

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of

SELF-POWERED LIGHTING, INC.
(Byproduct Materials License)

} Docket No. 30-9842

RESPONSE OF THE NRC STAFF TO THE JOINT MOTION OF
SELF-POWERED LIGHTING, INC. AND LEADERSHIP KEYS, INC.
FOR PRODUCTION OF SECY 82-489

January 5, 1983

DESIGNATED ORIGINAL

Certified By

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Andrew Grosso
Andrew Grosso
Counsel for NRC Staff

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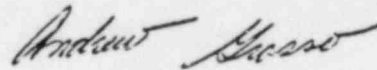
By joint motion dated December 17, 1982, the applicant in this proceeding, Self-Powered Lighting, Inc. (SPL), and the amicus curiae, Leadership Keys, Inc. (Leadership Keys), requested that the Commission either produce or order the Staff to produce SECY 82-489. This paper concerns the licensing of illuminated gunsights containing by-product material, and was submitted to the Commission on December 14, 1982. It has been referenced by the Staff in this proceeding in pleadings presented to the Commission. ^{1/}

The Staff does not oppose the joint motion of SPL and Leadership Keys. To date, the Staff has not in its pleadings taken a position on the merits of the issues in this proceeding, as it believes that this

^{1/} See NRC Staff Response to Statement of Self-Powered Lighting, Inc. and the Brief Amicus Curiae of Leadership Keys, Inc. (Response) at n. 14 (July 7, 1982); Supplement to the NRC Staff Response at 2-3 (August 10, 1982).

proceeding is properly moot. ^{2/} However, the Staff wishes to advise the Commission that SECY 82-489 contains material which is pre-decisional and which is arguably pertinent to the resolution of the proceeding.

Respectfully submitted,



Andrew Grosso
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 5th day of January, 1983.

^{2/} The Staff addressed the issue of mootness at length in its Response at 6-10.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the RESPONSE OF THE NRC STAFF TO THE JOINT MOTION OF SELF-POWERED LIGHTING, INC. AND LEADERSHIP KEYS, INC. FOR PRODUCTION OF SECY 82-489 in the above-captioned proceeding has been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system this 5th day of January, 1983.

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8 Westchester Plaza
Elmsford, New York 10523

Emilia L. Govan, Esquire
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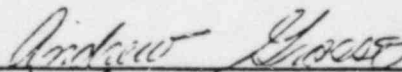
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Andrew Grosso
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