

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**RAS 7466**

**DOCKETED 03/16/04**

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

**SERVED 03/16/04**

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

March 16, 2004

ORDER

(Regarding Intervenor's March 15 Motion)

We received last evening the Intervenor's "Motion to Release Filing from Protective Order, for Extension and Sanctions." In light of the content of that Motion, we are taking the steps listed below.

CFC Logistics is to file a response to the Motion by this Friday, March 19. That response should address, along with any other matters the Company wishes to include, (1) the procedures we should follow in determining the validity of a claim that certain information is proprietary (or business confidential or trade secret); and (2) the authority, if any, that we have in the realm of "sanctions" generally (the Intervenor cited none).

The NRC Staff may, if it wishes, file a response on the same points by the same deadline.

The briefing schedules on the pending matters (see yesterday's "Order Extending Briefing Time") are hereby suspended until the matters addressed in this Order are resolved.

Counsel for the Company and the Intervenor are to confer by phone on Monday, March 22, in an effort to reach an accommodation on the matters raised by Intervenor's counsel as to his ability to challenge the material embodied in the assertedly proprietary filings made by the Company. That phone call is to be initiated by Intervenor's counsel after Company counsel advises Intervenor's counsel's office as to their availability and location on that day.

Counsel for all three parties are to participate in a transcribed telephone conference call that we will convene at 3:00 P.M. on Tuesday, March 23. Information as to how to join that call will be made available by our office by the end of this week.

It is so ORDERED.

BY THE PRESIDING OFFICER

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Michael C. Farrar  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
March 16, 2004

Copies of this Order were sent this date by Internet e-mail transmission to counsel for (1) CFC Logistics; (2) Intervenors; 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 ORDER (REGARDING INTERVENORS' MARCH 15 MOTION) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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

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

Administrative Judge  
Paul B. Abramson, Settlement Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dennis C. Dambly, Esquire  
Stephen H. Lewis, Esquire  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Robert J. Sugarman, Esquire  
Sugarman & Associates, PC  
Robert Morris Building - 11th Floor  
100 North 17<sup>th</sup> Street  
Philadelphia, PA 19103

Anthony J. Thompson, Esquire  
Christopher S. Pugsley, Esquire  
Law Offices of Anthony J. Thompson, P.C.  
1225 19<sup>th</sup> Street, NW, Suite 200  
Washington, DC 20036

Mr. James Wood  
President  
CFC Logistics, Inc.  
400 AM Drive  
Quakertown, PA 18951

[Original signed by Evangeline S. Ngbea]

\_\_\_\_\_  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 16<sup>th</sup> day of March 2004