

RAS 13959

DOCKETED
USNRC

July 30, 2007 (4:28pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

**Before Administrative Judges:
Michael C. Farrar, Chairman
Lawrence G. McDade
Dr. Nicholas G. Trikouros**

| | | |
|---|---|------------------------------|
| In the Matter of: |) | July 30, 2007 |
| Shaw AREVA MOX Services, LLC |) | Docket No. 70-3098 |
| (Mixed Oxide Fuel Fabrication Facility Possession and Use License) |) | ASLBP No. 07-856-02-MLA-BD01 |
| |) | |
| |) | |

**SHAW AREVA MOX SERVICES LLC RESPONSE TO
THE BOARD'S JULY 16, 2007 SCHEDULING ORDER**

In its July 16, 2007 Scheduling Order ("Order") in the above-captioned proceeding, the Board requested that Shaw AREVA MOX Services LLC ("MOX Services") discuss the matter of the Board's requested site visit with the Blue Ridge Environmental Defense League (BREDL), Nuclear Watch South (NWS), the Nuclear Information and Resource Service (NIRS), (collectively "Petitioners" hereafter), and the NRC Staff, and then inform the Board as to the agreement reached concerning: (1) the areas of the site that would be most appropriate to visit; (2) the entrance and security arrangements that would have to be made for the representatives of the Board and each of the parties; and (3) the time that would be needed to make the visit worthwhile. MOX Services provides its response to the Board's queries below.

1. *Areas of the site that would be most appropriate to visit*

MOX Services has discussed the scope of the site visit with Petitioners' representative (Ms. Glenn Carroll) who has indicated that, on this matter, she is authorized to speak for all of the Petitioners, and with Counsel for the NRC Staff (Ms. Margaret J. Bupp). All parties agree that the site visit should include: (1) the area where the Mixed Oxide Fuel Fabrication Facility ("MFFF") will be built; (2) the concrete batch plant; (3) the construction lay-down area; and (4) the engineering building.¹

The parties, however, are not in complete agreement with the scope of the site visit. Specifically, Petitioners would like a drive-by tour of the Department of Energy's ("DOE") K-Area Material Storage (KAMS) facility, located in a reactor building at the Savannah River Site. MOX Services' view is that a drive-by of the KAMS facility would be inappropriate and not add any value, since the KAMS facility is not part of the MFFF, and is not subject to NRC jurisdiction.

2. *Entrance and security arrangements for the representatives of the Board and each of the parties*

Each participant in the site tour will need to complete a Visitor's Badge Request form (Attachment 1). The completed form should be returned as soon as possible, and no later than one week before the site visit.² The form should be returned to Mr. Om Mendiratta at OPMendiratta@moxproject.com or FAXed to (803) 819-8926. At a later date, MOX Services will provide directions to the SRS badging office, where we propose that the Board and the parties meet.

¹ The engineering building tour will be limited to a "drive by" of the building.

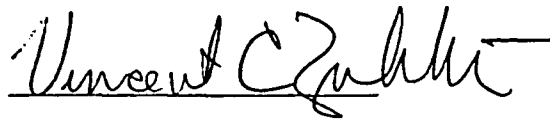
² If any of the site tour participants are not United States citizens, additional processing time will be needed.

Once the parties are on-site the day of the site tour, it will take approximately one hour to complete the badging process, including watching an approximately twenty-minute-long safety video. MOX Services will provide Personal Protective Equipment (PPE) such as hard hats and safety glasses, if needed. MOX Services safety procedures require that the site tour participants wear sturdy shoes without open toes or high heels.

3. *Time needed to make the visit worthwhile*

The tour is expected to take approximately two hours to complete. Therefore, together with the one-hour in-processing/badging described above, the site visit should take approximately three hours to complete.

