

RAS 7172

SUGARMAN & ASSOCIATES, PC

ATTORNEYS AT LAW
ROBERT MORRIS BUILDING - 11TH FLOOR
100 NORTH 17TH STREET
PHILADELPHIA, PENNSYLVANIA 19103

215-864-2500 • FAX: 215-864-2501
EMAIL: RJSUGARMAN@AOL.COM

BUCKS COUNTY OFFICE
122 NORTH MAIN STREET
DOYLESTOWN, PA 18901

ROBERT J. SUGARMAN *
JENNIFER A. MURPHY**
DEBBIE L. GOLDBERG
HEATHER R. BRINTON

215-348-8786 • FAX: 215-230-1922

* Also admitted in NY, DC
** Also admitted in NJ

December 15, 2003

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

DOCKETED
USNRC

December 23, 2003 (2:03PM)

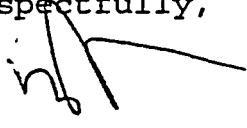
RE: CFC Logistics, Inc.
Docket No. 30-36239-ML
ASLBP No. 03-814-01-ML

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Judge Farrar:

Please find enclosed one page of proposed questions to the NRC Staff, submitted at your direction, despite the fact that we believe that the Staff should not be permitted to have an additional opportunity to create a record against our Stay Motion. We respectfully reiterate our belief that it is unfair to allow an additional project proponent to come in with the advantage of hearing all the evidence and arguments.

Respectfully,


Robert J. Sugarman
Counsel for Protestants

RJS:saj
Enclosure
cc: Stephen Lewis, Esquire
Anthony Thompson, Esquire
Office of the Secretary

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SECY-02-

QUESTIONS TO THE STAFF

1. Why did you not fully investigate Reaviss' concern?

2. When you said CFC's application to amend the license was incomplete, what additional information were you seeking or did you believe was necessary to make the application to amend (to delete the valve) complete?

3. What have you done since September 30 to punish the applicant for making unilateral unapproved modifications to the designed facility?

4. Why did you not record Reaviss' concerns as expressed, according to you, in a September 29 telephone conversation?

5. Why did you not review Reaviss' concern on the merits?

6. If you did review Reaviss' concern on the merits, why did you not write a report?

7. Is CFC-GreyStar authorized to alter the facility where no source is present?

8. Where is the heat calculation for the full load of sources in operation? Are you willing to release it? Please advise whether you will release all assumptions and input which formed the basis of the calculation.

9. If the Staff is unwilling to respond to a request by the ALJ to analyze security provisions, how can the Board assume that the Staff will make timely analysis of issues?

10. Is there in existence an independent engineering review of the secret (proprietary) technology associated with the plant? Will you release it? Why isn't it in ADAMS?

11. What was the reason for the Staff's sua sponte decision to classify the design drawings as trade secrets?

12. Since the Staff stated that the bond amounts were inadequate (at the public hearing on August 21), and the new regulations do not cover decommissioning costs of part L facilities, what is the Staff planning to do, and what is the Staff recommendation regarding the inadequate decommissioning bond required of CFC?

13. Has the Staff evaluated the net assets which would be available to CFC in a failure scenario, to clean up the site, ahead of secured debt, etc.?