



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs, Region I
475 Allendale Road, King of Prussia, Pa.
Web Site: <http://www.nrc.gov/OPA>

No. I-05-004

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January 11, 2005

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NRC HEARING PROCESS ON PA. IRRADIATOR CONCLUDES

A Nuclear Regulatory Commission judge has issued an order that officially concludes the agency's hearing process for a Bucks County, Pa., commercial irradiator. That action occurred after a settlement was reached earlier between some residents who live near the facility and the company that operates the irradiator, and no other residents expressed an interest in pursuing challenges of their own.

CFC Logistics, Inc., submitted an application to the NRC in February 2003 for a license to operate an irradiator in Milford Township, Pa. In response, a group of residents who live in close proximity to the facility petitioned the NRC in June of that year for a hearing on the validity of the application. While a judge from the Atomic Safety and Licensing Board Panel (ASLBP) was considering the request, the NRC staff issued an operating license to the company on Aug. 27, 2003, after performing a thorough review of its irradiator proposal. The residents' motion for a stay of the effectiveness of that license was denied by the judge on Sept. 23, 2003.

On Oct. 29, 2003, the Presiding Officer in the matter, Judge Michael C. Farrar, found that at least three of the petitioners had legal standing and that some of the safety issues they had raised were germane to the proceeding. On that basis, they were granted the right to an evidentiary hearing on whether the license should remain in effect. A prehearing conference was held on Dec. 11, 2003, in Quakertown, Pa.

After conferring with lawyers for the company and the residents, Judge Farrar determined that neither side would be opposed to settlement talks aimed at resolving the concerns. In line with that development, an order was issued by the ASLBP's Chief Administrative Judge in March of 2004 appointing an ASLBP judge to conduct such discussions. That Settlement Judge, Paul Abramson, met with the parties – both separately and together – on numerous occasions over an extended period of time in an attempt to reach an agreement satisfactory to both sides.

The talks resulted in a settlement agreement that the Presiding Officer approved in an order issued on Nov. 4, 2004. Under the agreement, two concerns raised by the residents were addressed: (1) the company agreed to install a backup generator to provide a continuous power supply for the pump which drives the air flow through the chamber containing the irradiator's radioactive sources; and (2) the company agreed to install a light-beam trip-switch that would trigger an audible and visual alarm if

a cask containing a replacement radioactive source was positioned so that it would traverse sources already installed in the irradiator. CFC Logistics stressed that it was making the changes even though it did not believe they were needed for safe operation of the facility. In exchange for the company's concessions, some of the petitioners agreed to drop their opposition to the irradiator license and to withdraw from the case.

The settlement approval order offered the opportunity for other petitioners who lived near the irradiator but who had not signed the Settlement Agreement to pursue their challenges to the irradiator license, with deadlines specified for their filings. Those deadlines have now passed, with no additional filings made. Therefore, the hearing process is now considered closed and the Presiding Officer today formally terminated the proceeding.

In the order terminating the proceeding, Judge Farrar noted the work of both sides in the proceeding. "Those who participated in the negotiations have our appreciation for working diligently to resolve the controversy between the company and the community in which it is located," he said.

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