

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 7110

DOCKETED 12/02/03

ATOMIC SAFETY AND LICENSING BOARD PANEL

SERVED 12/02/03

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
December 2, 2003

FURTHER PREHEARING ORDER

Our November 19, 2003 Prehearing Order scheduled a prehearing conference in this matter -- involving the validity of CFC Logistics' proposal to operate a cobalt-60 irradiator at its food storage warehouse -- for Thursday, December 11 at 1:30 P.M. in the Quakertown vicinity. The parties are hereby advised that that conference will be held in the William Penn Room of the Hampton Inn (phone 215-536-7779) at 1915 John Fries Highway in Quakertown. As mentioned in our earlier order, that conference will be open to the public to attend as observers, with only the parties and their representatives participating actively in its planning functions.

Oral Argument. In addition to covering the matters listed in our earlier order (pp. 4-5), during the conference we will be entertaining oral argument of counsel on (1) Petitioners' renewed stay motion (in which the NRC Staff elected, subsequent to our previous order, not to participate); and (2) Petitioners' recently-received request that, with discovery usually being foreclosed in proceedings of this nature, we refer a matter involving the Company's production of documents to the Commission for determination. On the latter matter, the Company is hereby directed to file its written response by close of business Tuesday, December 9. On each of the two issues, each side will have 10 minutes of argument, with Petitioners going first.¹

¹ The NRC Staff, which will not be formally represented at the conference, has elected not to participate, or is otherwise not involved, in the two issues being argued. No argument or other discussion will be held on the decommissioning bond issue in which the Staff is involved.

Hearing File. Pending our ruling on the Staff's request to be relieved of the obligation we initially imposed on it to prepare a paper version of the hearing file (see 10 CFR § 2.1231(a) and LBP-03-20, slip op. at 32 and footnote 41) rather than the electronic file it has since prepared, the Staff shall, if it has not already done so, provide the other two parties with the name and contact information of a person who will serve as the hearing file liaison. That liaison will arrange to provide to the parties upon their request, in the most expeditious fashion possible, any documents in the electronic hearing file that for whatever reason turn out not to be accessible in useable fashion. For now, this arrangement will serve in lieu of the Staff's creating a paper version of the hearing file.

The parties are reminded of their obligation to furnish the Company, by close of business Monday, December 8, the names of those who will be participating in the facility visit being held the morning of December 11 for the benefit of Petitioners' expert witness. As previously indicated, that visit is open not to the public but only to the parties and their associates.

It is so ORDERED.

BY THE PRESIDING OFFICER

/RA/

Rockville, Maryland
December 2, 2003

Michael C. Farrar
ADMINISTRATIVE JUDGE

Copies of this Memorandum and Order were sent this date by Internet e-mail transmission to counsel for (1) CFC Logistics; (2) Petitioners; and (3) the NRC Staff.

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 FURTHER PREHEARING ORDER have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Michael C. Farrar, Presiding Officer
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Charles N. Kelber, Special Assistant
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dennis C. Dambly, Esquire
Stephen H. Lewis, Esquire
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Robert J. Sugarman, Esquire
Sugarman & Associates, PC
Robert Morris Building - 11th Floor
100 North 17th Street
Philadelphia, PA 19103

Anthony J. Thompson, Esquire
Christopher S. Pugsley, Esquire
Law Offices of Anthony J. Thompson, P.C.
1225 19th Street, NW, Suite 200
Washington, DC 20036

Mr. James Wood
President
CFC Logistics, Inc.
400 AM Drive
Quakertown, PA 18951

[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 2nd day of December 2003