

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chair
William J. Froehlich
Dr. Sue H. Abreu

In the Matter of

NUCLEAR FUEL SERVICES, INC.

(License Amendment Application)

Docket No. 70-143-LA

ASLBP No. 23-976-01-LA-BD02

December 6, 2022

MEMORANDUM AND ORDER
(Scheduling Initial Prehearing Conference)

The Licensing Board will conduct an initial prehearing conference in this 10 C.F.R. Part 70 license amendment proceeding on Monday, December 12, 2022, beginning at 1:00 p.m. Eastern Time (ET) to hear oral argument on the admissibility of the four contentions proffered by petitioner Erwin Citizens Awareness Network, Inc., (ECAN).¹ Set forth below are details on information technology and administrative matters relevant to the conduct of the conference.

A. Information Technology Matters

The oral argument will be conducted virtually using the Cisco WebEx web conferencing platform. The Board's law clerk, Noel Johnson, will contact the participants' counsel by e-mail to (1) schedule a test session conducted by the Licensing Board Panel's Information Technology staff to identify and mitigate any technical issues concerning access to the status

¹ The question of petitioner ECAN's standing will not be a subject of the argument.

conference; and (2) provide information about accessing the Cisco WebEx web conference to the participants' counsel.

For the public and other interested persons, the Board will provide telephone listen-only access to the oral argument by dialing 800-982-7291 and entering the passcode 8332009, followed by the “#” sign.

B. Administrative Matters

The oral argument's primary purpose is to allow the Board to ask questions and obtain answers concerning the admissibility of ECAN's four proffered contentions under 10 C.F.R. § 2.309(f)(1). Petitioner ECAN will have 30 minutes to present its arguments on contention admissibility issues, with applicant BWXT Nuclear Fuel Services, Inc., and the Nuclear Regulatory Commission Staff each allotted 20 minutes to respond. Petitioner ECAN may reserve up to 10 minutes of its prescribed time for rebuttal. No other rebuttal will be permitted.

In their oral presentations, participants' counsel should not merely repeat arguments presented in their written filings. Instead, they should focus on identifying the principal points in controversy and the information that supports or rebuts their claims. Because the argument is not an evidentiary hearing, the participants should not attempt to introduce evidence during the argument. Consequently, material that has not already been cited in the participants' pleadings before the Board should not be used.

Further, given the scope of the issues before the Board and the time allotted to each of the three participants for argument, the Board does not anticipate hearing from more than one counsel for each participant. Those counsel will also be the only participant representative given WebEx video access to the argument per section A above, with all other counsel and participant representatives being afforded access via the listen-only telephone connection.²

² The Board recognizes that because the conference is being conducted virtually, a participant's counsel may not be in the presence of those individuals who might be able to provide information that would help frame the most accurate response to a Board inquiry,

Accordingly, on or before noon ET on Wednesday, December 7, 2022, each of the three participants should provide Board law clerk Noel Johnson, noel.johnson@nrc.gov, with an e-mail specifying the name of the single counsel who will be making a presentation on behalf of that participant.

Although the participants' counsel will be appearing remotely, the Board encourages all those taking part in the oral argument to conduct themselves as if in a hearing room setting, including seeking to minimize outside noise and interruptions while the conference is ongoing.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 6, 2022

particularly regarding technical matters. If a participant believes it needs video access to the argument for more than one representative for consultation purposes, by the Wednesday deadline cited above it should provide a separate e-mail to the Board's law clerk, with a copy to all other participants, that identifies the additional individual(s) who should be given video access and explains why such access is necessary.

It should be noted that video access will not provide participant's counsel with the ability to communicate with the designated individual(s). Accordingly, counsel should make other communications arrangements that will allow for prompt consultation in formulating a response to a Board question.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

Nuclear Fuel Services, Inc.)

Docket No. 70-143-LA

(Application to Amend Special Nuclear
Materials License SNM-124))
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Scheduling Initial Prehearing Conference)** have been served upon the following persons by Electronic Information Exchange.

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MEMORANDUM AND ORDER (Scheduling Initial Prehearing Conference)

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Dated at Rockville, Maryland,
this 6th day of December 2022.

Office of the Secretary of the Commission