

Pennsylvania Department of Environmental Protection

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February 7, 2005

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OFFICE OF SECRETARY
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SENT VIA E-MAIL AND OVERNIGHT MAIL

Annette L. Vietti-Cook

Office of the Secretary

Sixteenth Floor, One White Flint North

11555 Rockville Pike

Rockville, MD 20852

Attn: Rulemakings and Adjudications Staff

Re: Safety Light Corporation

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

ASLBP Nos. 040-833-07-MLA; 050-0835-01-EA

Dear Ms. Cook:

Please find enclosed for filing an original and two copies of the Commonwealth of Pennsylvania, Department of Environmental Protection's Disclosures Pursuant to 10 CFR §2.336(a) in reference to the above-captioned matter. Copies have been sent as per certificate of service.

Thank you for your attention to this matter.

Sincerely,

Thomas M. Crowley
Assistant Counsel

/kmm

cc: Office of the General Counsel (via e-mail and overnight mail)
Safety Light Corporation (via overnight mail)

Template =
SECY-037



SECY-02

**UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD**

Before Administrative Judges:

E. Roy Hawkens, Chairman
Alan S. Rosenthal
Dr. Peter S. Lam

In the Matter of	:
	: Docket Nos. 30-05980-EA, 30-5982-EA,
	: 30-5980-MLA, 30-5982-MLA
SAFETY LIGHT CORPORATION	:
Bloomsburg, Pennsylvania Site	: ASLBP No. 04-833-07-MLA and
	: 05-835-01-EA
(Materials License Amendment and	:
Materials License Suspension)	:

**COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL PROTECTION'S
DISCLOSURES PURSUANT TO 10 CFR §2.336(a)**

**THOMAS M. CROWLEY
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DATED: FEBRUARY 7, 2005

UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

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COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL PROTECTION'S
DISCLOSURES PURSUANT TO 10 CFR §2.336(a)

Pursuant to this Board's order of January 27, 2005, the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") hereby files the disclosures required by the provisions of 10 CFR §2.336(a).¹

¹ The Board stated in its order that

"Pennsylvania's participation in the consolidated proceeding will be limited to its opposition to Safety Light's license renewal request for License Number 37-0030-08 and, more specifically, to arguments relating to the following contention admitted in the Board's November 9, 2004 order: Safety Light should not be granted any further exemption from financial assurance requirements or a reduced rate of contribution into the escrow fund for License Number 37-0030-08."

Board Order of January 27, 2005 at 2. As the Board pointed out in its original Memorandum and Order granting the Department's request for a hearing, however, that in the context of this contention, the Department would not be precluded from introducing evidence of Safety Light's non-compliance with past license conditions and Safety Light's response to the NRC staff's Request for Additional Information (RAI), including the environmental and safety aspects of Safety Light's compliance history. Board Memorandum and Order of November 9, 2004 at 12, n.6; 14, n. 7; 14-17; 17-18 and n.9.

Potential Witnesses (10 CFR §2.336(a)(1))

The following individuals are persons upon whose opinions the Department bases its claims and whom it may call as witnesses:

Robert Maiers, P.E.
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Any of these witnesses may be called as an expert.

Pursuant to 10 CFR §2.336(d), the Department will supplement this list with any additional witnesses should such develop.

Documents and Data Compilations (10 CFR §2.336(a)(2))

The following is a list of documents, in the care , custody and control of the Department, on which the Department and its witnesses rely, in whole or in part, for its opinion. A physical location, web address, or ADAMS Accession Number is provided for each document.

1. December 28, 1994, ASLB Order to Safety Light Corporation, et al., Location: PADEP Office, Harrisburg PA.
2. January 22, 2003 , Safety Light HRS Document Record, EPA ID No.: PAD987295276, Location:
<http://www.epa.gov/superfund/sites/docrec/pdoc1724.pdf>
3. November 30, 2000 , PADEP Hazardous Waste Inspection, Safety Light Corporation, Bloomsburg, PA, Location: PADEP Office, Harrisburg PA, specifically Sections 4-7.
4. January 4, 2001, PADEP Notice of Violation to Safety Light Corp. re. Hazardous Waste Inspection PAD987387750 November 30, 2000, Location: PADEP Office, Harrisburg PA
5. June 24, 2004, PADEP Hazardous Waste Inspection, Safety Light Corporation, Bloomsburg, PA, Location: PADEP Office, Harrisburg PA.
6. September 5, 1996, Characterization Survey of Safety Light Corporation Site at Bloomsburg, Pennsylvania, U.S.A. Report Number Monserco/96/NB/1821, Monserco Limited, 190 Wilkinson Road, Brampton, Ontario LT6 4W3, Canada, Location: SLC site, Bloomsburg, PA
7. Title 25, Pennsylvania Code, Chapters 215, 217, 218, 219 and 220, Commonwealth of Pennsylvania, Location:
http://www.pacode.com/secure/data/025/articleIDV_toc.html

