

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 9392
COMMISSIONERS:

DOCKETED 02/22/05

Nils J. Diaz, Chairman
Edward McGaffigan
Jeffrey S. Merrifield
Gregory B. Jaczko
Peter B. Lyons

SERVED 02/22/05

In the Matter of)	
)	
)	Docket Nos. 30-5980-EA & 30-5982-EA
SAFETY LIGHT CORPORATION)	
Bloomsburg, Pennsylvania Site)	ASLBP No. 05-835-01-EA
)	
(Materials Licensing Suspension))	

CLI-05-07

ORDER

The Commission is taking the unusual step of exercising its supervisory role over licensing and enforcement proceedings. On January 24, 2005, the Board denied Safety Light's motion to set aside the immediate effectiveness of the staff's order suspending two materials licenses held by Safety Light because the Board found that adequate evidence supported the Staff's conclusion that a willful violation occurred. However, on February 18, 2005, the Board issued an order directing the staff to investigate claims raised by Safety Light's customers that Safety Light's products are indispensable components of equipment necessary for national defense. The Board also directed the staff to address how national defense and security concerns apply in the instant matter in light the staff's factual assessments of the above claims, assuming arguendo that national defense and security concerns are appropriate factors to consider when evaluating the appropriateness of enforcement measures and when evaluating a licensee's exemption request.

In view of the Board's most recent order, the public interest and other issues that have been raised,¹ and the imminence of the evidentiary hearing, we find it appropriate to, and hereby do, lift the immediate effectiveness of the staff's December 10, 2004 license suspension order.

IT IS SO ORDERED.

For the Commission

IRA

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 22nd day of February 2005.

¹ We note, for example, Safety Light's claim that it will be forced permanently out of business if its license is not restored prior to the end of February. See Safety Light Corporation's Motion to Set Aside Immediate Effectiveness of Order Suspending License, (Dec. 29, 2004), at 2, 13.