

RAS 8119

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 07/09/04
SERVED 07/09/04

ATOMIC SAFETY AND LICENSING BOARD PANEL
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
July 9, 2004

MEMORANDUM AND ORDER
(Granting and Conditioning Time Extension)

Confirming the notice sent last evening to the parties by email, and for the reasons discussed in the email communications of yesterday and the day before, the time within which counsel for the Petitioners/Intervenors is to report to us on the continued residency and interest of his clients (see our June 28 Memorandum and Order, p. 6, top paragraph) is EXTENDED at his request from Friday, July 16 to Monday, July 26. This extension is CONDITIONED upon counsel's sending a copy of our June 28 Memorandum and Order to each of his clients (as directed therein, p. 5, ¶ 3) by Tuesday, July 13, and notifying us by that date that he has done so.

Although we thought our June 28 directive to be self-explanatory, to the extent that any clarification is required, it was premised on the need to promptly advise each of the Petitioners/Intervenors who were not active in the settlement negotiations that they might soon have to make a decision on whether to agree to an emerging settlement or to pursue the litigation independently of those who had previously been supporting it. Whatever information the Petitioners/Intervenors might want to gather after receiving our June 28 notice/advice (see Order, p. 6, second paragraph), and whatever settlement might later emerge and be then

brought to their attention (see Order, p. 6, third paragraph), the key initial step was to get our Order in their hands promptly.

As is clear from our Order, we directed that that step be done by counsel communicating with his clients. That is why we are conditioning the time extension for performing other steps on the prompt taking of that already-delayed first step. If at future stages counsel wishes his clients to be notified in some other fashion than through him, he should take steps now to put such arrangements in place.

It is so ORDERED.

BY THE PRESIDING OFFICER

/RA/

Michael C. Farrar
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 9, 2004

Copies of this Order are being sent by Internet e-mail transmission to counsel for (1) CFC; (2) Intervenors; 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 MEMORANDUM AND ORDER (GRANTING AND CONDITIONING TIME EXTENSION) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 9th day of July 2004