

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 7458

DOCKETED 03/15/04

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

SERVED 03/15/04

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 15, 2004

ORDER EXTENDING BRIEFING TIME

On March 11, the Intervenors filed a Motion seeking an extension of time, from Friday, March 12 to Wednesday, March 17, for the filing of their reply brief on their pending motions for a stay and for related relief. CFC Logistics promptly advised that it had no objection to the extension. Late on March 11, we notified the parties by e-mail that the requested extension would be granted and that a formal order to that effect would follow. Accordingly, the requested briefing extension is hereby GRANTED.

Upon further analysis of the grounds for the Intervenors' Motion, particularly the unavailability of their expert witness for much of the crucial period, we also take this opportunity to indicate that we would not look with disfavor on an additional very brief extension of time, if that proves necessary. In establishing the Intervenors' initial, relatively short, briefing period, we proceeded on the general assumption that the Company's brief would need to add little to the Staff's brief, filed a week before the Company's. The Intervenors correctly observe that the Company's brief was instead quite extensive. Insuring that the Intervenors are provided a fair opportunity (and in full consultation with their expert witness) to address the Company's extensive arguments and supporting materials, would more than justify a modest additional briefing extension, if one is needed and requested. Compare Feb. 17 Prehearing Order, p. 3 (text accompanying note 4, and note 5).

In terms of the overall briefing schedule, the Company filed on Friday, March 12, its brief on the decommissioning bond issue, again -- and not inappropriately -- supplying material considerably beyond what the Staff had filed a week earlier. For that reason, and because of a potential conflict with the extended deadline for the Intervenor's reply brief on the stay motion, we would not look with disfavor upon a request from the Intervenor to extend the deadline for filing their reply brief on the decommissioning bond issue from this Friday, March 19, to a time during the following week.

In keeping with the views expressed during the prehearing conference discussion (see Tr. at 458-64), it is our intention to decide these preliminary matters before calling upon the parties to submit their written presentations on the merits. Assuming that no lengthy briefing extensions are sought, we would expect to issue our decisions on the pending preliminary matters by mid-April, and to provide the questions we wish to see addressed in the written presentations shortly thereafter. For purposes of planning the preparation of those written presentations, then, the parties may proceed on that basis, with the precise amount of time allotted for that purpose to be determined (see Tr. at 468-70).

It is so ORDERED.

BY THE PRESIDING OFFICER

/RA/

Michael C. Farrar
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 15, 2004

Copies of this Request were sent this date by Internet e-mail transmission to counsel for (1) CFC Logistics; (2) Intervenor; 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 EXTENDING BRIEFING TIME have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 15th day of March 2004