

Michael C. Farrar, Presiding Officer  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3F23  
Washington, D.C. 20555-0001

Charles N. Kelber, Special Assistant  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3F23  
Washington, D.C. 20555-0001

In the Matter of  
CFC LOGISTICS, INC.  
(Quakertown, Pennsylvania)  
Docket No. 30-36239-ML; ASLBP No. 03-814-01-ML

Dear Administrative Judges:

On November 19, 2003, the NRC Staff ("Staff") orally informed the Presiding Officer and the Atomic Safety and Licensing Board Panel's Legal Clerk, Ms. Susan Lin, that the Staff is electing not to file a response to the Intervenor's "Renewed Motion for Stay," dated November 11, 2003. The Presiding Officer requested that the Staff put this election in writing.

The decision not to respond is consistent with the Staff's letter, dated July 24, 2003, indicating that, pursuant to 10 C.F.R. § 2.1213, the Staff had decided that it chose not to participate as a party to this proceeding. During the November 12, 2003 telephonic prehearing conference, the Staff indicated that it would file a response to the renewed stay motion. Tr. 299-300. Since the November 12<sup>th</sup> prehearing, the Staff has held additional discussions as to whether it wished to modify the position stated in the July 24, 2003 letter. The Staff decided that to respond to the renewed stay motion would be confusing as to the Staff's role in the proceeding and inconsistent with its July 24<sup>th</sup> letter. The Staff regrets any confusion its statements at the prehearing conference may have caused.

Further, the Staff foresees its role in this proceeding as limited to: (1) the decommissioning financial assurance and physical security areas of concern, and (2) the maintenance of the Hearing File. Point one of this paragraph is consistent with the Presiding Officer's tentative statements in the Memorandum and Order (Ruling on Petitioners' Request for an Evidentiary Hearing), LBP-03-20 (October 29, 2003), slip op. at 28, n. 35. Point 2 of this paragraph reflects an obligation placed upon the Staff by 10 C.F.R. § 2.1231, independent of whether it is a party to the proceeding.

Administrative Judges  
M. Farrar  
C. Kelber

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November 21, 2003

The Staff requests that Staff Counsel be retained on the Service List for the proceeding, so that Staff may be aware of when its participation will be necessary in light of the two areas of concern on which it intends to participate.

Sincerely,

**/RA/**

Stephen H. Lewis  
Counsel for NRC Staff

cc: Robert Sugarman, Esq.  
Anthony Thompson, Esq.  
Christopher Pugsley, Esq.  
Adjudicatory File

SECY  
OCAA  
ASLBP  
James Wood