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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'85 JUL 24 P4 48

COMMISSIONERS:

Nunzio J. Palladino, Chairman
Thomas M. Roberts
James K. Asselstine
Frederick M. Bernthal
Lando W. Zech, Jr.

DOCKET
BRANCH

SERVED JUL 25 1985

In the Matter of

PRECISION MATERIALS CORPORATION

(Mine Hill, New Jersey Irradiator
Facility)

Docket No. 30-22063

ORDER

By application filed November 5, 1984, Precision Materials Corporation ("PMC") applied for a new byproduct materials license to allow it to possess and utilize byproduce material for the purpose of operating a radiation processing facility in Mine Hill, New Jersey. Specifically, PMC proposed to employ a Cobalt-60 irradiator to irradiate a variety of cosmetic, pharmaceutical, and medical products and components. On March 5, 1985, the Township of Mine Hill ("the Township") filed a request for hearing raising a number of challenges to the technical and financial qualifications of PMC to design, construct, operate, and maintain the irradiator and to the details of operation of the facility proposed by PMC. On March 13, 1985, PMC responded to the

within thirty days of the publication of the notice. The intervention statement must set forth with particularity (1) the interest of that person in the proceeding; (2) how that interest may be affected by the results of the proceeding, including a delineation of the reasons why that person should be permitted to intervene that makes particular reference to (a) the nature of the person's right under the Atomic Energy Act to be made a party, (b) the nature and extent of the person's property, financial, or other interest in the proceeding, and (c) the possible effect of any order that may be entered in the proceeding on the person's interest; and (3) the specific aspect or aspects of the subject matter of the proceeding that the person seeks to have litigated. Statements by those seeking to intervene as parties will be deemed filed when personally delivered to the Office of the Secretary or when deposited in the United States mail, properly addressed and first-class postage prepaid.

The parties to the informal adjudication will be PMC; the Township, if its petition is found to be adequate; and any other person found to have filed a proper intervention statement. The NRC staff also can appear as a party if it so desires.

Determinations by the presiding officer on the standing of persons seeking to intervene as parties to the proceeding will be governed by existing agency precedents regarding 10 CFR § 2.714(d). See Rockwell International Corp. (Energy Systems Group Special Nuclear Materials License No. SNM-21), ASLPB No. 83-488-01 ML, at 4-5 (Admin. Judge Oct. 7, 1983). If the presiding officer finds that the Township's petition for hearing or any intervention petition should be denied in toto on the

memorialized in a written memorandum that is served on all parties and made a part of the docket file on the proceeding.

If, on the basis of the parties' presentations and other information that the adjudicator is entitled to rely upon as discussed below, the presiding officer believes that additional procedures are necessary to ensure the full development of the agency record or to resolve any material factual issues that could not be resolved through the procedures set forth in this order, he should seek authority from the Commission to implement any additional procedures.


The presiding officer's decision, which is to be in writing, should be made on the basis of the written submissions of the parties, any oral presentations by the parties, and other technical or factual information that is publicly available in the docket file. The presiding officer's decision will become final agency action thirty days after the date of issuance unless the Commission, on its own motion, undertakes a review of the decision. No petition for review will be entertained by the Commission regarding the presiding officer's decision.

Commissioner Roberts disapproved this order. His dissenting views are attached.

It is so ORDERED.



For the Commission


 SAMUEL J. CHILK
 Secretary of the Commission

Dated at Washington, D.C.

this 24th day of July, 1985.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

PRECISION METALS CORPORATION

(Mine Hill, New Jersey
Irradiator Facility)

Docket No. (s) 30-22063-ML

CERTIFICATE OF SERVICE


I hereby certify that copies of the foregoing Commission Order (7/24/85) have been served upon the following persons in accordance with the requirements of 10 CFR section 2.712.

Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, DC 20535

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Dated at Washington, D.C. this
25 day of July 1985



Office of the Secretary of the Commission