

10/7

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR


IN THE MATTER OF)	
)	
West Virginia Steel)	Docket No. EPCRA-III-134
Corporation,)	
)	
Respondent)	

ORDER VACATING PRIOR ORDER

By order dated September 13, 1994, I granted the Complainant's motion for accelerated decision with respect to the liability issue in this proceeding. On October 6, 1994, I received a letter from counsel for the Complainant asking for clarification of my ruling. The Complainant states that in a letter dated July 25, 1994, it had requested that action on its motion be held in abeyance due to the resumption of settlement negotiations with the Respondent.

The short response is that I never received the letter to which counsel refers. To best restore this matter to the status quo ante, the September 13, 1994, order is hereby vacated. This will permit the parties the opportunity they requested to resume their settlement discussions without an order extant ruling on the liability issue. If settlement does not occur, then the Complainant may renew its motion for accelerated decision at that time.

Further, the undersigned recognizes that the Respondent has recently retained outside counsel. In his August 26, 1994, motion for extension of time to conduct the prehearing exchange, Respondent's counsel notes that he may need to file an amended answer to the Complaint if the case does not settle. Should a settlement not materialize then Respondent's counsel may take whatever action he deems appropriate at the time. If a motion to amend the answer is filed, I would rule on the matter based on the motion and any response filed by the Complainant.


 Jon G. Lotis
 Acting Chief Administrative Law Judge

Dated: October 7, 1994
Washington, D.C.

IN THE MATTER OF WEST VIRGINIA STEEL CORPORATION, Respondent
Docket No. EPCRA-III-134

CERTIFICATE OF SERVICE

I certify that the foregoing Order Vacating Prior Order, dated October 7, 1994, was sent in the following manner to the addressees listed below:

Original by Regular Mail to:

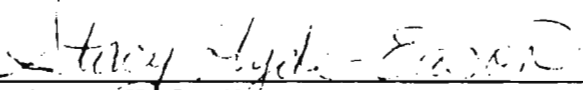
Lydia A. Guy
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region III
841 Chestnut Building
Philadelphia, PA 19107

Copies by Regular Mail to:

Counsel for Complainant: Joyce A. Howell, Esq.
Assistant Regional Counsel
U.S. Environmental Protection
Agency, Region III
841 Chestnut Building
Philadelphia, PA 19107

Respondent: Webster J. Arceneaux, III
Lewis, Friedberg, Glasser,
Casey & Rollins
Suite 700 - One Valley Square
P. O. Box 1746
Charleston, West Virginia 25326

John P. Harris, President
West Virginia Steel Corporation
900-901 Brooks Street
P. O. Box 2511
Charleston, West Virginia 25301-1328



Stacy Hyde-Eason
Legal Assistant, Office of
Administrative Law Judges
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dated: October 7, 1994
Washington, D.C.