

RAS 6849

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED 09/24/03

SERVED 09/25/03

Before Administrative Judges:  
Michael C. Farrar, Presiding Officer  
Dr. Charles N. Kelber, Special Assistant

In the Matter of  
CFC LOGISTICS, INC.  
(Materials License)

Docket No. 30-36239-ML  
ASLBP No. 03-814-01-ML  
September 24, 2003

ORDER

(Amending Review Provisions of LBP-03-16)

The final paragraph of LBP-03-16 (see page 17 of slip opinion issued yesterday in this proceeding), dealing with review of the denial of Petitioners' stay request, is hereby DELETED.

The following paragraph is hereby SUBSTITUTED in its place:

"Any review of this denial of the Petitioners' stay request may be sought under 10 CFR § 2.786(g), as applied by the Commission in Hydro Resources, CLI-98-8, 47 NRC 314, 320 (1998) and Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility), CLI-02-7, 55 NRC 205, 214 note 15 (2002). Any petition for review should address the standards set out in § 2.786(g)(1), (2) and, given that a stay request is involved, should be filed at an early date."

It is so ORDERED.

BY THE PRESIDING OFFICER

/RA/

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Michael C. Farrar  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
September 24, 2003

Copies of this Order were sent this date by Internet e-mail transmission to counsel for (1) CFC Logistics; (2) Petitioners; and (3) the NRC Staff. Official service may be delayed a day.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
)  
CFC LOGISTICS, INC. ) Docket No. 30-36239-ML  
QUAKERTOWN, PENNSYLVANIA )  
)  
(Materials License) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (AMENDING REVIEW PROVISIONS OF LBP-03-16) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 30-36239-ML  
LB ORDER (AMENDING REVIEW PROVISIONS  
OF LBP-03-16)

[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 25<sup>th</sup> day of September 2003