

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Paul S. Ryerson, Chairman
E. Roy Hawkens
Paul B. Abramson

In the Matter of

HONEYWELL INTERNATIONAL, INC.

(Metropolis Works Uranium Conversion Facility)

Docket No. 40-3392-MLA

ASLBP No. 11-910-01-MLA-BD01

August 2, 2011

ORDER

(Scheduling Initial Scheduling Conference)

In accordance with 10 C.F.R. § 2.332, the Board will conduct an initial scheduling conference by telephone on Thursday, August 11, 2011 at 2:00 PM EDT for the purpose of developing a scheduling order to govern this proceeding. Prior to the conference call, the parties should familiarize themselves with the relevant procedural rules of 10 C.F.R. Part 2.

Among other matters, the parties should be prepared to address the following subjects during the conference call:

1. Whether the Board's consideration of summary disposition motions would expedite the proceeding.
2. Selection of the appropriate type of hearing.
3. Discovery issues.
4. Deadlines for the parties' respective initial statements of position and written testimony.
5. Hearing date and location.
6. Legal issues, including but not limited to:

- a. Does the Board review Honeywell's exemption request "ab initio," as asserted in its request for a hearing?¹
- b. Burden of proof.
- c. Is satisfaction of the specified criteria in 10 C.F.R. § 40.14 a necessary but not necessarily sufficient condition for granting an exemption from the requirements of the regulations? If not necessarily sufficient, what other criteria must or should the NRC consider in determining whether to grant an exemption?

Before the conference call, the parties shall confer in good faith for the purpose of reaching agreement on the foregoing issues, insofar as practicable. If the parties are unable to reach agreement on legal issues, the Board will permit subsequent briefing.

Additionally, the Board expects to ask questions concerning the licensee's ownership structure and any joint venture participation, and their impact on decommissioning funding obligations. The Board may also pose written questions on these and other subjects in the scheduling order.

On or before Tuesday, August 9, 2011, representatives of each of the parties should contact SherVerne Cloyd at (301) 415-6504 to obtain the telephone number and pass code for the conference call. Members of the public or media who wish to listen to his conference call may do so, and should contact Ms. Cloyd at the above number for the requisite information.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Paul S. Ryerson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 2, 2011

¹ Request for Hearing on Denial of Decommissioning License Amendment Request (June 22, 2011) at 15.

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)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Licensing Board **ORDER (Scheduling Initial Scheduling Conference)**, dated August 2, 2011, have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Linda D. Lewis]_____
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 2nd day of August 2011