

RAS 9393

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**Morgan Lewis**  
C O U N S E L O R S   A T   L A W

DOCKETED  
USNRC

February 7, 2005 (4:00 pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**Alvin H. Gutterman**  
Senior Counsel  
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February 7, 2005

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Office of General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Subject: **Disclosures Pursuant to 10 C.F.R. § 2.336 Docket Nos. 30-05980-EA, MLA & 30-5982-EA, MLA**

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Dear Counsel:

Pursuant to 10 C.F.R. § 2.336, Safety Light Corporation (SLC) is providing the following disclosures with respect to the issues scheduled for hearing:

1. Names, addresses, and telephone numbers of the persons upon whose opinion SLC bases its position and may rely upon as a witness:

- a. William Lynch  
Safety Light Corporation  
4150-A Old Berwick Road  
Bloomsburg, PA 17815  
610-647-8200

Template = SECY-037

SECY-02

February 7, 2005

Page 2

b. Larry Harmon  
Safety Light Corporation  
4150-A Old Berwick Road  
Bloomsburg, PA 17815  
570-784-4344

c. Dr. John R. Frazier

SLC has not determined which persons it will rely upon as witnesses. SLC does not have any analyses or other authority upon which the above persons base their respective opinions. Dr. Frazier was formerly employed by Auxier & Associates, Inc. in Knoxville, Tennessee. SLC has attempted to contact Dr. Frazier but has been unable to reach him. SLC will provide his address and phone number in an updated disclosure when this information is available.

**2. Category and location of relevant documents and data compilations in the possession, custody, or control of SLC.**

SLC possesses the following categories of documents and data compilations that may be relevant to the hearing issues, and, upon request, will make them available for review at its site in Bloomsburg, PA :

- a) Records of payments into and withdrawals from the escrow account maintained for decommissioning (certain of these records also are publicly available on the NRC's ADAMS system. Examples of such records include monthly reports of the escrow account trustee (*see* ADAMS nos. ML043230536, ML042940171, ML042530598, ML042320539, ML042080526, ML041890426, ML04130519, ML041110823, ML040810072, ML040580436, ML040580430));
- b) Correspondence with the NRC, including the results of NRC inspections and investigations (many of these documents are available in ADAMS, and can be found by using the "find" tool to search under docket numbers 03005980 and 03005982);
- c) Records of financial transactions, including accounts payable information (*i.e.*, accounting general ledger for accounts payable, vendor check registers and historical aged trial balances), receipts, sales shipments and deliveries, payroll, taxes, etc. (As discussed further below, many of these records contain confidential commercial information or personnel information, the disclosure of which would constitute a clearly unwarranted invasion of privacy);
- d) Records maintained to meet NRC requirements, including records of surveys, tests, audits, inspections, releases, personnel doses, etc.;

February 7, 2005  
Page 3

- e) Records related to site remediation activities, including decommissioning plans and cost estimates;
- f) Records related to radioactive waste from ongoing operations, including records related to returned devices and their disposition, inventory of waste, and cost estimates for the disposal; and
- g) Records related to internal SLC communications concerning the operation of the plant.

As indicated in paragraph 2, some of these documents are publicly available. With respect to the balance of the documents, SLC will provide you with a copy of individual documents upon request.

3. Category and location, of tangible things (*e.g.*, books, publications and treatises) in the possession, custody or control of SLC that are relevant: SLC has not identified any tangible things that are potentially evidence that is relevant to the hearing issues.

4. Documents otherwise required to be disclosed for which a claim of privilege or protected status is being made. Certain business records contain confidential commercial information related to the identification of specific customers and the terms of commercial agreements. SLC has not compiled a list of such documents since it does not expect that any party will seek to make such information available to the public. SLC does not object to disclosing such information to the parties, upon request, subject to suitable agreement not to disclose such information to the public.

Certain records contain personnel, medical, and similar records related to individuals, such as SLC employees. Such records include information such as social security numbers, home addresses, telephone numbers, salaries, exposures to radiation, etc. SLC does not object to disclosure of such information to the parties, to the extent permitted by law, subject to suitable agreement not to disclose such information to the public.

A list of privileged documents is attached.

In order to compile these attachments, SLC made a reasonable search of its files. SLC is attaching an affidavit which attests that all relevant materials identified by this search have been disclosed, and that the disclosures are accurate and complete as of the date of the affidavit.

February 7, 2005  
Page 4

In the event that SLC identifies additional documents, it will update this discovery disclosure. Additionally, SLC has not yet identified its witnesses for the hearing, and may generate or obtain additional relevant documents. As required by 10 CFR 2.336(d), SLC will update this disclosure to reflect such documents and to identify its witnesses.

