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October 3, 2003

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October 9, 2003 (2:19PM)

Administrative Judge Michael C. Farrar
Presiding Officer
Atomic Safety and Licensing Board Panel
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

RE: CFC Logistics, Inc.
Docket No. 30-36239-ML
ASLBP No. 03-814-01-ML

Dear Judge Farrar:

I am writing to renew my request that your Honor issue an Order allowing me to use the confidential documents which I referred to in my earlier letter.

I am currently on trial all day in Civil Court in Philadelphia, and therefore am making this request that the matter be dealt with in writing.

I did receive and review the email traffic from Friday afternoon, October 3, on Monday night October 6, after Court. It confirms that CFC, as was fairly clear, is obstructing consideration of the merits of its case.

I represent to your Honor that the documents are new, are inconsistent with the positions taken by CFC and the staff, and that Judge Biehn in Bucks County has referred to the Board, at least in the first instance, while instructing me to return to his Court if there is a problem.

Since the Commission has assumed the responsibility for safety issues, the safety issues embodied in this confidential information should be within the scope of the Commission's concern. Given the absence of discovery mechanisms in Subchapter L proceedings, therefore, the request I am making seems to be the only avenue available within the Commission structure to pursue this matter.

While resolution between counsel would seem to be ideal, I cannot deal with counsel verbally, where I am in Court, and in any event, despite your Honor's hope for resolving things among counsel, it is obvious now (although not obvious on Friday afternoon) that CFC is taking a substantive position to prevent release, and that the issue is not counsels' ability to communicate, but rather the substantive position of the parties.

It is therefore clear that only formal action will protect my clients on the record, and that only formal action by your Honor will resolve the impasse.

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SECY-02

Thank you for your consideration of this request.

Respectfully,

Robert J. Sugarman
DICTATED BUT NOT REVIEWED

RJS:saj

cc: Stephen Lewis, Esquire
Anthony Thompson, Esquire
Diane Curran, Esquire