

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL

'99 JAN -7 A11:27

Before Presiding Officer:

G. Paul Bollwerk, III, Administrative Judge

OFFICE OF SECURITY
RULEMAKING AND
ADJUDICATION STAFF

Special Assistant:

Thomas D. Murphy, Administrative Judge

SERVED JAN - 7 1999

In the Matter of

SHIELDALLOY METALLURGICAL CORP.

(Cambridge, Ohio Facility)

Docket No. 40-8948-MLA

ASLBP No. 99-760-03-MLA

January 7, 1999

ORDER

(Granting Motion for
Extension of Time
to File Response)

Upon consideration of the unopposed January 6, 1999 NRC staff motion for an extension of time to file a response to the December 21, 1999 Guernsey County, Ohio citizens petition to intervene,¹ it is

¹ In its motion, the staff seems to suggest, contrary to the representation in the Presiding Officer's January 4, 1999 memorandum and order, see Licensing Board Memorandum and Order (Initial Prehearing Order) (Jan. 4, 1998) at 12 n.4, that the issuance was not served electronically until January 5. In fact, the issuance was transferred out of the agency's server onto the Internet at 3:06 p.m. ET on January 4. As with Internet transmissions generally, when it was received by the participants is something the Presiding Officer is unable to ascertain. To avoid this uncertainty relative to the staff, beginning with this order electronic service of Presiding Officer issuances will be made over the agency's Wide Area Network (WAN), which provides a delivery record.

In addition, the staff's motion suggests that because
(continued...)

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ORDERED, that the staff's January 6, 1999 motion for extension of time is granted in that the staff shall have up to and including Friday, January 15, 1999, within which to (1) inform the Presiding Officer whether it intends to participate as a party to this proceeding, see 10 C.F.R. § 2.1213; and (2) if it decides to participate, file the

¹(...continued)

of the timing of the Presiding Officer's order, it was unable to file a timely request for an extension of time to file its answer. Under the terms of the January 4 issuance, which indicates extension motions should be filed three business days before a pleading is due, see id. at 8, the staff's January 6 motion is, in fact, timely.

Finally, it is not necessary to address the portion of the staff's motion requesting that the ten-page limit on motions established by the Presiding Officer's January 4 issuance, see id. at 7, be extended for any staff answer to the petitioners' hearing request. The staff's answer is not a motion (or a related responsive pleading) within the meaning of 10 C.F.R. § 2.1237. As a consequence, the January 4 issuance imposes no page limit on that pleading.

staff's answer to the petitioners' hearing request, see id.
§ 2.1205(g).

BY THE PRESIDING OFFICER²



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

January 7, 1999

² Copies of this order were sent this date to counsel for (1) applicant Shieldalloy Metallurgical Corporation, and (2) petitioners from Guernsey County, Ohio, by Internet e-mail transmission; and to counsel for the staff by e-mail through the agency's WAN system.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

SHIELDALLOY METALLURGICAL CORP.
Cambridge, Ohio
(Request for Materials License
Amendment)

Docket No.(s) 40-8948-MLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER-GRANT'G MOTION..EXT.. 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.

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Dated at Rockville, Md. this
7 day of January 1999

Adria T. Byrdson
Office of the Secretary of the Commission