

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

July 31, 2007 (3:58pm)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)	
)	
Shaw Areva MOX Services)	Docket No. 70-3098-MLA
)	
(Mixed Oxide Fuel Fabrication Facility)	ASLBP No. 07-856-02-MLA-BD01
Possession and Use License))	July 31, 2007

JOINT RESPONSE TO BOARD'S JULY 16, 2007 SCHEDULING ORDER

Nuclear Watch South, Blue Ridge Environmental Defense League and Nuclear Information & Resource Service respectfully file this joint response to the Board's request for input on where to hold a limited appearance session on the MOX plutonium fuel factory proposed for Savannah River Site. In addition, this response outlines two points of disagreement with Shaw AREVA MOX Services and NRC Staff with respect to the proposed itinerary. The petitioners seek to expand the site visit in two small respects.

LIMITED APPEARANCE SESSION

We are very happy about the board's decision to hold a limited appearance session in which members of the public may register their opinions and concerns about MOX plutonium fuel. As directed by the Board in its July 16 Scheduling Order we have conferred with Shaw AREVA MOX Services and NRC Staff to see if we can reach an agreement and present a unified proposal to you.

Nuclear Watch South, Blue Ridge Environmental Defense League and Nuclear Information & Resource Service respectfully request for the limited appearance session to be held in North Augusta and suggest the North Augusta Community Center

http://www.northaugusta.net/Dept_Sery/Parks_Recre/CommCtr.html . If that venue is unavailable, we would then prefer that the limited appearance be held in Augusta.

Both Shaw AREVA MOX Services and NRC Staff have stated a preference for Aiken, specifically the Aiken Municipal Building, but do not strongly object to North Augusta.

The citizen group intervenors prefer North Augusta because it is significantly closer to Georgia where a great many of the people that we expect to attend live and work. North Augusta is centrally located for Aiken and other South Carolina residents and also Georgia residents.

It is difficult to predict how many people will attend and wish to speak but the number we are proffering to satisfy the board's request is 20 to 30. 6:00 to 9:00 sounds like ample time to accommodate the limited appearance session.

SITE VISIT ITINERARY

We are appreciative of the Board's decision to arrange a site visit and also wish to make positive note of the cooperative spirit exhibited in discussing the site visit itinerary, especially with Shaw AREVA MOX Services which took the lead in the discussion. We are in agreement with the proposed itinerary which was submitted yesterday by Shaw AREVA MOX Services, but wish to present two additional options for the Board's consideration.

First, we propose a drive-by of the K-Area Materials Storage (KAMS). This would not only afford a greater sense of the scope of the Savannah River Site, but the KAMS facility is intrinsically linked to the MOX program as the old tritium production reactor has been converted to plutonium storage and now houses an estimated 13 tons of scrap plutonium in 3013 canisters. We don't believe the drive-by would add significant time to the tour, but including KAMS would be fully inclusive of the MOX facilities at SRS (the others, MOX, PDCF and WSB are clustered in the M area) and give a clear sense of the physical relationship of plutonium MOX facilities on the site.

Our second request is to have a DOE representative included on the tour. Shaw AREVA MOX Services has indicated they are currently in discussion about this point, weighing the proposal both internally and also with DOE. The NRC Staff defers to Shaw

AREVA MOX Services on this point. Our case is this: the MOX plutonium fuel factory is an unprecedented hybrid project which is affected by DOE (and Congressional) decisions and, as in the case of the petitioners waste-related contention and your recent question about construction schedule which you posed to Shaw AREVA MOX Services, DOE may be able to answer important questions about the overall MOX plutonium fuel program.

Shaw AREVA has stated that while DOE representatives possibly may be in attendance, neither DOE nor Shaw AREVA intend to respond to any questions from Petitioners.

Respectfully submitted,



Glenn Carroll
Nuclear Watch South

Louis A. Zeller
Blue Ridge Environmental Defense League

Mary Olson
Nuclear Information & Resource Service

Dated July 31, 2007
in Decatur, Georgia

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~~Dr. William M. Murray~~ *oops!* Lawrence G. McDade

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CERTIFICATE OF SERVICE

I hereby certify that copies of Nuclear Watch South, Blue Ridge Environmental Defense League and Nuclear Information & Resource Service's "Joint Response to the Board's July 16, 2007 Scheduling Order" was e-mailed to the following with hard copies served by First Class U.S. Mail.

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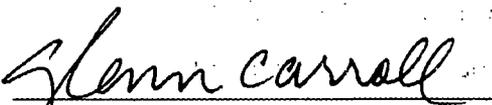
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Respectfully submitted,


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July 31, 2007 in Decatur, Georgia