Sincerely,

A handwritten signature in black ink, appearing to read "Alvin H. Gutterman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alvin H. Gutterman

Enclosures:  
Affidavit of L. Harmon  
List of Privileged Documents

cc: Certificate of Service

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**In the Matter of**

**Docket Nos. 30-5980-MLA,  
30-5982-MLA,  
30-5980-EA,  
and 30-5982-EA**


**SAFETY LIGHT CORPORATION**  
**Bloomsburg, Pennsylvania Site**

February 7, 2005

**AFFIDAVIT**

1. My name is Larry Harmon. I am employed by Safety Light Corporation (Safety Light) as Plant Manager.
2. Under my direction and control, a search was performed of the electronic and hardcopy files of Safety Light and its attorneys for the types of information specified in 10 CFR § 2.336(a). This search encompassed the relevant files of individuals who had responsibility with respect to matters related to issues involved in the hearing on the license renewals and the NRC enforcement order.
3. Paragraphs 2, 3, and 4 of the attached letter identify the relevant documents that were located as a result of this search.
4. These disclosures are accurate and complete as of the date of this affidavit.

**I hereby swear and affirm that the foregoing is true and correct to the best of my knowledge, information, and belief.**

  
Larry Harmon

Sworn before me this 7<sup>th</sup> day of February 2005.

Frederick L. Aust.  
Notary Public

Notarial Seal  
Maryellen L. Foust, Notary Public  
Bloomsburg Town, Columbia County  
My Commission Expires Feb. 12, 2005  
Member, Pennsylvania Association of Notaries

# PRIVILEGED DOCUMENTS\*

To	From	Date	Subject
William Lynch	Donald Silverman	12/16/2004	Draft plan enforcement
Donald Silverman	William Lynch	12/16/2004	Draft plan enforcement
William Lynch	Alvin Gutterman	12/17/2004	Proposed revised plan
William Lynch	Alvin Gutterman	12/20/2004	Draft response
William Lynch	Alvin Gutterman	12/20/2004	Revised plan
Alvin Gutterman	William Lynch	12/20/2004	Revised draft plan
Alvin Gutterman	Donald Silverman	12/20/2004	Next Steps
William Lynch	Donald Silverman	12/21/2004	Next Steps
Donald Silverman	Alvin Gutterman	12/21/2004	Draft FOIA for comment
William Lynch	Alvin Gutterman	12/22/2004	Draft Freedom of Information Act Request
Alvin Gutterman	Donald Silverman	12/23/2004	Motion to Set Aside
Alvin Gutterman	William Lynch	12/23/2004	Draft response
Alvin Gutterman	Bill Rowan	12/23/2004	SLC affidavit RAI 22 December 2004.doc
Bill Rowan	Alvin Gutterman	12/23/2004	SLC affidavit RAI 22 December 2004.doc
William Lynch	Alvin Gutterman	12/24/2004	Draft response
William Lynch	Alvin Gutterman	12/26/2004	Affidavit in Support of Motion to Stay Immediate Effectiveness
William Lynch	Alvin Gutterman	12/27/2004	Draft motion
Donald Silverman	Alvin Gutterman	12/27/2004	Revised motion to stay
William Lynch	Alvin Gutterman	12/28/2004	Revised draft motion to set aside immediate effectiveness
Alvin Gutterman	William Lynch	12/28/2004	Draft response
William Lynch	Alvin Gutterman	12/28/2004	Draft response
Alvin Gutterman	Donald Silverman	12/28/2004	Draft affidavit
William Lynch	Alvin Gutterman	12/29/2004	Revised draft affidavit
William Lynch	Alvin Gutterman	12/29/2004	Revised draft motion to set aside
Alvin Gutterman	William Lynch	12/29/2004	Revised draft affidavit

\* Note: These documents, which consist of electronic mail messages, many with attachments, consist of attorney-client communications and/or attorney work product. (William Lynch, Larry Harmon, and Bill Rowan are SLC employees; E. Hall, S. Lin, B. McPherson, D. Silverman and A. Gutterman are with Morgan, Lewis & Bockius, LLP).

