

to the chairman of the Atomic Safety and Licensing Board Panel (ASLBP Chairman). SLC anticipates that the ASLBP Chairman will designate separate Atomic Safety and Licensing Boards to consider SLC's request regarding the Denial and its requests regarding the Enforcement Order.

The Licensing Board's Order asked if SLC's responses made this proceeding moot. Because there has been no final decision on SLC's demand for a hearing on the Denial, the Denial is not a final agency action, and SLC's timely request for license renewal is still pending before the NRC. *See* 10 CFR §2.109(a)(2004). As a result, this proceeding has not been rendered moot.

SLC believes that the various proceedings should be consolidated to the maximum extent possible, because there are many common issues of law and fact. If separate proceedings are conducted, there will be a need for coordination among them to avoid scheduling conflicts and unnecessary burdens will be imposed upon the parties and the NRC. Consolidation should not be affected by the fact that the issues in the Denial proceeding go beyond the specific matters that have been placed in contention by the Pennsylvania Department of Environmental Protection in this proceeding, and even relate to a license that is not the subject of this proceeding (License No. 37-00030-02). It is not unusual for NRC hearings to involve multiple parties, some of whom participate only with respect to limited aspects of the hearing. *See* 10 CFR §2.309(f); Louisiana Energy Services, L.P. (National Enrichment Facility), CLI-04-35, __ NRC __, *slip op.* at 11-12 (Dec. 8, 2004) (ADAMS No. ML043430470).

The consolidation question is complicated, however, by the fact that the existing proceeding is being conducted under Subpart L (10 CFR §§2.1200 et seq.) and

proceedings on enforcement matters must be conducted under subpart G (10 CFR §§ 2.700 et seq.) unless all parties agree and jointly request that the proceedings be conducted under the procedures of subpart L or subpart N. 10 CFR §2.310(b). This would require a conference among the parties to the enforcement proceedings (*i.e.*, the NRC Staff and SLC) to discuss consolidation and the hearing procedures. Such a conference has not yet occurred and SLC has not yet attempted to have such a conference because the undersigned counsel have only recently been retained and have not yet been able to familiarize themselves with the all of the relevant facts.

In view of the likelihood that it will be desirable for this proceeding to be consolidated with one or more other proceedings, SLC suggests that this proceeding be stayed for 30 days to enable SLC's attorneys additional time to prepare and to confer with the NRC Staff about the selection of hearing procedures for the enforcement proceeding, and to provide the Licensing Board with SLC's specific recommendations.

Respectfully submitted,

SAFETY LIGHT CORPORATION



Donald J. Silverman

Alvin H. Gutterman

Morgan Lewis & Bockius LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-5502

Facsimile: (202) 739-3001

E-mail: dsilverman@morganlewis.com

E-mail: agutterman@morganlewis.com

Counsel for Safety Light Corporation

Dated: January 7, 2005

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of)	
)	
)	Docket Nos. 030-05980
)	030-05982
SAFETY LIGHT CORPORATION)	
Bloomsburg, Pennsylvania Site)	ASLBP NO. 04-833-07-MLA
)	
)	
)	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Safety Light Corporation Memorandum Regarding Future Proceedings were served upon the persons listed below by U.S. mail, first class, postage prepaid and, where shown, by e-mail on this 7th day of January 2004.

Secretary of the Commission*
Attn: Rulemakings and Adjudication Staff
U.S. Nuclear Regulatory Commission
Mail Stop - 0-16C1
Washington, DC 20555-0001
(E-mail: hearingdocket@nrc.gov)

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: psl@nrc.gov)

Administrative Judge
E. Roy Hawkins, Chair
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: erh@nrc.gov)

Thomas M. Crowley, Esq.
Assistant Counsel
Pennsylvania Department of
Environmental Protection
Southcentral Regional Counsel
909 Elmerton Avenue, Third Floor
Harrisburg, PA 17110
(E-mail: tcrowley@state.pa.us)

Administrative Judge
Ann M. Young
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: amy@nrc.gov)

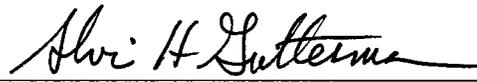
Director, Office of Nuclear Materials
Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mitzi A. Young
Counsel for NRC Staff
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: may@nrc.gov)

Assistant General Counsel for
Materials Litigation and Enforcement
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(Email: OGCMailCenter@nrc.gov)

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406



Alvin H. Gutterman
Counsel for Safety Light Corporation

*Original and two copies