

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

March 19, 2004 (12:41PM)

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In matter of :
CFC LOGISTICS, INC. : DOCKET NO. 30-36239-ML
materials license application : ASLBP NO. 03-814-01-ML
:

MOTION TO RELEASE FILING FROM PROTECTIVE
ORDER, FOR EXTENSION AND SANCTIONS

Intervenors request that the Board release the filings of CFC of March 5 and March 12, 2004 from the Protective Order, extend the time for response, and impose sanctions and aver as follows:

1. There is nothing in either filing which is arguably, much less demonstrably, proprietary.

2. The comments of Reviss in the March 5 exhibits are not proprietary, nor is the full explanation of the conversations with NRC Staff.

3. Because both filings contain only matters which are or should be in the public domain, there is no basis to include in the Protective Order.

4. Intervenors are being seriously prejudiced in their ability to respond, in particular to matters which are general in nature, asserted in the CFC proceeding, because of their inability to communicate these matters to other persons who may have independent knowledge, e.g., public officials in Permagrain,

3 .nuclear suppliers, who may have industry knowledge relating to
Reviss' concerns, etc.

5. The attempted exclusion by CFC is, if not in bad faith, clearly frivolous and inappropriate.

6. The information contained in CFC's filings should be in the NRC public files, to the extent it is not already a matter of public record.

7. Intervenors necessarily need a short time frame to investigate CFC's claims once they are allowed to utilize the material contained therein.

8. Additional time above the seven days allowed in the previous Order is required due to the extensive commentary by CFC, going far beyond the expectation of the Board and Intervenors. CFC's new submission places a tremendous logistical expense and burden on Intervenors.

9. Sanctions are sought because of the new extensive argument and materials should have been submitted on November 26. The March 15 Order indicates that CFC's voluminous filings may be acceptable for considering the case. Despite this, Intervenors seek sanctions based on the burden CFC's new filings place on Intervenors. Intervenors must adequately respond to new arguments and supporting materials as well as seek the opinion of an expert. The information, eg. Reviss letters, was directed toward Intervenor and

should have been submitted in December.

10. CFC's pattern of obstruction, delay, and abuse should be sanctioned.

11. The Order Extending Brief Time of March 15 clearly suggests an additional extension of time for the reply brief for the pending issues not limited to the reply brief on the decommissioning bond issue.

WHEREFORE, intervenors request that the Commission release the Protective Order as to the materials contained in CFC's March 5 and March 12 filings, and afford intervenors 10 days after notice of the release in which to respond to CFC's filings and that the Board award sanctions in the amount of \$5,000.00 against CFC for the burden its placed upon Intervenors and the Board.



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Counsel for Intervenors

OF COUNSEL:

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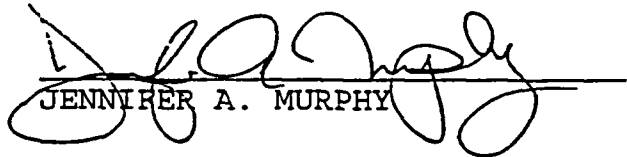
DATED: March 15, 2004

CERTIFICATE OF SERVICE

I, Jennifer A. Murphy, hereby certify that I have served a copy of the Motion to Release Filing From Protective Order, For Extension and Sanctions by first-class mail, email, and facsimile on the following persons on this date:

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JENNIFER A. MURPHY

DATED: March 15, 2004

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March 15, 2003

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

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

U.S. Nuclear Regulatory Commission
Office of the Secretary
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RE: CFC Logistics, Inc.
Docket No. 30-36239-ML
ASLBP No. 03-814-01-ML

Dear Judge Farrar and Secretary:

Please find enclosed Motion TO Release Filing from Protective Order, for Extension and Sanctions in the above-captioned matter.

Thank you for your consideration.

Respectfully,



Robert J. Sugarman

Enclosure

cc: Stephen Lewis, Esquire
Anthony Thompson, Esquire