

RAS15037

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

DOCKETED  
USNRC

January 31, 2008 (1:48pm)

In the Matter of:	)	January 31, 2008	OFFICE OF SECRETARY RULEMAKINGS AND ADJUDICATIONS STAFF
Shaw AREVA MOX Services, LLC	)	Docket No. 70-3098	
(Mixed Oxide Fuel Fabrication Facility	)	ASLBP No. 07-856-02-	
Possession and Use License)	)	MLA-BD01	

**APPLICANT'S REPORT IN RESPONSE TO THE BOARD'S JANUARY 16, 2008  
MEMORANDUM AND ORDER**

In the Atomic Safety and Licensing Board's January 16, 2008 "Memorandum and Order (Recasting Contention 4 and Suggesting Certain Discussions)," the Board directed Shaw AREVA MOX Services (the Applicant), the NRC Staff, and the Petitioners in the above captioned proceeding to "report . . . as to the progress of . . . discussions" by the end of January regarding possible agreed-upon conditions to be included in a potential case management order relating to the timing of contentions. Memorandum and Order at 2. In accordance with the Board's Memorandum and Order, the Applicant initiated discussion with the NRC Staff and the Petitioners (via their representative Ms. Glenn Carroll) within ten days of the Board's Memorandum and Order.

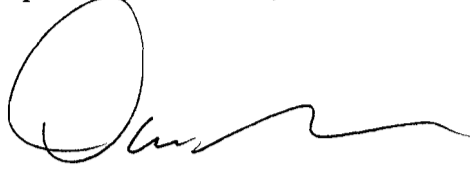
Having discussed in good faith the potential for agreed-upon conditions to be included in a case management order, the Applicant, the NRC Staff, and the Petitioners were not able to reach agreement on any such conditions. Accordingly, pursuant to the

template Aug 049

Aug 02

Board's Memorandum and Order, the Applicant will file its separate views as to the appropriate content of a case management order within ten days of this Report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Donald J. Silverman', written over a horizontal line.

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](mailto:dsilverman@morganlewis.com)

COUNSEL FOR  
SHAW AREVA MOX SERVICES, LLC

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	)	January 31, 2008
	)	
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 "Report in Response to the Board's January 16, 2008 Memorandum and Order" were served upon the persons listed below, by e-mail and first class mail, this January 31, 2008.

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](mailto: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](mailto:ngt@nrc.gov))

Jody C. Martin  
Andrea Z. Jones  
Marcia J. Simon  
Office of General Counsel  
U.S. Nuclear Regulatory Commission  
Mail Stop: 0-15 D21  
Washington, DC 20555-0001  
(E-mail: [jcm5@nrc.gov](mailto:jcm5@nrc.gov), [axj4@nrc.gov](mailto:axj4@nrc.gov),  
[mjs5@nrc.gov](mailto:mjs5@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](mailto: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](mailto:hearingdocket@nrc.gov))

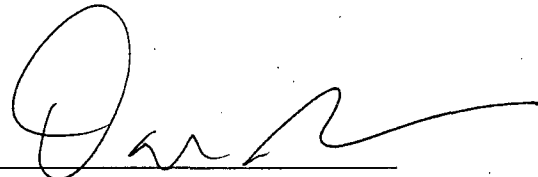
Louis A. Zeller  
Blue Ridge Environmental Defense League  
PO Box 88  
Glendale Springs, NC 28629  
(E-mail: [BREDL@skybest.com](mailto:BREDL@skybest.com))

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  
[pah@nrc.gov](mailto: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](mailto:mxc7@nrc.gov))

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

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



---

Donald J. Silverman, Esq.  
Counsel for Shaw AREVA MOX Services, LLC

---

\* E-mail, original and two copies