

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

October 9, 2009

ORDER
(Directing the Filing of Status Reports)

On August 31, 2009, the NRC Staff informed 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 (SER).¹ After the parties indicated that a conference call to discuss possible next steps would not be useful at that time, the Board indicated that it would therefore simply await any filings that the Parties may eventually make regarding the pending matter.²

According to the NRC's public website, the Staff's current target date for the completion and the issuance of its SER is December 20, 2010.³ In order to ensure the effective management of this proceeding, this Board is hereby directing the Staff and the Applicant to file a joint report at two-month intervals that shall contain (1) a brief statement regarding the then

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

² E-Mail from Judge Michael C. Farrar, Chairman of the MOX Licensing Board, to the Parties (Sept. 3, 2009), later memorialized in a Board Memorandum (Sept. 9, 2009).

³ Licensing Schedule for the Mixed Oxide Fuel Fabrication Facility, <http://www.nrc.gov/materials/fuel-cycle-fac/mox/licensing-schedule.html> (last visited Oct. 6, 2009).

status of the technical review; and (2) the Staff's then best estimate as to the completion date of the review and the release of the SER. The first such report shall be filed and served on or before November 16, 2009. All subsequent reports shall likewise be filed and served no later than the middle of every second month thereafter. The Intervenor may, if they wish, file a response to any status report within a week after its filing.

Apart from the obligation to file the periodic status report described above, the Applicant and Staff are to notify the Board and the Intervenor promptly if at any point discussions between them create an opportunity to litigate the pending contention prior to the completion of the entire SER. The Intervenor is to respond to any such notification within ten days thereafter.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

By Michael C. Farrar, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
October 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) Intervenor Blue Ridge Environmental Defense League (BREDL), Nuclear Watch South (NWS), and the Nuclear Information and Resource Service (NIRS).

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 (DIRECTING THE FILING OF STATUS REPORTS) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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LB ORDER (DIRECTING THE FILING OF STATUS REPORTS)

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[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 9th day of October 2009