

March 22, 2010

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Washington, D.C. 20555

In the Matter of
SHAW AREVA MOX SERVICES
Mixed Oxide Fuel Fabrication Facility
Docket No. 70-3098-MLA

Dear Administrative Judges,

The NRC Staff provides notice that it has updated the hearing file for this proceeding pursuant to 10 C.F.R. § 2.336(d). The Staff produces herein as Supplement 20 to its Mandatory Disclosures: 1) an index of each item in the hearing file, 2) a deliberative due process privilege log as required by 10 C.F.R. § 2.336(b)(5), and 3) a sensitive information log. The Staff is continuing to preserve and maintain required privileged documents during the pendency of this proceeding. Also, attached are the Affidavit of David Tiklinsky as required by 10 C.F.R. § 2.336(c), and the Declaration of Marissa Bailey, Deputy Director of the Division of Fuel Cycle Safety and Safeguards, formally invoking the deliberative process privilege as to the documents so referenced herein.

Respectfully submitted,

/RA/

Kimberly A. Sexton
Counsel for the NRC Staff

Farrar
McDade
Trikouros

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Privilege Log - Deliberative Process
Attachment 3: Sensitive Information Log
Affidavit of David Tiktinsky
Declaration of Marissa Bailey

cc: Attached Service List

**ATTACHMENT 1 SHAW AREVA MOX SERVICES, LLC HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Supplemental Disclosure 20 – March 22, 2010**

ID #	Accession Number	Document Date	Title/ Description
20-1	ML100700681	02/16/2010	2010/02/16 MFFF - FW: Question for MOX.
20-2	ML100700696	02/16/2010	2010/02/16 MFFF - FW: Question for MOX.
20-3	ML100700680	02/18/2010	2010/02/18 MFFF - FW: MOX Questions of Draft MPQAP Rev 9.doc
20-4	ML100700675	02/19/2010	2010/02/19 MFFF - FW: One more question!
20-5	ML093620543	02/19/2010	12/10/2009 Summary of Closed Meeting with Shaw AREVA MOX Services to Discuss the Safety Model Related to the Postulated Hydroxylamine Nitrate Explosion Event.
20-6	ML100700693	02/22/2010	2010/02/22 MFFF - RE: MOX EP
20-7	ML100700694	02/22/2010	2010/02/22 MFFF - FW: MOX EP
20-8	ML091660269	02/23/2010	Memo to E. Oesterle: In-office Review Summaries: Mixed Oxide Fuel Fabrication Facility (Criticality Reviews 3 Through 8).
20-9	ML100700672	02/24/2010	2010/02/24 MFFF - FW: Some additional fire concerns to fill some holes OUO
20-10	ML100700692	03/01/2010	2010/03/01 MFFF - FW: MM Question to forward to MOX
20-11	ML100700691	03/03/2010	2010/03/03 MFFF - FW: More MOX q's on QA plan
20-12	ML100700688	03/04/2010	2010/03/04 MFFF - FW: MOX Questions of Draft MPQAP Rev 9.doc
20-13	ML100700689	03/04/2010	2010/03/04 MFFF - FW: MOX Questions of Draft MPQAP Rev 9.doc
20-14	ML100700685	03/05/2010	2010/03/05 MFFF - FW: MOX Questions of Draft MPQAP Rev 9.doc
20-15	ML100700686	03/05/2010	2010/03/05 MFFF - FW: MOX Questions of Draft MPQAP Rev 9.doc
20-16	ML100700646	03/09/2010	2010/03/09 MFFF - FW: MOX Questions of Draft MPQAP Rev 9.doc

**ATTACHMENT 2 SHAW AREVA MOX SERVICES, LLC HEARING FILE AND MANDATORY DISCLOSURES
 DELIBERATIVE PROCESS LOG
 Supplemental Disclosure 20 – March 22, 2010**