8. September 17, 2002, PADEP- BRP Decommissioning Section Inspection Report, Safety Light Corporation (SLC), Bloomsburg, PA, Location: PADEP Office, Harrisburg PA,
9. April 22, 2004, Safety Light Corp., License Renewal Request, Location: ADAMS Accession Number ML041310328
10. December 28, 1999, NRC Materials Licensing Package, 37-00030-08, amendment 13 for Safety Light Corporation, Location: ADAMS Accession Number ML003690953
11. January 26, 2000, NRC Materials License, 37-00030-08, amendment 13, corrected copy, Location: ADAMS Accession Number ML003677804
12. December 28, 1999, NRC Materials License Package, 37-00030-02, amendment 51 for Safety Light Corporation, Location: ADAMS Accession Number ML003674758
13. December 6, 2000, Decommissioning Cost Estimate for Safety Light Corporation, Bloomsburg PA, NRC Materials License 37-00030-08, by GTS Duratek, Location: ADAMS Accession Number ML003776303
14. September 5, 2001, NRC Technical Assistance Request 128861/128944 - Evaluation of Decommissioning Cost Estimates for Safety Light Corporation's 37-00030-02 & 37-00030-08 Licenses by ICF Consulting, Location: ADAMS Accession Number ML013530319
15. October 29, 2001, Decommissioning Cost Estimates for Safety Light Corporation, Bloomsburg, PA by ICF Consulting, Location: PADEP Office, Harrisburg PA.
16. April 20, 2001, PADEP letter to NRC Region I Administrator re. Safety Light Corporation (SLC), Bloomsburg, PA decommissioning cost estimates, Location: PADEP Office, Harrisburg PA.

17. May 9, 2000, NRC Inspection Report- R030-05982/00-01, 030-08335/00-01, and 030-08444/00-01, Location: ADAMS Accession Number ML003712963
18. July 10, 2000, SLC Letter responding to Letter from Judith Joustra dated 5/9/00 concerning License Condition 19 of License No. 37-00030-08, Location: ADAMS Accession Number ML003733594
19. August 9, 2000, Health Consultation, Safety Light Site, by U.S. Dept of Health, Public Health Service, ATSDR, Location: PADEP Office, Harrisburg PA
20. December 6, 2000, Revised Pages for Decommissioning Plan and Cost Estimate, NRC Materials License 37-00030-02, Location: ADAMS Accession Number ML003775924
21. December 13, 2000, Safety Light Tritium Waste Estimate- 2000 (license conditions 18 and 19), Location: ADAMS Accession Number ML003779841
22. January 10, 2001, NRC Request for Additional Information re. Waste, Location: ADAMS Accession Number ML010110441
23. January 17, 2001, SLC Response to 1/10/01 Request for Additional Information, Location: ADAMS Accession Number ML010230285
24. January 24, 2001, NRC Acceptance of Annual Report Required by License Condition, Location: ADAMS Accession Number ML010250127
25. April, 25, 2001, PA Comments on Safety Light Decommissioning Cost Estimates and Decommissioning Plan, Location: PADEP Office, Harrisburg PA
26. December 6, 2001, SLC Notification Letter, updates amount of tritium waste generated from activities prior to 1/1/00, Location: ADAMS Accession Number ML013480213.
27. December 19, 2001, NRC Acceptance of Report of Waste Disposal, Location: ADAMS Accession Number ML013550233

