

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

July 29, 2014

NOTICE OF HEARING
(Notice of Closed Evidentiary Hearing)

The Atomic Safety and Licensing Board hereby gives notice that it will convene an evidentiary hearing pursuant to the 10 C.F.R. Part 2, Subpart M procedures to receive testimony and exhibits in the proceeding regarding the license transfer application of Aerotest Operations, Inc. and its proposed transferee, Nuclear Labyrinth, LLC (together, the Companies). Because the testimony will focus on proprietary information regarding whether the Companies satisfy financial qualification requirements for a license transfer under 10 C.F.R. § 50.33(f), the hearing will be closed to the public.

I. Matters to Be Considered

As set forth by the Licensing Board in its May 2014 Memorandum and Order Ruling on Admissibility of Areas of Controversy, there are two litigable areas of controversy in this proceeding: (1) whether the Staff correctly concluded that the Companies failed to demonstrate that they have, or with reasonable assurance will have, sufficient funding to conduct activities authorized by the Aerotest Radiography and Research Reactor (ARRR) license if the license is indirectly transferred; and (2) whether the Staff correctly concluded that the Companies failed to demonstrate that there will be sufficient funds to cover the annual cost of spent fuel storage until

the Department of Energy accepts ARRR's spent fuel. See Memorandum and Order (Ruling on Admissibility of Areas of Controversy) at 2 (May 22, 2014).¹

II. Date, Time, and Location of Evidentiary Hearing

The evidentiary hearing will commence at 10:00 AM Eastern Time (ET) on Tuesday, August 12, 2014 in the Atomic Safety and Licensing Board Panel's Rockville Hearing Room and, if practicable, will continue that day until complete.

III. Availability of Documentary Information Regarding the Proceeding

Documents related to this proceeding are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically via the publicly-available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR reference staff by telephone at (800) 397-4209 or (301) 415-4737 (available between 8:00 a.m. and 4:00 p.m., ET, Monday through Friday except federal holidays) or by e-mail to pdr@nrc.gov.

IV. Information Updates to Schedule

Any updates or revisions to the evidentiary hearing schedule can be found on the NRC website at www.nrc.gov/public-involve/public-meetings/index.cfm, or by calling (800) 368-5642, extension 5036 (available between 7:00 a.m. and 9:00 p.m. ET, Monday through Friday, except

¹ See also Safety Evaluation by the Office of Nuclear Reactor Regulation Indirect License Transfer of [ARRR] Due to the Proposed Acquisition of Aerotest Operations, Inc. by Nuclear Labyrinth, LLC Facility Operating License No. R-98 (July 24, 2013) at 9, 11; see also CLI-14-05, 76 NRC at ___-___ (slip op. at 4-5).

federal holidays), or by calling (301) 415-5036 (available seven days a week, twenty-four hours a day).

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

E. Roy Hawkens
PRESIDING OFFICER

Rockville, Maryland
July 29, 2014

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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(Aerotest Radiography Research Reactor))	
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **NOTICE OF HEARING (Notice of Closed Evidentiary Hearing)** have been served upon the following persons by Electronic Information Exchange.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop T-3F23
Washington, DC 20555-0001

E. Roy Hawkens
E-mail: Roy.Hawkens@nrc.gov

Kathleen Schroeder, Law Clerk
E-mail: Kathleen.Schroeder@nrc.gov

Pillsbury Winthrop Shaw Pittman LLP
2300 N Street NW
Washington, DC 20037-1122
Kimberly Harshaw, Esq.
Jay Silberg, Esq.
Maria Webb
E-mail: Kimberly.Harshaw@pillsburylaw.com
Jay.Silberg@pillsburylaw.com
Maria.Webb@pillsburylaw.com

Aerotest Operations, Inc., Docket No. 50-228-LT
NOTICE OF HEARING (Notice of Closed Evidentiary Hearing)

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001
Anita Ghosh, Esq.
Christina England, Esq.
Catherine Kanatas, Esq.
Susan Uttal, Esq.
Edward Williamson, Esq.
Jeremy Wachutka, Esq.
Sabrina Allen, Paralegal
John Tibbetts, Paralegal
E-mail:

Anita.Ghosh@nrc.gov;
Christina.England@nrc.gov;
Catherine.Kanatas@nrc.gov;
Susan.Uttal@nrc.gov;
Edward.Williamson@nrc.gov;
Jeremy.Wachutka@nrc.gov
John.Tibbetts@nrc.gov

OGC Mail Center : OGCMailCenter@nrc.gov

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

Dated at Rockville, Maryland
this 29th day of July, 2014