PDP No.	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-20-01	ML100700683	M. Norato, NRC/NMSS	2010/02/12 MFFF - RE: MOX SER - snow is putting more pressure on us	02/12/2010	E-Mail	D. Tiktinsky, K. Morrissey, E. Oesterle, C. Roman, M. Bailey, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	2
DP-20-02	ML100700684	M. Norato, NRC/NMSS	2010/02/12 MFFF - RE: SER input	02/12/2010	E-Mail	C. Roman, E. Oesterle, D. Tiktinsky, K. Morrissey, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	2
DP-20-03	ML100700682	M. Norato, NRC/NMSS	2010/02/16 MFFF - SER input	02/16/2010	E-Mail	C. Roman, E. Oesterle, K. Morrissey, D. Tiktinsky, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	2
DP-20-04	ML100700679	D. Tiktinsky, NRC/NMSS	2010/02/18 MFFF - FW: MOX SER prep	02/18/2010	E-Mail	E. Oesterle, K. Morrissey, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	3
DP-20-05	ML100700676	M. Norato, NRC/NMSS	2010/02/19 MFFF - RE: Question on SER writeup	02/19/2010	E-Mail	D. Tiktinsky, K. Morrissey, E. Oesterle, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	2

PDP No.	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-20-06	ML100700663	S. Echols, NRC/NMSS	2010/02/22 MFFF - mox chapt 10	02/22/2010	E-Mail	D. Tiktinsky, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	12
DP-20-07	ML100700664	M. Bartlett, NRC/NMSS	2010/02/23 MFFF - 01-14-09 MOX HP SER v15.doc	02/23/2010	E-Mail	D. Tiktinsky, NRC/NMSS/FCSS	Draft SER Chapter Also, OUO.	15
DP-20-08	ML100700665	T. Pham, NRC/NMSS	2010/02/23 MFFF - FW: DRAFT MC&A SER FOR MOX SERVICES APPLICATION	02/23/2010	E-Mail	D. Tiktinsky, NRC/NMSS/FCSS	Draft SER Chapter Also, OUO.	5
DP-20-09	ML100700667	T. Pham, NRC/NMSS	2010/02/23 MFFF - MOX SER FOR MC&A REVIEW	02/23/2010	E-Mail	D. Tiktinsky, NRC/NMSS/FCSS	Draft SER Chapter Also, OUO.	5
DP-20-10	ML100700669	C. Hrabal, NRC/NMSS	2010/02/23 MFFF - FW: MOX SER - snow is putting more pressure on us	02/23/2010	E-Mail	P. Silva, NRC/NMSS/FCSS	Draft SER Chapter Also, OUO.	38
DP-20-11	ML100700660	D. Tiktinsky, NRC/NMSS	2010/02/25 MFFF - RE: MOX SER FOR MC&A REVIEW	02/25/2010	E-Mail	T. Pham, E. Oesterle, K. Morrissey, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	2
DP-20-12	ML100700657	D. Tiktinsky, NRC/NMSS	2010/02/26 MFFF - FW: Some additional on human factors	02/26/2010	E-Mail	S. Fleger, E. Oesterle, K. Morrissey, C. Roman, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	6

PDP No.	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-20-13	ML100700658	D. Tiktinsky, NRC/NMSS	2010/02/26 MFFF - RE: DRAFT-MOX SER Section 11.2 AP Process System.doc Titanium Fire event discussion	02/26/2010	E-Mail	R. Wescott, M. Norato, D. Rahn, E. Oesterle, K. Morrissey, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	2
DP-20-14	ML100700659	D. Tiktinsky, NRC/NMSS	2010/02/26 MFFF - DRAFT-MOX SER Section 11.2 AP Process System.doc Titanium Fire event discussion	02/26/2010	E-Mail	R. Wescott, D. Rahn, M. Norato, K. Morrissey, E. Oesterle, NRC/NMSS/FCSS	Draft SER Chapter Also, OOU.	51
DP-20-15	ML100700653	M. Norato, NRC/NMSS	2010/03/01 MFFF - RE: DRAFT-MOX SER Section 11.2 AP Process System.doc Titanium Fire event discussion	03/01/2010	E-Mail	D. Rahn, D. Tiktinsky, K. Morrissey, E. Oesterle, R. Wescott, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	2
DP-20-16	ML100700650	D. Tiktinsky, NRC/NMSS	2010/03/04 MFFF - RE: Possible loose ends	03/04/2010	E-Mail	R. Wescott, K. Morrissey, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	2
DP-20-17	ML100700652	S. Cleavenger, NRC/NMSS	2010/03/04 MFFF - RE: MOX Questions of Draft MPQAP Rev 9.doc	03/04/2010	E-Mail	D. Tiktinsky, K. Morrissey, E. Oesterle, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	4