**PRIVILEGED DOCUMENTS\***

<b>To</b>	<b>From</b>	<b>Date</b>	<b>Subject</b>
William Lynch	Alvin Gutterman	12/29/2004	Revised draft affidavit
William Lynch	Alvin Gutterman	12/29/2004	Affidavit
William Lynch	Alvin Gutterman	12/29/2004	Draft answer
William Lynch	Alvin Gutterman	12/29/2004	Draft motion
Donald Silverman	Alvin Gutterman	1/5/2005	Draft letter
Alvin Gutterman	Donald Silverman	1/5/2005	Safety Light Corporation transcript reviews
Donald Silverman	Alvin Gutterman	1/6/2005	Draft pleading for comment
Larry Harmon	Alvin Gutterman	1/9/2005	NRC Response
Larry Harmon	Alvin Gutterman	1/9/2005	Subject of phone call
Alvin Gutterman	Bruce McPherson	1/9/2005	Research Results
Alvin Gutterman	Bruce McPherson	1/9/2005	2.109 case
Alvin Gutterman	Donald Silverman	1/9/2005	Comments on draft pleading
Alvin Gutterman	Donald Silverman	1/10/2005	Comments on draft pleading
Larry Harmon	Alvin Gutterman	1/10/2005	Email for Larry Harmon
Alvin Gutterman	Earnest Hall	1/10/2005	Safety Light Corporation Proposed Reply
Larry Harmon	Alvin Gutterman	1/10/2005	Safety Light Corporation Proposed Reply
Alvin Gutterman	Bill Rowan	1/10/2005	NRC ADAMS and PADEP letter
William Lynch	Alvin Gutterman	1/14/2005	Safety Light Corp. Dkt 30-5980-EA, 30-5982-EA; ASLBP No. 05-835-01
William Lynch	Alvin Gutterman	1/18/2005	Draft letter
Alvin Gutterman	William Lynch	1/18/2005	Draft letter
William Lynch	Alvin Gutterman	1/26/2005	Disclosure requirements
Alvin Gutterman	Susan Lin	1/30/2005	Safety Light additional disclosures
Alvin Gutterman	Bruce McPherson	1/31/2005	Additional Records Related to Adverse Effects of Shutdown
William Lynch	Alvin Gutterman	1/31/2005	Disclosure requirements
Alvin Gutterman	William Lynch	2/1/2005	Draft letter
William Lynch	Alvin Gutterman	2/1/2005	Request for Information
Larry Harmon and William Lynch	Alvin Gutterman	2/1/2005	Request for Information

**PRIVILEGED DOCUMENTS\***

<b>To</b>	<b>From</b>	<b>Date</b>	<b>Subject</b>
William Lynch	Alvin Gutterman	2/1/2005	Draft letter
Alvin Gutterman	William Lynch	2/1/2005	Draft letter
Donald Silverman	Alvin Gutterman	2/3/2005	Draft letter
Bruce McPherson	Alvin Gutterman	2/3/2005	Information re: SLC
Susan Lin	Alvin Gutterman	2/3/2005	Annual waste reports
William Lynch	Alvin Gutterman	2/3/2005	Draft letter
William Lynch	Alvin Gutterman	2/3/2005	Draft letter
Alvin Gutterman	William Lynch	2/4/2005	Information requested re: SLC
Susan Lin	Alvin Gutterman	2/4/2005	Information requested re: SLC and mandatory disclosure
Alvin Gutterman	Susan Lin	2/4/2005	Information requested re: SLC
William Lynch	Alvin Gutterman	2/4/2005	Mandatory disclosure
Alvin Gutterman	Bruce McPherson	2/4/2005	Stipulations
Alvin Gutterman	Susan Lin	2/4/2005	Draft presentation
William Lynch	Alvin Gutterman	2/7/2005	Mandatory disclosure
Larry Harmon and William Lynch	Alvin Gutterman	2/7/2005	Mandatory disclosure
Alvin Gutterman	Susan Lin	2/7/2005	Mandatory disclosure



In the Matter of	)	
	)	
	)	Docket Nos. 030-05980-EA
	)	030-05982-EA
	)	030-05980-MLA
	)	030-05982-MLA
SAFETY LIGHT CORPORATION	)	
Bloomsburg, Pennsylvania Site	)	ASLBP Nos. 05-835-01-EA
	)	05-833-07-MLA
	)	
	)	

I hereby certify that copies of the foregoing Disclosures Pursuant to 10 C.F.R. § 2.336 were served upon the persons listed below by U.S. mail, first class, postage prepaid and, where shown, by e-mail on this 7<sup>th</sup> day of February 2005

**Administrative Judge  
Peter S. Lam  
Atomic Safety and Licensing Board Panel  
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Washington, DC 20555-0001  
(E-mail: [psl@nrc.gov](mailto:psl@nrc.gov))**

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Washington, DC 20555-0001**

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\*Original and two copies