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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

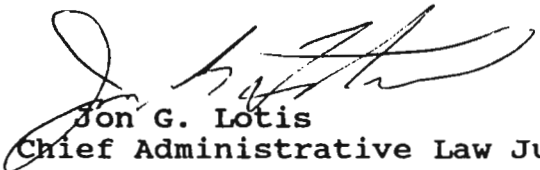
IN THE MATTER OF )  
 )  
West Virginia Steel ) Docket No. EPCRA-III-134  
Corporation, )  
 )  
Respondent )

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:**

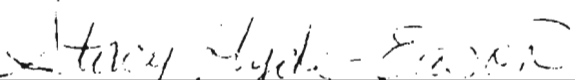
Lydia A. Guy  
Regional Hearing Clerk  
U.S. Environmental Protection  
Agency, Region III  
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**Copies by Regular Mail to:**

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