



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DOCKETED
USNRC

March 5, 1997

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John C. Hoyle, Secretary
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of
INNOVATIVE WEAPONRY, INCORPORATED
Docket No. 030-30266 EA 96-170

Dear Mr. Hoyle:

This is to inform you that the Office of the General Counsel (OGC) did not receive a copy of Mr. Tourtellotte's February 10, 1997, letter to the Commission until February 28, 1997, when OGC received a copy bearing your office's docket stamp of February 12, 1997. The Certificate of Service, which was not signed, indicates that the Office of the General Counsel was served by delivery to the NRC Public Document Room (PDR).

While the Commission's regulations (10 C.F.R. § 2.701) provide that delivery to the PDR is an appropriate means to file documents with the Commission, the regulations also provide that all documents offered for filing "shall be accompanied by proof of service upon all parties to the proceeding or their attorneys of record as required by law or by rule or order." The staff of the Commission is a party, and thus, service on the staff is complete when it is made upon the attorney of record at the proper address in accordance with 10 C.F.R. § 2.712 (b) and (e). The regulations state that service is complete by personal delivery when the paper is handed to the individual or left at his office with a clerk or other responsible person, and service is complete by mail when deposited in the United States mail, properly stamped and addressed. Therefore, service to the staff is not complete when a letter is delivered to the PDR.

As Mr. Tourtellotte certainly recognizes, a party (including the staff) needs to be properly served in order to provide a timely and meaningful response to filings in a proceeding to the extent required or otherwise appropriate. For this reason, I am requesting that Mr. Tourtellotte be directed to complete service upon the staff, if by hand delivery to the Office of the General Counsel, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or, if by mail, by

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John C. Hoyle, Secretary

- 2 -

mailing the document directly to: Catherine Marco or Eugene Holler, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Thank you.

Sincerely,

Catherine L. Marco

Catherine L. Marco
Counsel for NRC Staff

cc: Service List