

March 26, 2004 (9:23AM)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ATOMIC SAFETY AND LICENSING BOARD

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

RESPONSE TO CFC'S SUBMISSIONS

Intervenors respond to the CFC Submissions of March 19 and 22 as follows:

1. The CFC Submission constitutes an admission that the documents should never have been labeled protected.

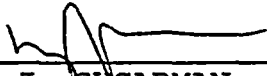
2. CFC never explains why it waited until February to produce documents which it should have produced in October, and abused the Board's authorization by producing documents which were not within the scope of what was allowed: "Response to the Staff".

3. Sanction are permitted under 5 U.S.C. Section 551(10) (C), or (E), as well as 5 U.S.C Section 556(c) (5) (D): "A sanction may not be imposed or rule or ordered issued except on consideration of the whole record or those parts thereof cited by a party...." See also 5 U.S.C. Section 557(d) (1) (D) (otherwise adversely affected). If the Board does not consider this is sufficient to give authority for monetary sanctions, then in the alternative, the Board is

requested, pursuant to 5 U.S.C. Section 557(d)(1)(D) to exclude consideration of CFC's submissions.

Intervenors, pursuant to their Motion, the Board's Order, and CFC's response, request that intervenors be allowed until Friday, April 3 in which to respond.

Respectfully submitted,



ROBERT J. SUGARMAN
Counsel for Intervenor

OF COUNSEL:

SUGARMAN & ASSOCIATES
11th Floor Robert Morris Building
100 North 17th Street
Philadelphia, PA 19103
215-864-2500

DATED: March 13, 2004

CERTIFICATE OF SERVICE

I, Robert J. Sugarman, hereby certify that I have served a copy of the Response to CFC's Submission by first-class mail, email, and facsimile on the following persons on this date:

Anthony J. Thompson, Esquire
Law Offices of Anthony J. Thompson, PC
1225 19th Street, NW
Suite 200
Washington, DC 20036
FAX 202-496-0783

Stephen H. Lewis, Esquire
Office of General Counsel
Mail Stop O - 15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
FAX 301-415-3725



ROBERT J. SUGARMAN

DATED: March 23, 2004

SUGARMAN & ASSOCIATES, PC

ATTORNEYS AT LAW
ROBERT MORRIS BUILDING - 11TH FLOOR
100 NORTH 17TH STREET
PHILADELPHIA, PENNSYLVANIA 19103

ROBERT J. SUGARMAN *

215-864-2500 • FAX: 215-864-2501
EMAIL: RJSUGARMAN@AOL.COM

BUCKS COUNTY OFFICE
122 NORTH MAIN STREET
DOYLESTOWN, PA 18901

DEBBIE L. GOLDBERG
HEATHER R. BRINTON
JENNIFER A. MURPHY

215-348-8786 • FAX: 215-230-1922

* Also admitted in NY, DC

March 23, 2004

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
Attn: Rulemaking and Adjudications Staff
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

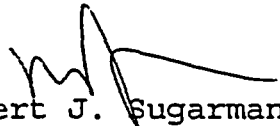
RE: CFC Logistics, Inc.
Docket No. 30-36239-ML
ASLBP No. 03-814-01-ML

Dear Judge Farrar and Secretary:

Please find enclosed interim Response to CFC's Submissions in the above-captioned matter.

Thank you for your consideration.

Respectfully,


Robert J. Sugarman

Enclosure

cc: Stephen Lewis, Esquire
Anthony Thompson, Esquire