

RAS 9736

UNITED STATES OF AMERICA

DOCKETED 04/07/05

NUCLEAR REGULATORY COMMISSION

SERVED 04/07/05

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

E. Roy Hawkens, Chairman
Alan S. Rosenthal
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

April 7, 2005

ORDER

(Granting Joint Motion For Extension Of Time To Conduct Settlement Negotiations)

On March 2, 2005, this Board granted the parties' joint motion to hold this proceeding in abeyance for 40 days, until April 11, 2005, to allow them to pursue settlement negotiations.

On April 5, 2005, the parties submitted another joint motion seeking a 42-day extension of time to continue their settlement discussions. In their motion, the parties state that they have met several times and identified a number of significant points of agreement; however, some matters could not be resolved without gathering additional information, which may take several weeks. They state they "are optimistic that such information will provide a basis for resolution that is acceptable to each of the parties," and that "an additional 42 days should be sufficient for them to conclude their negotiations."

On the basis of those representations, we grant the motion. The schedule set forth in the March 2nd order is therefore no longer in effect, and this proceeding will be held in abeyance for an additional 42 days, until May 23, 2005, to allow the parties to conclude their settlement discussions.

The parties are directed to notify the Board promptly if a settlement is successfully negotiated or if it is determined that one is not possible. If we do not hear from them earlier, the parties shall – midway through the 42-day abeyance period, on May 2, 2005 – submit a joint status report informing the Board of the progress that has been made in the settlement process. If necessary, the parties shall submit another joint status report at the conclusion of the abeyance period, on May 23, 2005.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 7, 2005

¹ Copies of this Order were sent this date by internet e-mail to counsel for (1) Safety Light Corporation, (2) the Pennsylvania Department of Environmental Protection, and (3) the NRC Staff.

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NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
SAFETY LIGHT CORPORATION) Docket Nos. 30-5980/5982-MLA and
Bloomsburg, Pennsylvania Site) 30-5980/5982-EA
)
(Materials License Amendment))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING JOINT MOTION FOR EXTENSION OF TIME TO CONDUCT SETTLEMENT NEGOTIATIONS) 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 and
30-5980/5982-EA

LB ORDER (GRANTING JOINT MOTION FOR
EXTENSION OF TIME TO CONDUCT SETTLEMENT
NEGOTIATIONS)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 7th day of April 2005