

RAS 8168

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED 07/20/04

Before Administrative Judges:
Michael C. Farrar, Presiding Officer
Dr. Charles N. Kelber, Special Assistant

SERVED 07/20/04

In the Matter of

CFC LOGISTICS, INC.

(Materials License)

Docket No. 30-36239-ML

ASLBP No. 03-814-01-ML

July 20, 2004

MEMORANDUM AND ORDER

(Regarding Staff Participation in Settlement Process)

In our June 28 unpublished Memorandum and Order regarding the possibility of settlement of the pending controversy about CFC Logistics' operation of an irradiator, we referred (p. 5, n. 8) both to (1) the NRC Staff's not playing any role in the current negotiations between the Company and its neighbors and to (2) the Staff's possible future role in passing regulatory judgment on any negotiated design changes. In that regard, we have just been advised by our colleague, Settlement Judge Paul Abramson, that the negotiations have reached a stage that would benefit from Staff involvement.

Accordingly, in keeping with the authority granted us by 10 C.F.R. § 2.1213 (which we have exercised previously in this proceeding [see, e.g., LBP-03-16, 58 NRC 136, 138, 148]), we hereby DIRECT the Staff to participate by responding to any requests that Judge Abramson may make. Counsel for the Staff should expect to hear from Judge Abramson shortly, and will, we assume, be able to bring to bear in timely fashion thereafter appropriate technical resources to aid the resolution of this matter, such as by (1) evaluating quickly the need for Staff review of any settlement proposal that emerges and (2) if needed, conducting such review expeditiously.

It is so ORDERED.

BY THE PRESIDING OFFICER

/RA/

Rockville, Maryland
July 20, 2004

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 MEMORANDUM AND ORDER (REGARDING STAFF PARTICIPATION IN SETTLEMENT PROCESS) 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

Jack R. Goldberg, Esquire
Stephen H. Lewis, Esquire
Laura C. Zaccari, 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 17th Street
Philadelphia, PA 19103

Anthony J. Thompson, Esquire
Christopher S. Pugsley, Esquire
Law Offices of Anthony J. Thompson, P.C.
1225 19th Street, NW, Suite 300
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 20th day of July 2004