



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs

Telephone: 301/415-8200

Washington, DC 20555-001

E-mail: opa@nrc.gov

Web Site: <http://www.nrc.gov/OPA>

No. 03-111

September 3, 2003

NRC JUDGE TO HEAR ORAL ARGUMENTS OF COUNSEL IN ALLENTOWN, PENN., ON CFC LOGISTICS IRRADIATOR

An independent administrative judge from the Nuclear Regulatory Commission will hear presentations Wednesday, September 10, in Allentown, Penn., from lawyers for organizations supporting and challenging the license NRC Staff recently issued to CFC Logistics, Inc., for operation of a cobalt-60 irradiator in Milford Township (Bucks County), Pa. The session is open to the public, which is encouraged to attend as observers.

Counsel's statements, known as "oral arguments," will focus on whether the Judge, serving as Presiding Officer over the proceeding, should grant the petition of a number of Milford Township citizens for an evidentiary hearing on the validity of the license. Only counsel for the citizen Petitioners, the NRC Staff and CFC Logistics will participate in the September 10 oral argument, which will be held in Courtroom 1A on the second floor of the Historic Courthouse of the Lehigh County Court of Common Pleas, located at 501 Hamilton Street, beginning at 5:30 and concluding by 8:00 p.m. Members of the public wishing to observe are urged to arrive early because of the security precautions that will be taken.

The Presiding Officer for this case is Judge Michael C. Farrar, whose Special Assistant for purposes of analyzing technical matters is Judge Charles N. Kelber, Ph.D. Questions to be argued, on which the litigants have filed extensive written legal briefs, involve the "standing" of the Petitioners to intervene in the proceeding and the "germaneness" of the areas of concern they have presented.

CFC Logistics filed its application for a license on February 25. The citizen Petitioners filed their request for a hearing on June 23. Under NRC rules, the request for a hearing did not itself prohibit granting of the license, which the NRC Staff issued on August 27. The citizen Petitioners have indicated, however, that they will be filing a motion for a stay of the effectiveness of the license, and oral argument on that stay motion will also be heard on September 10.

###