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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

Helen F. Hoyt, Chair  
Oscar H. Paris  
Frederick J. Shon

SERVED NOV 22 1989

In the Matter of  
  
SAFETY LIGHT CORPORATION,  
et al.  
  
(Byproduct Material License  
No. 37-00030-02 et al.)

Docket Nos. 030-05980  
030-05981  
030-05982  
030-08335  
030-08444  
  
ASLBP No. 89-590-01-OM  
90-598-01-OM-2  
  
November 22, 1989

ORDER  
(Staying Immediate Effectiveness of Order  
of August 21, 1989)

The Board has before it the USR Industries, Inc.,  
Motion to Stay the immediate effectiveness of the order of  
August 21, 1989 and the NRC Staff Brief of November 6, 1989.  
After review of all pleadings and the record in this case to  
date, the Board orders that:

1. The stay granted by the Board at the prehearing  
conference of October 19, 1989 of the immediate  
effectiveness order dated August 21, 1989 will, by this  
order, remain in effect pending resolution of this  
proceeding.

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37-00030-02 PDR

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2. Within thirty days of service of this order, USR Industries shall file with the Board a statement, together with any appropriate or necessary attachments or supporting documentation, describing its plan to fund the costs of (1) site characterization and (2) decontamination of the Bloomsburg site should this Board conclude that USR Industries and/or its subsidiaries are legally liable, in whole or in part, for such costs, and the sources from which USR Industries intends to obtain the funds necessary to satisfy such costs. In connection with this statement, USR Industries shall indicate what percentage of a sum equal to one-half of the necessary site characterization funds set out in the Director's order Modifying Licenses (Effective Immediately) of August 21, 1989 will be derived from:<sup>1</sup>

(a) proceeds from insurance policies (USR Industries shall identify the policy number, insurance carrier, monetary limit, and any conditions or limitations affecting the total amount available under each such policy to defray the costs of site characterization and decontamination of the Bloomsburg site);

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<sup>1</sup> The required percentages are for reference purposes only. They do not reflect any judgment at this juncture by this Board as to the degree of liability for such costs by any party.

(b) current cash accounts maintained by USR Industries and its subsidiaries not otherwise legally committed; and

(c) noncash assets (USR Industries shall describe the nature and location of such noncash assets).

3. This proceeding will be conducted on an expedited hearing basis.

4. A prehearing conference will be held at the Board's office in Bethesda, Maryland, on November 29, 1989 (1:30 p.m. EST) to finalize the expedited hearing schedule.

In reaching this decision the Board has determined that while there is the clear potential for offsite migration of the onsite contamination at some point in the future, there is no immediate threat to the public health or safety presently identified by the NRC Staff that requires the extraordinary imposition of immediately effective relief. Should this fact change, the Board can, of course, revisit this issue. For now, we believe the conduct of an expedited proceeding will alleviate some of the sense of urgency we draw from the Staff's pleadings. Notice is given to the parties that the Board will require good faith efforts to set a strict but reasonable schedule. Delay or failure to

meet the agreed upon schedule will not be permitted. See,  
e.g., Long Island Lighting Co. (Shoreham Nuclear Power  
Station, Unit 1), CLI-89-2, 29 NRC 211 (1989).

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD



Helen F. Hoyt, Chair  
ADMINISTRATIVE JUDGE

Bethesda, Maryland

November 22, 1989

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

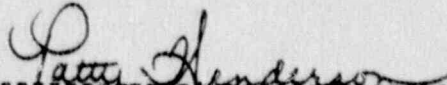
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In the Matter of )  
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SAFETY LIGHT CORPORATION, ET AL.)  
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Docket No.: 30-05980 ET AL.-0M  
30-05980 ET AL.-0M-2

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB STAY ORDER DATED 11/22/89, have been served upon the following persons by faxed copy and by U.S. mail, in accordance with the requirements of 10 CFR Section 2.712.

D. Jane Drennan  
Counsel for Safety Light Corporation  
1615 L Street, NW  
Suite 650  
Washington, DC 20036

  
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Office of the Secretary  
of the Commission

Dated at Rockville, Maryland  
this 27th day of November 1989

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of  
SAFETY LIGHT CORPORATION, ET AL.

Docket No. (s) 30-05980 ET AL-DM

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB STAY ORDER DATED 11/22 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Helen F. Hoyt, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Oscar H. Paris  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Frederick J. Shon  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Robert M. Weisman, Esq.  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

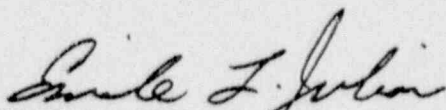
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2300 N Street, NW  
Washington, DC, 20037

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

Dated at Rockville, Md. this  
22 day of November 1989

  
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Office of the Secretary of the Commission

\*Received faxed copy in addition to mailed copy.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

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Docket No. (s) 30-05980 ET AL-0M-2

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Chairman  
Atomic Safety and Licensing Board  
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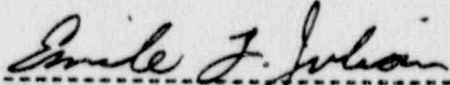
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Dated at Rockville, Md. this  
22 day of November 1989

  
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