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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL

January 14, 2005 (2:27pm)

Before the Chief Administrative Judge:

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

G. Paul Bollwerk, III

SERVED January 14, 2005

In the Matter of
CFC LOGISTICS, INC.
(Materials License)

Docket No. 30-36239-ML
ASLBP No. 03-814-01-ML
January 14, 2005

MEMORANDUM
(Referring Correspondence for Docketing)

Attached to this memorandum is a letter from two members of the Concerned Citizens of Milford Township regarding this proceeding. I am forwarding this letter -- copies of which were received by Judges Farrar and Abramson and by me after the docketing and issuance of the Presiding Officer's decision in LBP-05-01, 61 NRC _ (Jan. 11, 2005), terminating this proceeding -- to the Office of the Secretary for placement in the docket of this proceeding.

BY THE CHIEF ADMINISTRATIVE JUDGE

G. Paul Bollwerk, III
G. Paul Bollwerk, III

Rockville, Maryland

January 14, 2005

Template = SECY-048

SECY-02

Concerned Citizens of Milford Township

P.O. Box 302

Trumbauersville, PA 18970

citizens@milfordcitizens.org

December 18, 2004

Chief Administrative Judge G. Paul Bollwerk, III
Chairman, Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop #T-3 F23
Washington DC 20555-0001

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

Your Honor:

In recognition of his exceptional concern for the public interest, we would like to commend and thank Judge Michael C. Farrar, presiding officer in the above-referenced matter. Because of Judge Farrar's determination that the proceeding was amenable to settlement, and due to his continued desire to find a non-adversarial approach to resolution of this conflict, the petitioners originally granted standing in the case recently finalized an agreement with CFC Logistics. (Additional petitioners have subsequently decided not to pursue the litigation.)

Once settlement negotiations began, events did not proceed as smoothly as one may have hoped. With this in mind, we are especially grateful to Judge Farrar. He waited patiently for months while the lengthy discussions transpired, and he allowed them to proceed to their conclusion before resuming the case, despite pressure from attorneys for CFC Logistics to restart the litigation. He took exceptional care to preserve in this community a sense that every effort had been made to arrive at a compromise with the company. Then he pursued every reasonable measure to ensure it would be evaluated by as many petitioners as possible. He was generous in extending "proximity-plus" standing after an agreement was reached, as well as affording the opportunity to prove standing by those petitioners residing farther away from CFC's facility:

The case involved a challenge to the nuclear materials application and subsequent license approved for a large-scale cobalt-60 food irradiator in Milford Township, Pennsylvania (Bucks County). As leaders of Concerned Citizens of Milford Township (CCMT), the grassroots citizens group formed to support the petitioners, we were deeply involved in the legal proceeding. In this capacity, we read all of Judge Farrar's opinions, transcripts, and directives. We also had the opportunity to meet him in December 2003 during his second visit to our community for a plant tour and prehearing conference. One year later, as the proceeding draws to a close after considerable local media attention, we wish to recognize the Presiding Officer for his judicial excellence, fairness, and responsiveness to the issues raised by our team of experts.

Both of us participated on the settlement team with two other CCMT leaders and one of two remaining petitioners (a husband and wife still residing near the plant) who had received

standing early in the case. We labored for over four months in detailed, technical negotiations to find common ground with CFC Logistics, under the supervision of our energetic and brilliant settlement judge, Special Associate Chief Judge Paul B. Abramson.

Unfortunately, we were unable to sign the written agreement regarding technical issues that was ultimately reached with CFC Logistics. While our signatures were not required in order to officially settle the case, we were nonetheless deeply disappointed by this outcome. Right up until the end of our participation, we had anticipated signing the final document, believing that we had reached a verbal agreement with the company during the negotiations.

To our great surprise and disillusionment, when the settlement judge presented the first written draft of the Agreement to us, we realized that its scope extended far beyond settlement of the foregoing litigation. We quickly understood that the Agreement would preclude all CCMT signers from involvement in future legal actions challenging additional irradiators proposed by CFC Logistics.

The document presented to us for signature ran contrary to our understanding of the fundamental spirit of the negotiations as they had progressed since April 2004, as well as the original intent of the settlement process as described by Judge Farrar.

Despite the problems that emerged during the settlement negotiations, we are deeply grateful to the Presiding Officer for his early desire to see the irradiator matter resolved as fairly and amicably as possible. We look back with great appreciation for everything he helped our community to achieve through an ASLB hearing request. We commend him as an outstanding jurist and citizen.

Sincerely,



Max Geisler

Kimberly A. Haymans-Geisler

cc: Hon. Michael C. Farrar, Administrative Judge and Presiding Officer
Hon. Paul B. Abramson, Special Associate Chief Judge (legal/technical)