PDP No.	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-20-18	ML100700647	S. Cleavenger, NRC/NMSS	2010/03/05 MFFF - RE: MOX Questions of Draft MPQAP Rev 9.doc	03/05/2010	E-Mail	D. Tiktinsky, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	4
DP-20-19	ML100700644	B. Wray, NRC/NMSS	2010/03/10 MFFF - RE: MOX in-office review of explosion events and meeting with MOX	03/10/2010	E-Mail	D. Tiktinsky, R. Clinton, E. Oesterle, K. Morrissey, C. Roman, NRC/NMSS/FCSS	Internal Staff discussion about Draft SER	2

ATTACHMENT 3 SHAW AREVA MOX SERVICES, LLC HEARING FILE AND MANDATORY DISCLOSURES
SENSITIVE INFORMATION LOG
Supplemental Disclosure 20 – March 22, 2010

The NRC Staff has determined that certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding contain information subject to withholding from public disclosure as sensitive information pursuant to 10 C.F.R. §§ 2.390(a) and (d). Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, withheld because of their “protected status.”

SE No.	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
SE-20-01	ML093620548	Barney G S, Shaw AREVA MOX Services, LLC	12/10/2009 HAN Meeting Presentation Slides - HAN Safety Model Description and Application to the AP Process.	02/19/2010	Meeting Briefing Package/Handouts Slides and Viewgraphs	NRC/NMSS/FCSS	Document contains details of accident scenarios from the ISA summary which are OOU-SRI	50
SE-20-02	ML091660277	NRC/NMSS	Enclosure 1: Summary of Mox In-office Criticality Safety Review August 14-16, 2007.	02/23/2010	In-Office Review Summary	NRC/NMSS/FCSS	Document contains details of accident scenarios from the ISA summary and supporting calculations which are OOU-SRI	14
SE-20-03	ML091660286	NRC/NMSS	Enclosure 2: Summary of Mox In-office Criticality Safety Review August 14-16, 2007.	02/23/2010	In-Office Review Summary	NRC/NMSS/FCSS	Document contains details of accident scenarios from the ISA summary and supporting calculations which are OOU-SRI	12

SE No.	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
SE-20-04	ML091660298	NRC/NMSS	Enclosure 3: Summary of Mox In-office Criticality Safety Review Nov. 6-8, 2007.	02/23/2010	In-Office Review Summary	NRC/NMSS/FCSS	Document contains details of accident scenarios from the ISA summary and supporting calculations which are OUO-SRI	12
SE-20-05	ML091660305	NRC/NMSS	Enclosure 4: Summary of Mox In-office Criticality Safety Review Dec. 4-6, 2007.	02/23/2010	In-Office Review Summary	NRC/NMSS/FCSS	Document contains details of accident scenarios from the ISA summary and supporting calculations which are OUO-SRI	14
SE-20-06	ML091660312	NRC/NMSS	Enclosure 5: Summary of Mox In-office Criticality Safety Review Jan 8-10, 2008.	02/23/2010	In-Office Review Summary	NRC/NMSS/FCSS	Document contains details of accident scenarios from the ISA summary and supporting calculations which are OUO-SRI	15
SE-20-07	ML091660318	NRC/NMSS	Enclosure 6: Summary of Mox In-office Criticality Safety Review Jan 22-24, 2008.	02/23/2010	In-Office Review Summary	NRC/NMSS/FCSS	Document contains details of accident scenarios from the ISA summary and supporting calculations which are OUO-SRI	12

SE No.	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
SE-20-08	ML091660319	NRC/NMSS	Enclosure 7: Summary of Mox In-office Criticality Safety Review Feb 5-6, 2008.	02/23/2010	In-Office Review Summary	NRC/NMSS/FCSS	Document contains details of accident scenarios from the ISA summary and supporting calculations which are OUO-SRI	9
SE-20-09	ML100700670	D. Tiktinsky, NRC/NMSS	2010/02/24 MFFF - ISAS 5 3 4 Transient In Situ Change pages.pdf - Adobe Acrobat Professional OUO	02/24/2010	E-Mail	R. Wescott, K. Morrissey, E. Oesterle, NRC/NMSS/FCSS	Document contains details of accident scenarios from the ISA summary which are OUO-SRI	48

