

January 6, 1998

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'99 JAN -6 P12:22

ATOMIC SAFETY AND LICENSING BOARD PANEL

OFFICE OF GENERAL COUNSEL  
RULEMAKING AND  
ADJUDICATION STAFF

|                            |   |                         |
|----------------------------|---|-------------------------|
| In the Matter of           | ) |                         |
|                            | ) | Docket No. 40-8948-MLA  |
| SHIELDALLOY METALLURGICAL  | ) |                         |
| CORP.                      | ) | ASLBP No. 99-760-03-MLA |
|                            | ) |                         |
| (Cambridge, Ohio Facility) | ) |                         |

NRC STAFF MOTION FOR EXTENSION  
OF TIME TO FILE RESPONSE  
AND FOR EXTENSION OF PAGE LIMITATION

The Staff Moves the Presiding Officer to extend the time for the Staff to respond to Mr. Michael Bruce Gardener's December 21, 1998 petition to intervene in the application by Shieldalloy Metallurgical Corporation's request for a license amendment and to permit the Staff's response to exceed ten pages in length.

BACKGROUND

The NRC noticed in the Federal Register, 63 Fed. Reg. 64976, November 24, 1998, an application by Shieldalloy Metallurgical Corporation for a license amendment to permit the relocation and placement of slag/soil from a temporary staging area on site to another location on site. By letter dated December 21, 1998, Mr. Michael Bruce Gardener filed with the Commission's Secretary a petition to intervene.

On January 4, 1999, Presiding Officer Bollwerk issued an Order directing, *inter alia*, that the Staff respond to Mr. Gardener's petition by Monday, January 11, 1999 (electronic Order at 2) and that that response shall not exceed ten pages in length (Electronic Order at 5). The Order provided for requests for relief and required that such requests be filed at least three business days before the due date (electronic Order at 7).

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DISCUSSION

The Staff's response is due, according to the parameters of the Order, Monday, January 11, 1999 and any request for a time extension was due on Tuesday, January 5, 1999. The Staff was served a copy of the Secretary's Memorandum to the Chief Administrative Judge on December 29, 1998. The Staff was served electronically with the Presiding Officer's Order on Tuesday, January 5, 1999, the day that any request for an extension of time was due to be filed with the Presiding Officer. Thus, the Staff was unable to comply with the time limit which was imposed by the Presiding Officer for requesting time extensions. Further, the Staff Project Manager responsible to process the amendment request is in training and not available until the morning of Friday, January 8, 1999, and the Staff counsel assigned to the proceeding first received the Secretary's Memorandum to the Chief Administrative Judge on Tuesday, January 5, 1999.

The Staff counsel has discussed the response time and the page limitations imposed by the Presiding Officer with Mr. Gardner, for the prospective intervenors, and Mr. Valenti, Radiation Safety Officer for Shieldalloy on the afternoon of January 5, 1999. They have no objection to the Staff responding to the petition by Friday, January 15, 1999 and have no objections to the Staff's response exceeding ten pages. A brief elementary discussion of the applicable law by itself will exceed ten pages. Based upon past experience in responding to petitions to intervene and considering the specific matters in Mr. Gardner's letter of December 21, 1998, the Staff estimates that its response will not exceed twenty five pages.

CONCLUSION

In view of the above recited facts and arguments, the Staff Moves the Presiding Officer to extend the Staff's response due date to Friday, January 15, 1999, and to permit the Staff's response to be twenty-five pages or less.

Respectfully submitted,



Charles A. Barth  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 6<sup>th</sup> day of January 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL


In the Matter of )  
 ) Docket No. 40-8948-MLA  
SHIELDALLOY METALLURGICAL )  
CORP. ) ASLBP No. 99-760-03-MLA  
 )  
(Cambridge, Ohio Facility) )

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

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Admissions: Supreme Court, State of Indiana  
U.S. District Courts, State of Indiana  
U.S. Court of Appeals, 7<sup>th</sup> Circuit  
United States Supreme Court  
Name of Party: NRC Staff

Respectfully submitted,

  
Charles A. Barth  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 6<sup>th</sup> day of January 1999

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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR EXTENSION OF TIME TO FILE RESPONSE AND FOR EXTENSION OF PAGE LIMITATION" and "NOTICE OF APPEARANCE" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class; or as indicated by a single asterisk through deposit in the Nuclear Regulatory Commission's internal mail system; or as indicated by double asterisk via facsimile transmission this 6th day of January 1999:

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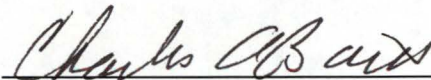
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Charles A. Barth  
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