

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 7110

ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED 12/02/03

SERVED 12/02/03

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

December 2, 2003

FURTHER PREHEARING ORDER

Our November 19, 2003 Prehearing Order scheduled a prehearing conference in this matter -- involving the validity of CFC Logistics' proposal to operate a cobalt-60 irradiator at its food storage warehouse -- for Thursday, December 11 at 1:30 P.M. in the Quakertown vicinity. The parties are hereby advised that that conference will be held in the William Penn Room of the Hampton Inn (phone 215-536-7779) at 1915 John Fries Highway in Quakertown. As mentioned in our earlier order, that conference will be open to the public to attend as observers, with only the parties and their representatives participating actively in its planning functions.

Oral Argument. In addition to covering the matters listed in our earlier order (pp. 4-5), during the conference we will be entertaining oral argument of counsel on (1) Petitioners' renewed stay motion (in which the NRC Staff elected, subsequent to our previous order, not to participate); and (2) Petitioners' recently-received request that, with discovery usually being foreclosed in proceedings of this nature, we refer a matter involving the Company's production of documents to the Commission for determination. On the latter matter, the Company is hereby directed to file its written response by close of business Tuesday, December 9. On each of the two issues, each side will have 10 minutes of argument, with Petitioners going first.¹

¹ The NRC Staff, which will not be formally represented at the conference, has elected not to participate, or is otherwise not involved, in the two issues being argued. No argument or other discussion will be held on the decommissioning bond issue in which the Staff is involved.

Hearing File. Pending our ruling on the Staff's request to be relieved of the obligation we initially imposed on it to prepare a paper version of the hearing file (see 10 CFR § 2.1231(a) and LBP-03-20, slip op. at 32 and footnote 41) rather than the electronic file it has since prepared, the Staff shall, if it has not already done so, provide the other two parties with the name and contact information of a person who will serve as the hearing file liaison. That liaison will arrange to provide to the parties upon their request, in the most expeditious fashion possible, any documents in the electronic hearing file that for whatever reason turn out not to be accessible in useable fashion. For now, this arrangement will serve in lieu of the Staff's creating a paper version of the hearing file.

The parties are reminded of their obligation to furnish the Company, by close of business Monday, December 8, the names of those who will be participating in the facility visit being held the morning of December 11 for the benefit of Petitioners' expert witness. As previously indicated, that visit is open not to the public but only to the parties and their associates.

It is so ORDERED.

BY THE PRESIDING OFFICER

/RA/

Rockville, Maryland
December 2, 2003

Michael C. Farrar
ADMINISTRATIVE JUDGE

Copies of this Memorandum and Order were sent this date by Internet e-mail transmission to counsel for (1) CFC Logistics; (2) Petitioners; 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 FURTHER PREHEARING ORDER have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Quakertown, PA 18951

[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 2nd day of December 2003