March 22, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
SHAW AREVA MOX SERVICES)	Docket No. 70-3098-MLA
)	
(Mixed Oxide Fuel Fabrication Facility))	ASLBP No. 07-856-02-MLA-BD01

AFFIDAVIT OF DAVID TIKTINSKY CONCERNING
MANDATORY DISCLOSURE
REQUIREMENT OF 10 C.F.R. § 2.336(c)

I, David Tiktinsky, do hereby state as follows:

1. I am employed as a Senior Project Manager in the Division of Fuel Cycle Safety and Safeguards in the Nuclear Regulatory Commission's ("NRC") Office of Nuclear Material Safety and Safeguards. I serve as the Senior Project Manager for the Mixed Oxide Fuel Fabrication Facility license application to possess and use special nuclear material. Among other things, I am managing the preparation of the hearing file and mandatory disclosures in connection with the license application issue in this proceeding.

2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336 (b) and (c) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.

3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

/Original Signed By/

David Tiktinsky

Executed in Rockville, MD
this 22nd day of March, 2010.

March 22, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
SHAW AREVA MOX SERVICES) Docket No. 70-3098-MLA
)
(Mixed Oxide Fuel Fabrication Facility)) ASLBP No. 07-856-02-MLA-BD01

DECLARATION OF MARISSA BAILEY

I, Marissa Bailey, do hereby state as follows:

1. I am employed as the Deputy Director of the Division of Fuel Cycle Safety and Safeguards in the Office Nuclear Material Safety and Safeguards of the United States Nuclear Regulatory Commission ("NRC"). My supervisory responsibilities include oversight of the NRC Staff's review and evaluation of the Shaw Areva Mixed Oxide Fuel Fabrication Facility License Application.

2. As part of their responsibilities in preparing the hearing file and mandatory disclosures for these proceedings, NRC Staff members under my supervision identified certain documents as privileged because they contained information concerning the Staff's deliberative process. Those documents are listed in Attachment 2 to the Mandatory Supplemental Disclosures submission of the Staff's Hearing File.

3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that they contain predecisional information concerning the Staff's review of the license application. All documents contain either the Staff's analyses, recommendations, opinions, or evaluations, and may not necessarily reflect the final agency position with respect to the matters discussed therein. Each of the

documents comprises part of the deliberative process necessary to the Staff's review of the pending license application.

4. Further, I have determined that disclosures of these documents could result in harm to the agency, in that it would (a) prematurely disclose the preliminary views of individual Staff members and/or the Staff prior to reaching a final agency decision, and could thus create confusion as to the actual policy or views of the NRC Staff; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussions on an unresolved issue would tend to chill all future deliberations and would interfere with the Staff's ability to engage in a free exchange of opinions and analyses prior to publishing its final review documents; and (c) imply or suggest incorrectly that the opinions of the Staff members involved in these communications are actually the final decisions of the agency, while no such final decision has yet been made.

5. Accordingly, I formally invoke the deliberative process privilege with respect to each of the documents listed in Attachment 2 to the Mandatory Supplemental Disclosures submission of the Staff's Hearing File.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

/Original Signed By/

Marissa Bailey

Executed in Rockville, MD
this 22nd day of March, 2010.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
SHAW AREVA MOX SERVICES)	Docket No. 70-3098-MLA
)	
(Mixed Oxide Fuel Fabrication Facility))	ASLBP No. 07-856-02-MLA-BD01

CERTIFICATE OF SERVICE

I hereby certify that copies of the "LETTER IN THE MATTER OF SHAW AREVA MOX SERVICES, LLC" in the above captioned proceeding have been served on the following persons by deposit in the United States Mail; through deposit in the Nuclear Regulatory Commission internal mail system as indicated by an asterisk (*); and by electronic mail as indicated by a double asterisk (**) on this 22nd day of March, 2010:

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/RA/

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