

DOCKETED
USNRC

February 12, 1999

'99 FEB 12 P 1:22

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.

19986

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 12th day of February 1999

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'99 FEB 12 P1:23

ATOMIC SAFETY AND LICENSING BOARD PANEL

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

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

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:

Administrative Judge**
G. Paul Bollwerk, III, Presiding Officer
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
FAX: 301-415-5599

Atomic Safety and Licensing
Board Panel*
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge**
Thomas D. Murphy, Special Assistant
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
FAX: 301-415-5599

Office of Commission Appellate
Adjudication*
Mail Stop: O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Michael Bruce Gardner, Esq.
22132 Westchester Road.
Cleveland, Ohio 44122

James P. Valenti
Radiation Safety Officer
Shieldalloy Metallurgical Corporation
West Boulevard
P.O. Box 768
Newfield, New Jersey 08344

Adjudicatory File (2)*
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Office of the Secretary (2)*
ATTN: Rulemaking and
Adjudications Staff
Mail Stop: O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Charles A. Barth

Charles A. Barth
Counsel for NRC Staff