

License Nos.: 37-00030-02
37-00030-08

Docket Nos.: 03005980
03005982

Safety Light Corporation

Title: Selected pages from deposition of Charles R. White on March 5, 1992

This document is Exhibit No. 26 to NRC Staff's Motion for Summary Disposition As To NRC Jurisdiction Over USR Industries, Inc., USR Lighting, Inc., USR Chemical Products, Inc., USR Metals, Inc., and USR Natural Resources, Inc., dated June 30, 1992 (ML040230156) and NRC Staff's Statement of Undisputed Material Facts As to Which No Genuine Issue Remains (ML040230151)

List of all Exhibits at ML040220785.

Tab. 26
Staff Exh. 26

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of :
SAFETY LIGHT CORPORATION :
UNITES STATES RADIUM CORPORATION :
USR INDUSTRIES, INC. : Docket Nos.
USR CHEMICAL PRODUCTIONS, INC. : 030-05980
USR METALS, INC. : 030-05982
USR LIGHTING, INC. : 030-08335
U.S. NATURAL RESOURCES, INC. : 030-08444
LIME RIDGE INDUSTRIES, INC. :
METREAL, INC. :
(Bloomsburg Site Decontamination) :
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The deposition of CHARLES R. WHITE was taken on
Thursday, March 5, 1992, at 10:00 a.m., at the offices of
NRC Staff, Office of the General Counsel, 11555 Rockville
Pike, Rockville, Maryland 20852, before Walter R. Smith II,
court reporter and notary public in and for the District of
Columbia, when were present:

1 a manager.

2 BY MR. WEISMAN:

3 Q. You didn't know of Jack Miller or David Watts, if
4 they had any plans?

5 A. No, I don't.

6 Q. So it just wasn't an area of concern?

7 A. No.

8 Q. In 1982 did you notify NRC of Lime Ridge's
9 intention to purchase Safety Light?

10 A. No.

11 Q. Do you know if anyone did?

12 A. I believe Jack Miller did. Excuse me. I believe
13 he notified the NRC after we purchased Safety Light, after
14 the shareholders purchased the company.

15 Q. Do you know of any notification before the
16 purchase?

17 A. No.

18 Q. Do you have any idea why there was no notification
19 before the purchase?

20 A. No.

21 Q. Can you describe to me what Mr. Miller did to
22 notify the NRC?

23 MR. CHARNOFF: You are going to have Mr. Miller
24 here in a week or two weeks.

25 A. I read a document. He notified the NRC there was

1 to answer that.

2 MR. WEISMAN: Are you directing him not to answer?

3 MR. CHARNOFF: I will direct him not to answer
4 that. I think that is calling for a legal conclusion.

5 MR. WEISMAN: Gerry, we are just looking for -- if
6 he has got a document that he thinks is a consent, we want
7 to know what it is.

8 MR. CHARNOFF: I am not going to hide it. Our
9 position is that all the written correspondence to Safety
10 Light after notification in 1983 was acquiescence in that
11 ownership change. That is the consent that our position is
12 going to take.

13 MR. WEISMAN: You are willing to stipulate there
14 was no written consent to that sale before the sale
15 occurred?

16 MR. CHARNOFF: Yes. There was no written consent
17 to the sale before the sale took place.

18 MR. WEISMAN: Are you willing to stipulate that
19 there was no explicit consent to the sale after it took
20 place?

21 MR. CHARNOFF: Let me answer it this way: First
22 of all, let me say, I don't believe as a matter of law that
23 the sale of stock in the company from one shareholder to
24 another required any consent from the NRC.

25 Now, I will stipulate to the idea that there was

1 no request for such consent by the company prior to the 1982
2 stock sale. And I will stipulate that subsequent to the
3 November 11, 1983 letter -- I think that is the right date
4 -- that there was no explicit written statement by the NRC
5 stating that it approved.

6 And my fourth position is, I will stipulate with
7 you if you would stipulate with me that all of the ongoing
8 correspondence by the NRC during the next five years was
9 acquiescence by the NRC in that sale of stock.

10 MR. WEISMAN: I think that is why we are writing
11 briefs in this case.

12 MR. CHARNOFF: I am just asking you if you would
13 stipulate. I am giving you three stipulations. I want one
14 from you.

15 MR. WEISMAN: We are not going to stipulate to
16 that.

17 MR. CHARNOFF: All right. We will take your
18 deposition.

19 BY MR. WEISMAN:

20 Q. Mr. White, did anyone communicate consent to the
21 transfer to you in any fashion?

22 MR. CHARNOFF: Objection. You have gotten our
23 stipulations. I think you have pursued that as far as you
24 really ought to go.

25 MR. WEISMAN: What I am asking is, in terms of