

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED 03/25/08  
SERVED 03/25/08

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Michael C. Farrar, Chairman  
Nicholas G. Trikouros  
Lawrence G. McDade

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  
March 25, 2008

ORDER

(Rescheduling Oral Session and Briefing Deadline,  
and Providing Additional Guidance Regarding Oral Argument)

Exercising the option made available when, on short notice, we scheduled a prehearing conference and oral argument for Wednesday, March 26 (see our Memorandum and Order of March 19), counsel for all the parties have informed us that their “various schedule conflicts” warrant rescheduling that session (see e-mail of March 20 from Applicant’s counsel). Counsel have agreed on several alternative dates, and also on a postponement of a related briefing deadline established in an order we had issued on March 20.

Accordingly, pursuant to the parties’ request and agreement (and in accordance with our March 20 e-mail advising them that we would grant that request), the session previously scheduled for March 26 will now be held on Wednesday, April 9, at the same time (1:00 PM) and place, and under the same conditions, as previously indicated. The related briefing deadline of 1:00 PM on March 25 is now extended to 4:00 PM on Friday, April 4.

At the oral argument, the parties should be prepared to address another matter in connection with the third of the issues set out on page 3 of our March 19 Memorandum and Order. Specifically, we call their attention to the reasoning of the Court of Appeals for the District of Columbia Circuit in Part III-C of its opinion in San Luis Obispo Mothers for Peace v. NRC, 751 F.2d 1287, 1309-11 (1984).

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No later than Wednesday, April 2, all parties should notify the Board, by e-mail to Matina Solomakos ([Matina.Solomakos@nrc.gov](mailto:Matina.Solomakos@nrc.gov); 301-415-0220) of the Board's staff (with copies to the Board members), of the name(s) of the individual(s) who will be participating in the various phases of the April 9 session. In that same communication, the Applicant and the Petitioners should also advise as to the identities of any additional persons expected to accompany them, so that advance arrangements can be made with the agency's security personnel to speed entry to the building and to the hearing room.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

/RA/  
Michael C. Farrar, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
March 25, 2008

Copies of this Order were sent this date by e-mail to counsel for all parties.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
Shaw AREVA MOX Services, LLC	)	Docket No. 70-3098-MLA
	)	
(Mixed Oxide Fuel Fabrication Facility	)	
Possession and Use License)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (RESCHEDULING ORAL SESSION AND BRIEFING DEADLINE, AND PROVIDING ADDITIONAL GUIDANCE REGARDING ORAL ARGUMENT) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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Washington, DC 20555-0001

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Shaw AREVA MOX Services  
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Attention: Dealis Gwyn

Docket No. 70-3098-MLA  
LB ORDER (RESCHEDULING ORAL SESSION AND BRIEFING  
DEADLINE, AND PROVIDING ADDITIONAL GUIDANCE REGARDING ORAL ARGUMENT)

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[Original signed by R.L. Giitter]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 25<sup>th</sup> day of March 2008