



SECRETARY

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 9, 1997

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USNRC

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James R. Tourtellotte, Esquire  
Suite 1141  
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Arlington, VA 22209

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Catherine L. Marco, Esquire  
Office of the General Counsel  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Innovative Weaponry, Inc.  
Docket No. 30-30266  
EA 96-170

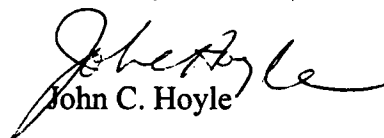
Dear Ms. Marco and Mr. Tourtellotte:

This letter is in reply to your letters to the Secretary dated March 5, 1997 and March 24, 1997 respectively, regarding the service of filings in the Innovative Weaponry proceeding.

Your letters have raised two issues regarding the Nuclear Regulatory Commission's (NRC) service requirements: how service may be made on the NRC staff as a party in an adjudicatory proceeding; and under what circumstances the delivery of filings to the Public Document Room (PDR) may constitute completed service. As to the first issue, 10 CFR §2.712 governs the methods of service in adjudicatory proceedings in which the NRC staff is a party and is represented by the Office of the General Counsel. We have traditionally interpreted §2.712(c) to mean that delivery to the PDR of documents intended for staff counsel is not to be construed as valid service, unless parties agree among themselves on that method of delivery in advance of service and it is understood that delivery to the PDR does not make that office an agent of either party.

With regard to the second issue, please be advised that in accordance with 10 CFR §2.700 and §2.701, documents intended for service on the Commission in adjudications by service on the Secretary may be delivered to the PDR appropriately addressed to the Commission or the Secretary. Additional guidance for service on the Secretary is contained in 10 CFR §2.701(b).

Sincerely,

  
John C. Hoyle

cc: Service List

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

INNOVATIVE WEAPONRY, INCORPORATED

(Albuquerque, New Mexico)

Docket No.(s) 30-30266

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LTR TO TOURTELLOTTE AND MARCO 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  
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Ellis W. Merschoff, Administrator  
Region IV  
U.S. Nuclear Regulatory Commission  
Harris Tower  
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Arlington, TX 76011

Dated at Rockville, Md. this  
9 day of April 1997

*Adria T. Byrdson*  
Office of the Secretary of the Commission