

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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  
September 9, 2009

MEMORANDUM

The Board is issuing this Memorandum so that the formal record will reflect the essence of last week's informal communications that have altered the scheduling of this proceeding. On August 31, 2009, the NRC Staff sent a letter informing the Board that due to the interrelated nature of various technical issues, the Staff could not efficiently perform its analysis of the issue that is the subject of the pending contention without completing the entire Safety Evaluation Report.<sup>1</sup> Thereafter, the Board inquired whether either the Applicant or the Intervenors were interested in a telephone conference call to voice suggestions regarding the next steps to be taken in the proceeding.<sup>2</sup>

In response, the Intervenors said they did not see a need for a conference call,<sup>3</sup> while the Applicant said that it was still reviewing the Staff's letter and would not be able to provide

---

<sup>1</sup> Letter from Brett Klukan, Counsel for the NRC Staff, to the MOX Licensing Board (Aug. 31, 2009).

<sup>2</sup> E-Mail from Zachary Kahn, Law Clerk for the Licensing Board, to the Parties (Sept. 2, 2009).

<sup>3</sup> E-Mail from Diane Curran, Counsel for Intervenors, to the Parties (Sept. 3, 2009).

any additional information regarding next steps at this time.<sup>4</sup> In light of these responses, the Board declined to convene the contemplated conference call, indicating that it will simply await any filings that the Parties may eventually make.<sup>5</sup>

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

*/RA/*

---

By Michael C. Farrar, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
September 9, 2009

Copies of this Order were sent this date by e-mail to counsel for (1) Applicant Shaw AREVA MOX Services, (2) the NRC Staff, and (3) Intervenors Blue Ridge Environmental Defense League (BREDL), Nuclear Watch South (NWS), and the Nuclear Information and Resource Service (NIRS).

---

<sup>4</sup> E-Mail from Timothy P. Matthews, Counsel for Applicant, to the Parties (Sept. 3, 2009).

<sup>5</sup> E-Mail from Judge Michael C. Farrar, Chairman of the MOX Licensing Board, to the Parties (Sept. 3, 2009).

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 MEMORANDUM (REGARDING NEXT STEPS IN PROCEEDING) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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

Administrative Judge  
Nicholas G. Trikouros  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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

Catherine Marco, Esq.  
Brett Michael Patrick Klukan, Esq.  
Kimberly Ann Sexton, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Shaw AREVA MOX Services  
P.O. Box 7097  
Aiken, SC 29804  
Attention: Dealis Gwyn

Docket No. 70-3098-MLA  
LB MEMORANDUM (REGARDING NEXT STEPS IN PROCEEDING)

Glenn Carroll  
Coordinator  
Nuclear Watch South  
P.O. Box 8574  
Atlanta, GA 31106

Louis A. Zeller  
Blue Ridge Environmental Defense League  
P.O. Box 88  
Glendale Springs, NC 28629

Mary Olson  
Nuclear Information and Resource Service  
P.O. Box 7586  
Asheville, NC 28802

Donald J. Silverman, Esq.  
Timothy P. Matthews, Esq.  
Anna L. Vinson, Esq.  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

Diane Curran, Esq.  
Harmon, Curran, Spielberg &  
Eisenberg, L.L.P.  
1726 M Street, NW, Suite 600  
Washington, DC 20036

[Original signed by Nancy Greathead]

---

Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 9<sup>th</sup> day of September 2009