

DOCKETED  
USNRC  
February 12, 1999  
'99 FEB 12 P1:22

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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)	)	

NRC STAFF RESPONSE TO "UNNAMED CITIZENS  
OF GUERNSEY COUNTY'S JOINT REPLY TO ANSWERS  
OF NRC STAFF AND SHIELDALLOY METALLURGICAL CORP.  
TO REQUEST FOR HEARING"

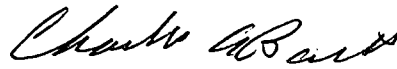
Michael Bruce Gardener filed a Petition To Intervene in the application by Shieldalloy Metallurgical Corporation to amend its materials license, SUA-1507. The Staff filed a response on January 11, 1999, opposing that petition on the basis that no standing by any person was alleged as required by Commission regulations and precedent, that no injury in fact was set forth in that petition, and that the Petition related to matters which were not the subject of the requested license amendment.

The Presiding Officer issued an Order dated January 21, 1999, permitting Mr. Gardner to respond to the Staff's opposition filing by February 5, 1999. Mr. Gardner responded in a filing titled, Unnamed Citizens of Guernsey County's Joint Reply To Answers Of NRC Staff and Shieldalloy Metallurgical Corp. To Request For Hearing, dated February 5, 1999.

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The Staff has reviewed Mr. Gardner's filing. It responds to none of the Staff's objections to granting intervenor status to Mr. Gardner's "Unnamed Citizens." It resolves and cures none of the fatal defects so patent in Mr. Gardner's Petition of December 21, 1998. It continues to demonstrate total non-compliance with the Commission's requirements for intervenor status. The Staff's arguments in its filing of January 11, 1999, are not changed. Further Staff filing would only be repetitious. Therefore, the Staff stands by its January 11, 1999 Response to Mr. Gardner's Petition.

Respectfully submitted,



Charles A. Barth  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 12<sup>th</sup> day of February 1999

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO "UNNAMED CITIZENS OF GUERNSEY COUNTY'S JOINT REPLY TO ANSWERS OF NRC STAFF AND SHIELDALLOY METALLURGICAL TO REQUEST FOR HEARING" 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 12th day of February 1999:

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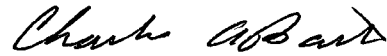
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Charles A. Barth  
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