

RAS 8630

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 10/14/04
SERVED 10/14/04

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

E. Roy Hawkens, Chairman
Ann Marshall Young
Dr. Peter S. Lam

In the Matter of

SAFETY LIGHT CORPORATION
Bloomsburg, Pennsylvania Site

(Materials License Amendment)

Docket Nos. 30-5980 & 30-5982

ASLBP No. 04-833-07-MLA

October 14, 2004

ORDER

(Order Rescinding Direction To Set Aside Date For Telephonic Argument)

This proceeding concerns a request for hearing submitted on August 30, 2004, by the Pennsylvania Department of Environmental Protection (Pennsylvania) in response to a June 23, 2004 notice of opportunity for hearing regarding a proposed amendment to the 10 C.F.R. Part 30 byproduct materials licenses of the Safety Light Corporation. The notice was published in the Federal Register on June 30, 2004 (69 Fed. Reg. 39,515).

By order dated September 24, 2004, the Licensing Board advised the participants that it may hold a telephonic argument on Pennsylvania's request for a hearing, and it requested that the participants set aside Tuesday, October 19, 2004, from 2:00 p.m. to 5:00 p.m. in the event that the Board determined oral argument was necessary. The Board advised the participants that it would notify them of its determination during the week of October 11, 2004 based on its review of their submissions.

Having reviewed Pennsylvania's hearing request, the response submitted by the NRC Staff dated September 27, 2004, and Pennsylvania's reply dated October 4, 2004, the Board concludes that oral argument is not necessary.¹ The Board's direction in its Order of September 24, 2004 that the participants set aside Tuesday, October 19, 2004 from 2:00 p.m. to 5:00 p.m. is therefore rescinded.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
October 14, 2004

¹ The Board did not receive a response from the Safety Light Corporation concerning Pennsylvania's hearing request. Nor did the Board receive a notice of appearance from an attorney, or from any other person appearing in a representative capacity, on behalf of the Safety Light Corporation. Any such notice should be filed pursuant to 10 C.F.R. 2.314(b).

² Copies of this order were sent this date by internet e-mail transmission to: (1) counsel for the Pennsylvania Department of Environmental Protection; (2) licensee Safety Light Corporation; and (3) the NRC Staff.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (ORDER RESCINDING DIRECTION TO SET ASIDE DATE FOR TELEPHONIC ARGUMENT) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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Docket Nos. 30-5980/5982-MLA
LB ORDER (ORDER RESCINDING
DIRECTION TO SET ASIDE DATE
FOR TELEPHONIC ARGUMENT)

Safety Light Corporation
4150-A Old Berwick Road
Bloomsburg, PA 17815
Attention: William Lynch

[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 14th day of October 2004