

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

September 6, 2007 (10:42am)

ATOMIC SAFETY AND LICENSING BOARD  
Before Administrative Judges:

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Michael C. Farrar, Chairman  
Nicholas G. Trikouros  
Dr. William M. Murphy

In the Matter of

SHAW AREVA MOX SERVICES

(Mixed Oxide Fuel Fabrication Facility)

Docket No. 70-3098-MLA

ASLBP No. 07-856-02-MLA-BD01

September 5, 2007

Response of Nuclear Information and Resource Service to Motion By Shaw, AREVA, MOX Services to Deny Nuclear Information and Resource Service a Hearing

Nuclear Information and Resource Service hereby responds to the motion by Shaw AREVA MOX Services requesting that NIRS be excused from participation in the above captioned proceeding.

NIRS did not intend any disrespect to the Atomic Safety Licensing Board, the other parties, or the proceeding itself, when on August 21, 2007 its representative, Mary Olson, failed to communicate, that due to unanticipated immediate medical circumstances she would be unable to attend either the public comment meeting in North Augusta that evening, or the pre-hearing oral arguments the following day. Ms. Olson did communicate directly (by phone) on the 21<sup>st</sup> with the representatives of Blue Ridge Environmental Defense League (BREDL) (Louis Zeller) and Nuclear Watch South (NWS) (Glenn Carroll). Ms. Olson presumed that BREL and NWS would be permitted to represent NIRS' interests in her absence, especially in light of the Licensing Board's June 14, 2007, order requiring that the intervenors' written reply should be "consolidated."

NIRS regrets that our misunderstanding of the Board's direction has created a situation

that is causing distress. We apologize. Ms. Olson had fully planned to attend and to participate in this proceeding, but was prevented by sudden illness from attending.

NIRS requests to remain a party to this process, and will do our utmost to conform to the relevant regulations governing this process.

Respectfully Submitted,



Mary Olson

Director of the Southeast Office, Nuclear Information and Resource Service

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of "Nuclear Information and Resource Service Response to Motion by Shaw Areva MOX Services to Deny NIRS a Hearing" was e-mailed to the following with hard copies served by First Class U.S. Mail.

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Respectfully submitted,



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