28. December 19, 2001, NRC Request for Additional Information Concerning Review of Decommissioning Cost Estimate and Decommissioning Plan, Location: ADAMS Accession Number ML013540366
29. January 25, 2002, SLC Response to 12/19/01 R.A.I., Location: ADAMS Accession Number ML020300260
30. May 9, 2002, EPA Notice of Potential Liability and Offer to Negotiate for Removal Action, Location: ADAMS Accession Number ML021370514
31. September 16, 2002, NRC Issuance of Corrected Copy of License Amend. 53, Location: ADAMS Accession Number ML022610160
32. December 16, 2002, Safety Light Tritium Waste Estimate- 2002, Location: ADAMS Accession Number ML023540373
33. January 23, 2003, EPA Administrative Order on Consent, Location: PADEP Office, Harrisburg PA
34. December 10, 2003, Safety Light Tritium Waste Estimate- 2001 – 2003, Location: ADAMS Accession Number ML040200667
35. December 19, 2003, NRC Demand For Information re. Missed Payments to Trust Fund (EA-03-219), Location: ADAMS Accession Number ML033530366
36. January 12, 2004, EPA Letter re. Safety Light Corporation Site, Bloomsburg, Columbia County, PA (Status of Actions under Administrative Order on Consent) Location: PADEP Office, Harrisburg PA
37. January 16, 2004, SLC Response to D.F.I. (EA-03-219), Location: ADAMS Accession Number ML040210723
38. February 24, 2004, NRC Request for Additional Information Concerning Waste, Location: ADAMS Accession Number ML040560262
39. March 12, 2004, SLC Deficiency Response Letter- decay correction of tritium waste, Location: ADAMS Accession Number ML040890690

40. June 23, 2004, Notice of License Renewal Application for Safety Light Corporation and Opportunity to Request a Hearing, Location: ADAMS Accession Number ML041750258
41. July 1, 2004, NRC Letter to Safety Light Corporation re. Predecisional Enforcement Conference (EA-03-219), Location: ADAMS Accession Number ML041830592
42. July 6, 2004, NRC Request (to PADEP) for Comments on Safety Light Corporation's License Renewal Applications, Location: ADAMS Accession Number ML041900141
43. July 16, 2004, NRC Request (to EPA) for Comments on Safety Light Corporation's License Renewal Applications, Location: ADAMS Accession Number ML041980253
44. July 30, 2004, SLC Response to EA-03-219 (proposed plan to rectify non-compliance re. escrow fund), Location: ADAMS Accession Number ML042240209
45. August 18, 2004, NRC Request for Additional Information Concerning Application for Renewal of License. Control Nos. 134920 and 134921, Location: ADAMS Accession Number ML042370058
46. August 26, 2004, PADEP Comments on Safety Light Corporation's License Renewal Applications, Location: ADAMS Accession Number ML042440107
47. September 3, 2004, EPA Reg. 3 comments on pending license actions- Safety Light Corporation, Location: PADEP Office, Harrisburg PA, EPA's
48. November 17, 1999, SECY-99-269, RENEWAL OF THE SAFETY LIGHT CORPORATION LICENSES AT BLOOMSBURG, PENNSYLVANIA, Location: ADAMS Accession Number ML993630027
49. October 28, 1999, SLC Response to NRC R.A.I. (dated 9/28/99), Location: ADAMS Accession Number ML003727445

50. December 22, 1999, NRC Memorandum- STAFF REQUIREMENTS – SECY-99-269 – RE NEWAL OF THE SAFETY LIGHT CORPORATION LICENSES AT BLOOMSBURG, PENNSYLVANIA, Location: ADAMS Accession Number ML003751986
51. December 22, 1999, Commission Voting Record regarding SECY-99-269, "Renewal of Safety Light Corporation Licenses at Bloomsburg, Pennsylvania," Location: ADAMS Accession Number ML993630043
52. February 11, 1981, NRC Order to Modify License, Location: PADEP Office, Harrisburg PA.

The Department is not currently listing any tangible things (10 CFR § 2.336(a)(2)(ii)) or any documents for which there is any claim, on the part of the Department, to privilege (10 CFR §2.336(a)(3)), Due to the current situation with the ADAMS system, the Department is aware that the staff may wish to assert certain confidentiality or security claims with regard to certain documents. In addition, Safety Light may wish to assert claims of privilege. The Department, by listing these documents, is not taking any position with regards to those claims, either affirmative or negative.

Respectfully Submitted,

FOR THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

A handwritten signature in black ink, appearing to read "Thomas M. Crowley", is written over a horizontal line.

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Dated: February 7, 2005

**UNITED STATES
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	: 05-835-01-EA
(Materials License Amendment and	:
Materials License Suspension)	:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 7th day of February, 2005, a true and correct copy of the foregoing "Commonwealth of Pennsylvania, Department of Environmental Protection's Disclosures Pursuant to 10 CFR §2.336(a)" was transmitted electronically to the Office of the Secretary, Rulemakings and Adjudications Staff and U.S. mail to the following:

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Respectfully Submitted,

FOR THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
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Dated: February 7, 2005