

RAS 8996

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 12/16/04
SERVED 12/16/04

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

E. Roy Hawken, 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-MLA &
30-5982-MLA

ASLBP No. 04-833-07-MLA

December 16, 2004

ORDER

(Procedural Order Following Prehearing Conference On December 15, 2004)

On December 15, 2004, the parties in this proceeding (i.e., the Pennsylvania Department of Environmental Protection, Safety Light Corporation, and the NRC Staff) participated in a telephonic prehearing conference. The parties were invited to address the effect on this case of the NRC Staff's recent actions on December 10, 2004: (1) denying Safety Light's request for renewal of the license contested in this proceeding (No. 37-00030-08) and License No. 37-00030-02; and (2) suspending both licenses, effective immediately. See Letter from Jack R. Strosnider, NRC, to C. Richter White, SLC (Dec. 10, 2004).

Safety Light has until December 30, 2004 to determine whether it will challenge any aspect of the NRC Staff's actions of December 10, 2004. Safety Light advised that it has retained counsel and is reviewing its options.

In light of the potential impact on this case of the NRC Staff's December 10th actions, it is ORDERED that:

1. This Board's order dated December 8, 2004 – which directed the parties to submit mandatory disclosures and the hearing file by December 30, 2004 – is rescinded.

2. If Safety Light elects to challenge any aspect of the NRC Staff's actions of December 10, 2004, it shall provide copies of such challenges – by e-mail and overnight delivery service – to all counsel in this case and to the members of this Licensing Board.
3. On or before January 7, 2005, each party shall submit a memorandum advising how this case should proceed in light of Safety Light's response to the NRC Staff's actions of December 10, 2004, addressing in particular whether this proceeding has been rendered moot or should be consolidated with any other proceedings related to Safety Light's license(s).

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
December 16, 2004

¹ 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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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (PROCEDURAL ORDER FOLLOWING PREHEARING CONFERENCE ON DECEMBER 15, 2004) 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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Docket Nos. 30-5980/5982-MLA
LB ORDER (PROCEDURAL ORDER FOLLOWING
PREHEARING CONFERENCE ON DECEMBER
15, 2004)

William E. Lynch, Jr., Vice President
Safety Light Corporation
4150-A Old Berwick Road
Bloomsburg, PA 17815

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 16th day of December 2004