

RAS E-134

Hearing Docket

From: Sherwin Turk
Sent: Tuesday, August 12, 2008 5:06 PM
To: Susan H. Shapiro
Cc: Arthur J. Kremer; Arthur J. Kremer(2); Daniel E. O'Neill; Daniel Riesel; Diane Curran; Elise N. Zoli; Hearing Docket; Janice A. Dean; Jessica Steinberg; Joan Leary Matthews; John J. Sipos; John LeKay; John Louis Parker; Justin D. Pruyne; Kathryn M. Sutton; Kaye Lathrop; Lawrence McDade; Manna Jo Greene; Marcia Carpentier; Martin J. O'Neill; Michael J. Delaney; Mylan L. Denerstein; Nancy Burton; OCAAMAIL Resource; Paul M. Bessette; Phillip Musegaas; Richard L. Brodsky; Richard L. Brodsky(2); Richard Wardwell; Robert Snook; Sarah L. Wagner; Susan H. Shapiro; Victor Tafur; William C. Dennis; Zachary Kahn; Beth Mizuno; David Roth; Jessica Bielecki; Marcia Simon
Subject: WestCAN's Appeal Brief of August 8, 2008

Ms. Shapiro:

I have received your E-mail message of 2:51 PM today (entitled, "Follow up to Petitioners Appeal of ASLB decision to Strike Petitioner's Intervenor Petition"). Unfortunately, you appear to have failed to make proper service of your appeal brief on the NRC Staff -- and your certificate of service fails to correctly reflect proper service upon the Staff.

Specifically, I and other Staff Counsel received an E-mail transmission from your "palisadesart@aol.com" address, at 8:06 PM on August 8, 2008, attaching the notice of appeal, a 10-page appeal brief, a Table of Contents, and Attachment 1 to the brief -- as well as a certificate of service stating that E-mail service was made upon five Staff attorneys (including me) and that a "hard copy" was served on the Office of the Secretary, "the licensee's attorney," and "NRC Staff Attorney Sherwin Turk," without indicating the means by which the "hard copy" was served. As of this afternoon, I have not yet received a hard copy of your filing.

At 10:14 PM on August 8, Staff Counsel received an empty E-mail transmission with no attachments from you, entitled "Re: 2nd email."

At 10:34 PM and 10:36 PM on August 8, we received two transmissions from you, of Attachment 4.

We have never received Attachments 2 and 3 to your appeal.

Several minutes ago, I called Mr. O'Neill, Counsel for the Applicant, and was informed that you transmitted an appeal brief to them, with attachments, at 4:41 PM on August 8, 2008. You did not serve that document on the Staff.

I would appreciate your prompt response to this message.

Sincerely,
Sherwin Turk
Counsel for NRC Staff

1
TEMPLATE = SECY-036

DS 03

Received: from HQCLSTR02.nrc.gov ([148.184.44.77]) by TWMS01.nrc.gov ([148.184.200.145]) with mapi; Tue, 12 Aug 2008 17:05:42 -0400

Content-Type: application/ms-tnef; name="winmail.dat"

Content-Transfer-Encoding: binary

From: Sherwin Turk <Sherwin.Turk@nrc.gov>

To: "Susan H. Shapiro" <mbs@ourrocklandoffice.com>

CC: "Arthur J. Kremer" <ajkremer@rmfpc.com>, "Arthur J. Kremer(2)"

<kremer@area-alliance.org>, "Daniel E. O'Neill" <vob@bestweb.net>, Daniel Riesel <driesel@sprlaw.com>, Diane Curran <dcurran@harmoncurran.com>, "Elise N. Zoli" <ezoli@goodwinprocter.com>, Hearing Docket <Hearing.Docket@nrc.gov>, "Janice A. Dean" <janice.dean@oag.state.ny.us>, Jessica Steinberg <jsteinberg@sprlaw.com>, Joan Leary Matthews <jlmatthe@gw.dec.state.ny.us>, "John J. Sipos" <john.sipos@oag.state.ny.us>, John LeKay <fuse_usa@yahoo.com>, John Louis Parker <jlparker@gw.dec.state.ny.us>, "Justin D. Pruyne" <jdp3@westchestergov.com>, "Kathryn M. Sutton" <ksutton@morganlewis.com>, Kaye Lathrop <Kaye.Lathrop@nrc.gov>, Lawrence McDade <Lawrence.McDade@nrc.gov>, Manna Jo Greene <mannajo@clearwater.org>, Marcia Carpentier <Marcia.Carpentier@nrc.gov>, "Martin J. O'Neill" <martin.o'neill@morganlewis.com>, "Michael J. Delaney" <mdelaney@nycedc.com>, "Mylan L. Denerstein" <mylan.denerstein@oag.state.ny.us>, Nancy Burton <nancyburtonct@aol.com>, OCAAMAIL Resource <OCAAMAIL.Resource@nrc.gov>, "Paul M. Bessette" <pbessette@morganlewis.com>, Phillip Musegaas <phillip@riverkeeper.org>, "Richard L. Brodsky" <richardbrodsky@msn.com>, "Richard L. Brodsky(2)" <brodskr@assembly.state.ny.us>, Richard Wardwell <Richard.Wardwell@nrc.gov>, Robert Snook <robert.snook@po.state.ct.us>, "Sarah L. Wagner" <sarahwagneresq@gmail.com>, "Susan H. Shapiro" <mbs@ourrocklandoffice.com>, Victor Tafur <vtafur@riverkeeper.org>, "William C. Dennis" <wdennis@entergy.com>, Zachary Kahn <Zachary.Kahn@nrc.gov>, Beth Mizuno <Beth.Mizuno@nrc.gov>, David Roth <David.Roth@nrc.gov>, Jessica Bielecki <jab2@nrc.gov>, Marcia Simon <Marcia.Simon@nrc.gov>

Date: Tue, 12 Aug 2008 17:05:39 -0400

Subject: WestCAN's Appeal Brief of August 8, 2008

Thread-Topic: WestCAN's Appeal Brief of August 8, 2008

Thread-Index: Acj8vyyJwrVEg3HNSNulPZafCacCjA==

Message-ID:

<C56E360E9D804F4B95BC673F886381E71467F91FCE@HQCLSTR02.nrc.gov>

Accept-Language: en-US

Content-Language: en-US

X-MS-Has-Attach:

X-MS-Exchange-Organization-SCL: -1

X-MS-TNEF-Correlator:

<C56E360E9D804F4B95BC673F886381E71467F91FCE@HQCLSTR02.nrc.gov>

MIME-Version: 1.0