Secretary of the Commission