

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

November 28, 2022

MEMORANDUM AND ORDER

(Clarifying Schedule for Submitting Reply Pleading)

By pleadings submitted on November 23 and November 25, 2022, respectively, the Nuclear Regulatory Commission (NRC) Staff and applicant BWXT Nuclear Fuel Services, Inc., (NFS) have provided answers to Erwin Citizens Awareness Network, Inc.'s (ECAN) October 31, 2022 request to intervene in this license amendment application proceeding concerning the NFS Erwin, Tennessee nuclear fuel fabrication facility.¹ Under 10 C.F.R. § 2.309(i)(2), petitioner ECAN is afforded the opportunity to reply to these NRC Staff and NFS responses "within 7 days after service of that answer."

In the Licensing Board's November 9, 2022 initial prehearing order, the Board indicated that, consistent with the filing deadlines established by the agency's August 31, 2022 hearing

¹ See NRC Staff Answer to [ECAN]'s Petition to Intervene and Request for Hearing (Nov. 23, 2022); [NFS]'s Answer to [ECAN]'s Hearing Request and Petition for Leave to Intervene (Nov. 25, 2022); see also Amended Petition of [ECAN] for Leave to Intervene in Nuclear Fuel Services, Inc. License Amendment Proceeding, and Request for a Hearing (Oct. 31, 2022).

opportunity notice for this proceeding and section 2.309(i), any ECAN reply to the NRC Staff or NFS answers would be “due on or before Friday, December 2, 2022.”² With the filing of the NRC Staff and NFS answers two days apart, there might be a question about whether, under section 2.309(i), ECAN would have until November 30, 2022 to reply to the NRC Staff answer and until December 2, 2022, to reply to the NFS answer.

Consistent with its November 9, 2022 initial prehearing order, the Board continues to prefer to receive a single joint ECAN reply to both the NRC Staff and NFS answers.

Accordingly, ECAN may file a combined reply pleading on or before Friday, December 2, 2022.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 28, 2022

² Licensing Board Memorandum and Order (Initial Prehearing Order) (Nov. 9, 2022) at 2 (unpublished).

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))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Clarifying Schedule for Submitting Reply Pleading)** have been served upon the following persons by Electronic Information Exchange.

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Nuclear Fuel Services 70-143-LA

MEMORANDUM AND ORDER (Clarifying Schedule for Submitting Reply Pleading)

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Dated at Rockville, Maryland,
this 28th day of November 2022.

Office of the Secretary of the Commission