

RAS 2546

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 12/28/00

SERVED 12/28/00

Before Administrative Judges:

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

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

December 28, 2000

ORDER

(Corrected Version of December 27, 2000 Order
Granting Summary Disposition Filing Extension Motion)

Upon consideration of the December 26, 2000 motion of applicant Private Fuel Storage, L.L.C. (PFS), for an extension of time within which to file summary disposition motions relative to contention Utah K/Confederated Tribes B, Inadequate Consideration of Credible Accidents, and Utah L, Geotechnical, and there being no opposition thereto, it is

ORDERED, that the PFS December 26, 2000 motion for an extension of the filing dates for its summary disposition motions regarding contentions Utah K and Utah L is granted in that (1) the PFS dispositive motions shall be filed on or before Saturday, December 30, 2000; (2) party responses to those motions shall be filed on or before Saturday, January 20, 2001; and (3) a party response to any response in support of a PFS dispositive motion shall be filed on or before Wednesday, January 31, 2001.¹

¹ Although it is not the general agency practice to establish filing deadlines on weekends or holidays, see 10 C.F.R. § 2.710 (for purpose of computing time, if last day of designated time period falls on weekend/holiday, period is extended to next business day), because the agency's rules of practice state that filing "is deemed to be complete as of the time of deposit in the mail," id. § 2.701(c), without differentiating between business days and weekends/holidays,

The filings required or permitted under this order should be served on the Board, the Office of the Secretary, and counsel for the other participants by facsimile transmission, e-mail, or other means that will ensure receipt by midnight Eastern Time (ET) on the day of filing. See Licensing Board Memorandum and Order (Initial Prehearing Order) (Sept. 23, 1997) at 5-6 (unpublished); Licensing Board Memorandum and Order (Additional Guidance on Service Procedures) (Nov. 19, 1997) (unpublished); Licensing Board Memorandum and Order (Schedule for Telephone Conference and Directives Regarding Expedited Service) (Sept. 2, 1998) at 2-3 (unpublished).

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 28, 2000

in the absence of a Commission or presiding officer directive, there is no bar to filing -- or presiding officer-established filing deadlines -- on such days.

² Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) applicant PFS; (2) intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State of Utah; and (3) the NRC staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
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PRIVATE FUEL STORAGE, L.L.C.) Docket No. 72-22-ISFSI
)
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Installation))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (CORRECTED VERSION OF DECEMBER 27, 2000 ORDER GRANTING SUMMARY DISPOSITION FILING EXTENSION MOTION) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Sherwin E. Turk, Esquire
Catherine L. Marco, Esquire
Office of the General Counsel
Mail Stop - 0-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Diane Curran, Esquire
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

Martin S. Kaufman, Esquire
Atlantic Legal Foundation
205 E. 42nd St.
New York, NY 10017

Joro Walker, Esquire
Land and Water Fund of the Rockies
2056 East 3300 South, Suite 1
Salt Lake City, UT 84109

Docket No. 72-22-ISFSI
LB ORDER (CORRECTED VERSION
OF DECEMBER 27, 2000 ORDER
GRANTING SUMMARY DISPOSITION
FILING EXTENSION MOTION)

Denise Chancellor, Esquire
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114

John Paul Kennedy, Esquire
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, UT 84105

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

Jay E. Silberg, Esquire
D. Sean Barnett, Esquire
Shaw Pittman
2300 N Street, NW
Washington, DC 20037-1128

Richard Wilson
Department of Physics
Harvard University
Cambridge, MA 02138

Danny Quintana, Esquire
Skull Valley Band of Goshute Indians
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, UT 84101

[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 28th day of December 2000