

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

DOCKETED
USNRC

October 9, 2003 (2:50PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before Administrative Judges:

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

In the Matter of:
CFC Logistics, Inc.

(Materials License Application)

)
) Docket No.: 30-36239-ML
)
) ASLBP No.: 03-814-01-ML
)
) Date: October 7, 2003
)
) License Control No. 132825
)
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**CFC LOGISTICS, INC.'S SUPPLEMENT TO THE PRESIDING OFFICER'S
QUESTIONS AT ORAL ARGUMENT**

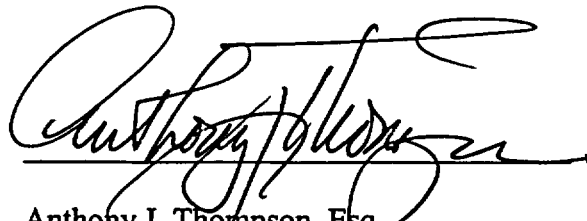
CFC Logistics, Inc. (CFC), by its undersigned counsel of record, hereby submits this Supplement to the Presiding Officer's Questions at Oral Argument addressing questions raised by the Presiding Officer at the September 10, 2003 oral argument in Allentown, PA. At this oral argument, the Presiding Officer raised two specific questions for which counsel for CFC could not provide a complete answer at the time. As a result, CFC respectfully submits this Supplement to provide the Presiding Officer with a more complete answer to each question.

First, the Presiding Officer asked CFC whether the Cobalt-60 irradiator utilized by the United States Army in the *Armed Forces* case was an underwater or a panoramic irradiator. See *In the Matter of Armed Forces Radiobiology Research Institute* (Cobalt-60 Storage Facility), 16 NRC 150 (July 16, 1982). At oral argument, counsel for CFC

answered that, to the best of CFC's knowledge, the *Armed Forces* irradiator was panoramic in nature. To supplement this answer, CFC submits that the *Armed Forces* irradiator is a Category IV wet-source storage, cobalt-60 irradiator in which the relevant "sealed sources" are raised from their underwater "storage" location into a "radiation room" to irradiate products. Thus, the CFC irradiator is completely different from the *Armed Forces* irradiator because the CFC irradiator is an "underwater irradiator" in which the relevant "sealed sources" are never raised above their "shielding" water during irradiation of product or at any other time except during source removal.

Second, the Presiding Officer asked CFC how many NRC or Agreement State-licensed irradiators currently are licensed in the United States. At oral argument, counsel for CFC may have misunderstood the Presiding Officer's question to mean how many Category III irradiators are licensed in the United States. Assuming now that the question was not directed solely at Category III irradiators, CFC agrees with NRC Staff's statement that in excess of 60-65 irradiators are currently licensed in the United States subject to NRC or Agreement State licensing authority.

Respectfully Submitted,



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

COUNSEL TO CFC LOGISTICS, INC.

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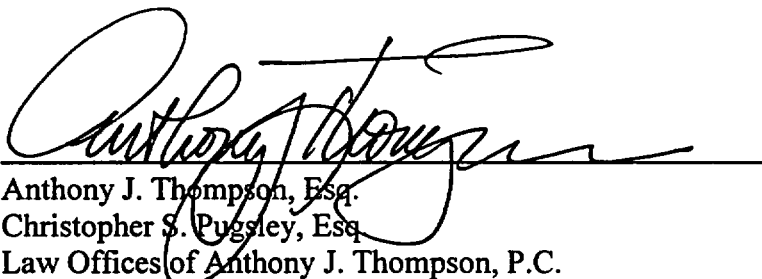
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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing CFC Logistics, Inc.'s Supplement to the Presiding Officer's Questions at Oral Argument in the above-captioned matter has been served upon the following via electronic mail, facsimile and U.S. First Class Mail on this 7th day of October, 2003.

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October 7, 2003

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

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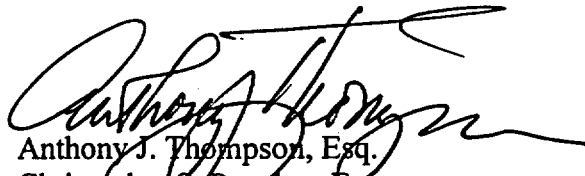
Re: In the Matter of: CFC Logistics, Inc.
Docket No: 3036239-ML
ASLBP No. 03-814-01-ML
License No. 132825

Dear Sir or Madam:

Please find attached for filing CFC Logistics, Inc.'s Supplement to the Presiding Officer's Questions at Oral Argument 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

(CFCCOVERLETTER1.DOC)