

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

September 2, 2003 (11:10AM)

Before Administrative Judges:

Michael C. Farrar, Presiding Officer
Charles N. Kelber, Special Assistant

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:

CFC Logistics, Inc.

(Materials License Application)

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)
) Docket No.: 30-36239-ML

) ASLBP No.: 03-814-01-ML

) Date: August 28, 2003
)
)
)

**CFC LOGISTICS, INC. UPDATE TO PRESIDING OFFICER REGARDING
DOCUMENT PRODUCTION**

CFC Logistics, Inc. (CFC), by its undersigned counsel of record, hereby submit this Update to Presiding Officer Regarding Document Production in accordance with the Presiding Officer's Order of August 27, 2003, requiring that certain documents be made available to Petitioners' counsel of record by Thursday, August 28, 2003 at noon.

Counsel for CFC and representatives of CFC and Gray*Star, the proprietor of some of the documents to be produced, agreed upon and delivered a draft protective order to counsel for Petitioners via electronic transmission at 11:43 am on Wednesday, August 27, 2003. After not receiving any communications from counsel for Petitioners that day, by electronic transmission dated 10:35 am, Thursday, August 28, 2003, counsel for Petitioners informed CFC that he would not be available until the afternoon of August 28, 2003 for consultation regarding the aforementioned proposed protective order.

Therefore, it appears that the Presiding Officer's deadline for production of documents of August 28, 2003 at noon will not be met because counsel for Petitioners has been unavailable for consultation on a protective order prior to such deadline.

In the interim, CFC has requested that NRC Staff deliver the aforementioned documents to Petitioners' counsel of record immediately after receipt of a properly executed protective order from CFC. NRC Region I counsel, Karl Farrar, agreed to deliver such documents so long as NRC Staff received a letter from CFC authorizing such delivery. Such authorization was executed and delivered to Mr. Stephen H. Lewis, counsel for NRC Staff on Thursday, August 28, 2003 at 7:15 am. Thus, the aforementioned documents will be distributed to counsel for Petitioners by NRC Staff after a protective order is executed and delivered to NRC Staff.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Anthony J. Thompson", with a stylized flourish at the end.

Anthony J. Thompson, Esq.
Christopher S. Pugsley, Esq.

COUNSEL FOR CFC LOGISTICS, INC.

- ## CERTIFICATE OF SERVICE

3. Stephen H. Lewis, Esq.
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August 28, 2003

BY ELECTRONIC, FACSIMILE AND U.S. FIRST CLASS MAIL

U.S. Nuclear Regulatory Commission
Office of the Secretary
Attn: Rulemaking and Adjudications Staff
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

Re: In the Matter of: CFC Logistics, Inc.
Docket No: 3036239-ML
ASLBP No. 03-814-01-ML

Dear Sir or Madam:

Please find attached for filing CFC Logistics, Inc.'s Update to Presiding Officer Regarding Document Production in the above-captioned matter. Copies of the enclosed have been served on the parties indicated on the enclosed certificate of service. Additionally, please return a file-stamped copy in the self-addressed, postage prepaid envelope attached herewith.

If you have any questions, please feel free to contact me at (202) 496-0780.
Thank you for your time and consideration in this matter.

Sincerely,



Anthony J. Thompson, Esq.
Christopher S. Pugsley, Esq.
Law Offices of Anthony J. Thompson, P.C.
Counsel of Record to IUSA

Enclosures

CFCCOVERLETTTER.DOC)