

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

Before Administrative Judge:

E. Roy Hawken
Presiding Officer

In the Matter of

AEROTEST OPERATIONS, INC.

(Aerotest Radiography and Research Reactor)

Docket No. 50-228-LT

ASLBP No. 14-931-01-LT-BD01

September 5, 2014

ORDER
(Denying NRC Staff Motion to Strike)

On August 11, 2014, this Board issued an order denying the Companies' motion to file additional exhibits.¹ On August 29, 2014, the Companies filed their written post-hearing statement of position, which included a request that the Commission reconsider the Board's August 11 order and which advanced arguments based on the non-admitted exhibits.² On September 3, 2014, the NRC Staff filed a motion that sought (1) to strike the above-mentioned portions of the Companies' post-hearing statement of position; or, in the alternative (2) to permit the Staff to provide a substantive response (which the Staff included in their motion) to the Companies' arguments.³

¹ See Licensing Board Memorandum and Order (Denying Aerotest Operations, Inc. and Nuclear Labyrinth, LLC's Motion to File Additional Exhibits (Aug. 11, 2014) (unpublished).

² See Aerotest Operations, Inc. and Nuclear Labyrinth, LLC Post-Hearing Statement of Position on the Denial of Indirect License Transfer Application (Aug. 29, 2014) at 6, 49-51.

³ See Motion to Strike Portions of Aerotest Operations, Inc. and Nuclear Labyrinth, LLC Post-Hearing Statement of Position on the Denial of Indirect License Transfer Application (Sept. 3, 2014).

This Board denies the Staff's motion to strike portions of the Companies' post-hearing statement of position. However, the Staff's motion is included in the record of this proceeding, thereby giving the Commission the benefit of the Staff's response to the Companies' arguments.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

E. Roy Hawkens
PRESIDING OFFICER

Rockville, Maryland
September 5, 2014

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Denying NRC Staff Motion to Strike)** have been served upon the following persons by Electronic Information Exchange.

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Aerotest Operations, Inc., Docket No. 50-228-LT
ORDER (Denying NRC Staff Motion to Strike)

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[Original signed by Brian Newell]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 5th day of September, 2014