

37-00030-02

030-05980

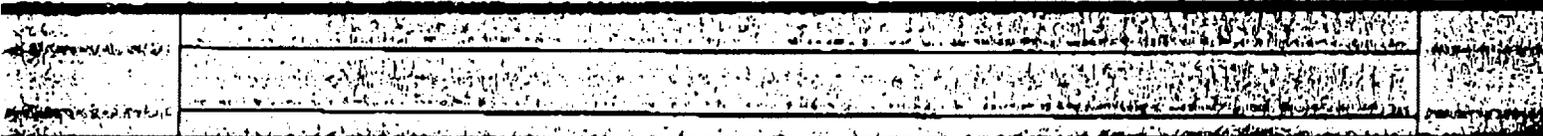
P-5



FAX TRANSMISSION

U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

To:	Marie Miller	Date:	5/15/02
Phone #:		Pages: 7 , including this cover sheet.	
Fax #:			
From:	Sheri Minnick		
Phone #:			
Fax #:			
Subject:			
COMMENTS:			





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

RECEIVED

MAY 08 2002

Removal Eff. & Oil Section
USEPA, Wheeling Office

**NOTICE OF POTENTIAL LIABILITY AND OFFER TO NEGOTIATE
FOR REMOVAL ACTION
URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Mr. Larry Harmon
Plant Manager
4150-A Old Berwick Road
Bloomsburg, PA 17815

MAY 09 2002

Re: Safety Light Corporation Site (the "Site")
Bloomsburg, Columbia County, Pennsylvania

Dear Mr. Harmon:

This letter confirms notification of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(a), as amended (CERCLA), that the Safety Light Corporation, may incur or may have incurred with respect to the above-referenced Site. On Thursday, January 31, 2002, Dennis Matlock, EPA's On-Scene Coordinator, discussed with you Safety Light Corporation's potential liability. This letter formally notifies you of the forthcoming removal activities at the Site which Safety Light may be asked to perform or pay for at a later date if EPA performs them.

NOTICE OF POTENTIAL LIABILITY

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the above-referenced Site. EPA has spent, or is considering spending, public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a potentially responsible party (PRP) or parties will properly perform or finance such actions, EPA may perform these actions pursuant to Section 104 of CERCLA.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973 (RCRA), and other laws, PRPs may be obligated to implement response actions deemed necessary by EPA to protect health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to, expenditures for investigations, planning, response, oversight, and enforcement activities. In addition, PRPs may be liable for damages to natural resources. EPA may issue an administrative order pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a),



to require PRPs to commence cleanup activities. Failure to comply with an administrative order issued under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), may result in a fine of up to \$27,500 per day, under Section 106(b) of CERCLA, and/or imposition of treble damages, under Section 107(c)(3), 42 U.S.C. § 9607(c)(3).

EPA has evaluated information in connection with the investigation of the Site. Based on this information, EPA believes that the Safety Light Corporation may be a PRP with respect to this Site. PRPs under CERCLA include current owners and operators of the Site, owners and operators at the time of disposal, as well as persons who arranged for disposal or treatment of hazardous substances sent to the Site, or persons who accepted hazardous substances for transport to the Site. Safety Light Corporation, as a current owner and/or operator at the Site, is therefore liable under CERCLA. By this letter, EPA notifies the Safety Light Corporation of its potential liability with regard to this matter and encourages the Safety Light Corporation to voluntarily perform or finance those response activities that EPA determines are necessary at the Site.

SITE RESPONSE ACTIVITIES

At present, EPA intends for the following activities to be conducted at the Safety Light Corporation Site:

1. Secure Site to prevent unauthorized access;
2. Initiate container survey and perform extent of contamination analysis to characterize the onsite wastes and hazardous substances;
3. Construct work processing areas consistent with established daily requirements for health and safety and radiation worker safety exposure rates set out in OSHA 29 CFR 1910.1096. These processing areas will remove suspected sources from the site to a controlled area to minimize exposure to contaminated materials, and any other condition posing an imminent and substantial threat to public health and the environment;
4. Conduct sampling analysis to characterize all waste streams;
5. Remove wastes and hazardous substances from the Site and properly dispose off-site in accordance with law;
6. Perform sampling analysis to verify that all contamination has been removed or contained, as appropriate.

DECISION NOT TO USE SPECIAL NOTICE

Under CERCLA Section 122(e), 42 U.S.C. § 9622(e), EPA has the discretionary authority to invoke special notice procedures to negotiate formally the terms of an agreement between EPA

and PRPs to conduct or finance response activities. Use of these special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between EPA and the PRP or PRPs are conducted.