Respectfully submitted,



Donald J. Silverman, Esq.
Vincent C. Zabielski, Esq.
MORGAN, LEWIS & BOCKIUS, LLP
1111 Pennsylvania Ave, N.W.
Washington, DC 20004
Phone (202) 739-5502
E-mail: dsilverman@morganlewis.com

COUNSEL FOR
SHAW AREVA MOX SERVICES, LLC

Attachment 1

Visitor's Badge Request

| | | |
|--|---|---|
| Date of Visit | 21-Aug-07 | |
| Last Name | | |
| First Name | | |
| Middle Initial | | |
| Company (visitor's company) | | |
| Citizenship | | |
| SSN | | |
| Site Visiting | MOX Fuel Fabrication Facility site | |
| Purpose of Visit | Walkdown of the site | |
| Site Host /Dept/ Location/ Phone # | Om Mendiratta/L&RC/MAC 1108/8038192899 | |
| Hazard Level | <input checked="" type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High | |
| <u>Low</u> Housekeeping PPE/Body Mechanics Tools and Small Equip Other | <u>Medium</u> Confined Space Hazardous Material/Environment Fire Protection Excavations Movement of Tall or Narrow Cabinets Other | <u>High</u> Elevated Work Medium and Heavy Equipment Hoisting and Rigging Hazardous Energy Trailers Machete/Chainsaw Use Other |
| Visitor's Email Account | | |
| Requestor's Name and Phone # | Om Mendiratta/L&RC/MAC 1108/8038192899 | |

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Michael C. Farrar, Chairman
Lawrence G. McDade
Dr. Nicholas G. Trikouros

| | | |
|--|---|------------------------------|
| In the Matter of |) | July 30, 2007 |
| Shaw AREVA MOX Services, LLC |) | Docket No. 70-3098 |
| (Mixed Oxide Fuel Fabrication Facility |) | |
| Possession and Use License) |) | ASLBP No. 07-856-02-MLA-BD01 |

CERTIFICATE OF SERVICE

I hereby certify that copies of the "Shaw AREVA MOX Services, LLC Response to the Board's July 16, 2007 Scheduling Order" were served upon the persons listed below, by e-mail and first class mail, this 30th day of July, 2007.

Administrative Judge
Michael C. Farrar, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-Mail: mcf@nrc.gov)

Administrative Judge
Dr. Nicholas G. Trikouros
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: ngt@nrc.gov)

Margaret J. Bupp
Jody C. Martin
Andrea Z. Jones
Office of General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop: 0-15D21
Washington, DC 20555-0001
(E-mail: mjb5@nrc.gov, jcm5@nrc.gov,
axj4@nrc.gov)

Administrative Judge
Lawrence G. McDade
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-Mail: lglm1@nrc.gov)

Secretary of the Commission*
Attn: Rulemakings and Adjudication Staff
U.S. Nuclear Regulatory Commission
Mail Stop: 0-16C1
Washington, DC 20555-0001
(E-mail: hearingdocket@nrc.gov)

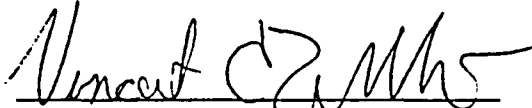
Louis A. Zeller
Blue Ridge Environmental Defense League
PO Box 88
Glendale Springs, NC 28629
(E-mail: BREDL@skybest.com)

Patricia Harich
ASLBP Program Analyst
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: pah@nrc.gov)

Marcia Carpentier
Law Clerk
Atomic Safety & Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: mxc7@nrc.gov)

Glenn Carroll
Coordinator
Nuclear Watch South
139 Kings Highway
Decatur, GA 30030
(E-mail: Atom.girl@mindspring.com)

Mary Olson
Nuclear Information and Resource Service
PO Box 7586
Asheville, NC 28802
(E-mail: maryolson@main.nc.us)



Vincent C. Zabielski, Esq.
Counsel for Shaw AREVA MOX Services, LLC

* E-mail, original and two copies