

- RAS 6896

DOCKET NUMBER
BYPRODUCTS 30-36239-ML

From: "Chris Pugsley" <cpugsley@athompsonlaw.com>
To: <mcf@nrc.gov>, <cnk@nrc.gov>, <shl@nrc.gov>
Date: 10/3/03 10:57AM
Subject: Sugarman Request

DOCKETED
USNRC

October 9, 2003 (2:19PM)

Dear Judge Farrar:

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

I am writing to you in response to Mr. Sugarman's recent letters dated September 30, 2003, and October 3, 2003 regarding certain documents he received in conjunction with his case in the Bucks County Court of Common Pleas. In his September 30, 2003 letter, Mr. Sugarman requests that we grant him permission to use these documents in the licensing proceeding before you presumably because he wishes to disclose such documents to his co-counsel, Diane Curran, who is not a co-counsel in the Bucks County case. In this letter, Mr. Sugarman requests a response to his request by the end of business on October 1, 2003, and the letter states that his request would also be sent via fax and e-mail. I did not receive a copy of this letter via fax or e-mail, because, if I had, we would have provided Mr. Sugarman with an answer quickly. I received this letter via regular mail yesterday, October 2, 2003.

Now, Mr. Sugarman is claiming that we have not responded to his request in the timeframe he requested. However, it is impossible for me to respond to a request from Mr. Sugarman if I do not receive it until after the deadline he requested. Had Mr. Sugarman's request been as urgent as he indicates, he simply could have called me to request permission to use the documents and a formal filing could have been executed at a later date. But, instead Mr. Sugarman has selected a method of obtaining permission that does not demonstrate any regard for this proceeding or for CFC. Mr. Sugarman's claims that he needs an immediate response to his request is misplaced because he is relying on his schedule for the local case, which is not relevant here.

Mr. Sugarman is once again trying to get more than one bite at the proverbial apple by trying to supplement his areas of concern for at least the third time. Unlike the so-called "irradiator orders" mentioned at oral argument which CFC was not permitted to disclose, these documents could have been requested by Mr. Sugarman at an earlier date. This is evidenced by his arguments at the local level that CFC had misled Milford Township with respect to its irradiator. If Mr. Sugarman continues to engage in actions such as these, there is no possible way that an expeditious end to this proceeding will be reached. Allowing yet another amendment to his areas of concern is taking yet another step in the direction of confusion in this proceeding.

With respect to Mr. Sugarman's failure to send his September 30, 2003 letter via e-mail or facsimile, it is understandable that things may be overlooked or forgotten during the course of a busy day. However, CFC should not be penalized for his oversights. Had Mr. Sugarman desired a quick resolution to his request, he simply could have phoned me and asked whether I had conferred with CFC and come to a decision. Instead, Mr. Sugarman has yet again (as he did at oral argument) selected a path in which he seeks to damage the credibility and reputation of my client in this proceeding.

As stated above, I will respond to Mr. Sugarman's request as soon as practicable and send him a message detailing such response. Thus, I believe

a conference call is not necessary at this time.

Thank you for your time in this matter.

Anthony J. Thompson, Esq.
Counsel for CFC Logistics

CC: <rjsugarman@aol.com>, <dcurran@harmoncurran.com>