

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'98 SEP -2 A9:01

Before Administrative Judges:

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

CR
ADJUDIC
OFF

SERVED SEP - 2 1998

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

September 2, 1998

MEMORANDUM AND ORDER

(Schedule for Telephone Conference and
Directives Regarding Expedited Service)

I. TELEPHONE CONFERENCE

In response to the Board's August 20, 1998 memorandum and order, intervenor State of Utah (State) has submitted an August 28, 1998 letter advising that several parties have scheduling conflicts with our proposed October 1 or 2, 1998 dates for a telephone conference on the status of informal discovery. The letter provides alternative dates on which the parties would be available. Taking into account the information in that letter, we will conduct the telephone conference on Monday, September 28, 1998, beginning at 1:00 p.m. EDT (11:00 a.m. MDT).

The parties will be advised at a later time of the procedures for connecting into the conference call. The

Board requests that at the outset of the call, one party be prepared to provide a brief "joint" report on the status of informal discovery. Any party wishing to propose a specific subject for discussion during the conference call should advise the Board and the other parties in writing on or before Wednesday, September 23, 1998. Any such submission should be served by facsimile transmission, e-mail, or other means that will ensure receipt on the day of filing in conformance with the procedures specified in section II below.

II. EXPEDITED SERVICE

In a memorandum and order issued recently in the operating license renewal proceeding for the Calvert Cliffs Nuclear Power Plant, the Commission stated that, absent some other Board order, a pleading served by e-mail would be considered timely so long as it is received by the Board and the other parties by 12:00 a.m. (midnight) Eastern Time on the due date. See Baltimore Gas & Electric Co. (Calvert Cliffs Nuclear Power Plant, Units 1 and 2), CLI-98-14, 48 NRC ___, ___ (slip op. at 6) (Aug. 19, 1998). Considerations of consistency and equity suggest that a similar submission deadline should be applicable in this proceeding.

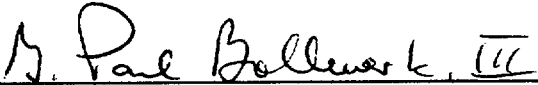
Accordingly, absent some other Board directive, filings that are to be served on the Board, the Office of the Secretary, and counsel for the other participants by facsimile transmission, e-mail, or other means that will ensure receipt on the day of filing must be received by 12:00 a.m. (midnight) ET (10:00 p.m. MT) on the day of filing. Parties are reminded that to be timely, conforming paper copies of pleadings sent by e-mail or facsimile transmission must be mailed by first class mail on that same date to the Board, the parties, and the Office of the Secretary.

Also in this regard, parties are reminded that e-mail or facsimile service made on the Board and the other parties should be made on the Office of the Secretary at the same time and by the same means. The Internet e-mail address for the Office of the Secretary is secy@nrc.gov and the facsimile number is (301) 415-1101. The Office of the Secretary advises that the NRC staff should use this

Internet address rather than sending e-mail through the agency's wide area network.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*


G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

September 2, 1998

* 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 intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Castle Rock Land and Livestock, L.C./Skull Valley Company, LTD., and the State by Internet e-mail transmission; and to counsel for the staff by e-mail through the agency's wide area network system.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of

PRIVATE FUEL STORAGE, LLC

**(Independent Spent Fuel Storage
Installation)**

Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O-SCHEDULE FOR TELECON... 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.

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

**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**

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

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

**Sherwin E. Turk, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555**

**Diane Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg
2001 S Street, N.W., Suite 430
Washington, DC 20009**

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

**Joro Walker, Esq.
Land and Water Fund of the Rockies
165 South Main, Suite 1
Salt Lake City, UT 84111**

Docket No.(s)72-22-ISFSI
LB M&O-SCHEDULE FOR TELECON...

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

Jay E. Silberg, Esq.
Shaw, Pittman, Potts and Trowbridge
2300 N Street, NW
Washington, DC 20037

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

Clayton J. Parr, Esq.
Castle Rock, et al.
Parr, Waddoups, Brown, Gee & Loveless
185 South State Street, Suite 1300
Salt Lake City, UT 84111

Danny Quintana, Esq.
Skull Valley Band of Goshute Indians
Danny Quintana & Assocs., P.C.
50 West Broadway, Fourth Floor
Salt Lake City, UT 84101

Richard Wilson
Department of Physics
Harvard University
Cambridge, MA 02138

Dated at Rockville, Md. this
2 day of September 1998

Adria T. Byrdson
Office of the Secretary of the Commission