In this case, EPA has decided not to invoke the Section 122(e) special notice procedures because use of such procedures is not practicable or in the public interest, nor would use of such procedures facilitate an agreement or expedite remedial action. It is EPA's policy not to use the special notice procedures for removals unless there is a six-month planning lead time after the decision to respond and prior to the initiation of the action. Since the planning lead time prior to the initiation of this response action is less than six months, special notice procedures will not be used. Nonetheless, EPA is willing to discuss settlement opportunities without invoking a moratorium, but will initiate the response action as planned if such discussions do not lead to settlement expeditiously.

DEMAND FOR PAYMENT

In accordance with CERCLA, EPA has undertaken certain actions and incurred certain costs in response to conditions at the Site. EPA may demand these costs from the Safety Light Corporation at some time in the future. The Safety Light Corporation is potentially liable for additional costs including any costs for enforcement or collection, plus interest if EPA conducts additional activities at the Site.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. § 9613(k), EPA will establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a Site. The administrative record files, which contain such documents related to the response action selected for this Site will be available to the public for inspection and comment. The location is the EPA Regional Office at 1650 Arch Street, Philadelphia, PA, 19103.

PRP RESPONSE AND EPA CONTACT

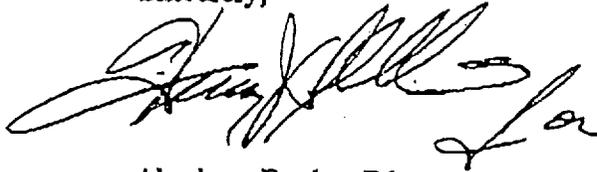
You are encouraged to contact EPA within five (5) business days of your receipt of this letter to indicate your willingness to participate in future negotiations at this Site. If EPA does not receive a timely response, EPA will assume that you have declined any involvement in performing the response activities described above. You may be held liable under Section 107 of CERCLA for the cost of the response activities EPA performs at the Site and for any damages to natural resources.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions on any matter set forth herein. Your response to this notice letter should be sent to:

Dennis Matlock (3HS32)
U.S. Environmental Protection Agency
Removal Enforcement and Oil Section
401 Methodist Building
Wheeling, WV 26003
(304) 234-0284

If you have questions of a technical nature, they may be addressed to Dennis Matlock, referred to above. Questions of a legal nature may be addressed to Ms. Gail P. Wilson, Assistant Regional Counsel, at (215) 814-2493.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abraham Ferdas', written in a cursive style.

Abraham Ferdas, Director
Hazardous Site Cleanup Division

ROBERSON, FREILICH, BRUNO & COHEN, LLC
COUNSELLORS AT LAW
ONE RIVERFRONT PLAZA, 4TH FLOOR
NEWARK, NEW JERSEY 07102
TELEPHONE (973) 848-2100
FAX (973) 848-2138

Writer's Direct Line: (973) 848-2101
Writer's e-mail: kbruno@rfbclaw.com

File No. 0008-01

May 13, 2002

VIA TELECOPY AND REGULAR MAIL

Dennis Matlock (3HS32)
U.S. Environmental Protection Agency
Removal Enforcement and Oil Section
401 Methodist Building
Wheeling, WV 26003

Gail P. Wilson
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III
1850 Arch Street
Philadelphia, Pa 19103-2029

Re: Safety Light Corporation Site (the "Site")
Bloomsburg, Columbia County, Pa

Dear Ms. Wilson and Mr. Matlock:

This firm represents Safety Light Corporation ("Safety Light") with respect to the above-referenced matter. We are in receipt of USEPA's Notice Of Potential Liability And Offer To Negotiate For Removal Action dated May 3, 2002, and received by our client on May 8, 2002. Kindly accept this letter as a response to USEPA's notice letter.

Please be advised that Safety Light is ready and willing to participate in future negotiations with USEPA regarding the site conditions described in USEPA's notice letter. Please note that as an USNRC-licensed facility, Safety Light has been working with USNRC for many years regarding the continued investigation and, where necessary and financially possible, remediation of certain areas of the Site. During this time, Safety Light has been committed to doing what it can to ensure the protection of the health and safety of those at and around the Site. We believe those efforts have been successful and it is our hope and intention to continue that process.

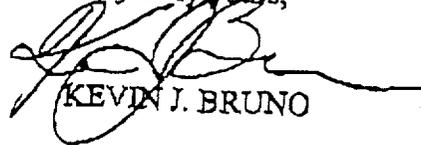
Robertson, Freilich, Bruno & Cohen
Counsellors at Law

Gail P. Wilson, Esq.
Dennis Matlock
May 13, 2002
Page 2

As you might imagine, Safety Light has many questions regarding the nature and extent of USEPA's involvement in addressing environmental conditions at the Site. In particular, Safety Light is unsure of the impact, if any, such involvement will have on the company's USNRC license-based activities. We welcome the opportunity to discuss these and other issues USEPA may want to address.

Thank you for your kind attention to this matter and please advise when, at your convenience, we can discuss USEPA's notice letter in further detail.

Very truly yours,



KEVIN J. BRUNO

KJB

cc.: William Lynch, Safety Light Corporation via telecopy