

RAS 9369

TOTAL P.02

DOCKETED
USNRC

January 18, 2005 (4:00 pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

SAFETY LIGHT CORPORATION
Bloomsburg, Pennsylvania Site

Docket Nos. 030-05980-EA
030-05982-EA

ASLBP No. 05-835-01-EA

January 18, 2005

**JOINT MOTION TO APPLY SUBPART L RULES OF PRACTICE IF SLC'S SET
ASIDE MOTION IS DENIED**

During the course of the hearing on January 13, the Board directed the parties to advise the Board of the parties' views on hearing procedures that should apply if Safety Light Corporation's (SLC) Set Aside Motion is denied. The parties have discussed the alternatives allowed under the Commission's Rules of Practice and have agreed that Subpart L should be used. The Rules of Practice provide that Subpart L may be used in enforcement proceedings if all parties agree. 10 CFR §§ 2.310(b), 2.1200.

Respectfully submitted,

For Safety Light Corporation
Alvin H. Gutterman
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

For the NRC Staff
Michael A. Woods
Michael A. Woods
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: maw2@nrc.gov)

Template = SECY-041
P.02/02

NRC DGC

17:42

JAN-18-2005
SECY-02

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of)	
)	
)	Docket Nos. 030-05980-EA
)	030-05982-EA
SAFETY LIGHT CORPORATION)	
Bloomsburg, Pennsylvania Site)	ASLBP No. 05-835-01-EA
)	
)	
)	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Joint Motion to Apply Subpart L Rules of Practice if SLC's Set Aside Motion is Denied were served upon the persons listed below by U.S. mail, first class, postage prepaid and, where shown, by e-mail on this 18th day of January 2005

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 Hawkens, 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
Alan S. Rosenthal
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: rsnthl@comcast.net)

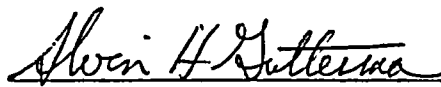
Director, Office of Nuclear Materials
Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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

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

Michael A. Woods
Mitzi A. Young
Counsel for NRC Staff
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: maw2@nrc.gov)
(E-mail: may@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