

RAS R-75

Hearing Docket

From: Diane Curran [dcurran@harmoncurran.com]
Sent: Monday, March 22, 2010 4:29 PM
To: avinson@morganlewis.com; Klukan, Brett; Scott, Catherine; dsilverman@morganlewis.com; elyman@ucsusa.org; atom.girl@mindspring.com; bredl@skybest.com; Sexton, Kimberly; McDade, Lawrence; maryolson@main.nc.us; Farrar, Mike; Trikouros, Nicholas; Docket, Hearing; OCAAMAIL Resource; Harich, Patricia; tmatthews@morganlewis.com; Kahn, Zachary
Subject: Filing in Plutonium MOX Facility Licensing Proceeding
Attachments: Intervenor cover letter and certificate re SUNSI filing 3-22-10.pdf

Dear ASLB and parties:

This is to inform you that today, by Federal Express, the Intervenor filed Contention 8 regarding Shaw MOX Areva Services' application for an exemption from certain NRC material control and accounting regulations. Copies of the cover letter and certificate of service are attached. Because the contention contains SUNSI, it cannot be served by e-mail.

Sincerely,
Diane Curran

Diane Curran
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1726 M Street NW, Suite 600
Washington, DC 20036
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DOCKETED
USNRC

March 22, 2010 (4:29pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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DS-03



March 22, 2010

BY FEDERAL EXPRESS

Michael C. Farrar, Chair
Dr. Nicholas G. Trikouros
Lawrence G. McDade
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
11535 Rockville Pike
Rockville, Maryland 20852

SUBJECT: *Filing in Operating Licensing Proceeding for Plutonium MOX
Fuel Fabrication Facility, Docket No. 70-3098*

Dear Administrative Judges:

On behalf of the Intervenors in this proceeding, I am enclosing Petitioners' Motion for Admission of Contention 8 Regarding Shaw MOX Areva Services' ("SHAMS") Request for Exemption From Material Control and Accounting Requirements. Copies have also been served on counsel for the parties, under the terms prescribed in the Atomic Safety and Licensing Board's ("ASLB's") Protective Order of December 31, 2008.

Please note that the attached motion and supporting declaration of Dr. Edwin S. Lyman contain Sensitive Unclassified Security Information ("SUNSI") and therefore should be protected from public disclosure. As discussed in the motion, however, the Intervenors believe SHAMS' exemption application has been improperly categorized as SUNSI and that substantial portions should be publicly released. Therefore, after giving SHAMS and the NRC Staff an opportunity to review this motion, they intend to seek disclosure of the motion and the Exemption Application. If SHAMS and the NRC Staff do not agree to the public disclosure of the documents, Intervenors intend to seek a disclosure order from the ASLB.

Copies of this cover letter and the certificate of service are being sent by e-mail to the Board, the parties and the Secretary's office in order to ensure that they are recorded on the public docket.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Diane Curran'.

Diane Curran

Cc: Service list

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of)

Shaw AREVA MOX Services)

(Mixed Oxide Fuel Fabrication Facility)
Possession and Use License))

Docket No. 70-3098-MLA

ASLBP No. 07-856-02-MLA-BD01

CERTIFICATE OF SERVICE

I certify that on March 22, 2010, copies of Intervenor's Late-Filed Contention 8 Regarding Shaw MOX Areva Services' Request for Exemption from Material Control and Accounting Requirements and supporting Declaration of Dr. Edwin S. Lyman were served on the following parties by Federal Express, in conformance with the Atomic Safety and Licensing Board's Protective Order of December 31, 2008. I also certify that copies of the cover letter and certificate of service were sent by e-mail to the NRC's Rulemakings and Adjudications Staff in order to publicly record that the documents were filed.

Asst. for Rulemakings and Adjudications
Office of the Secretary
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852

Michael C. Farrar, Chair
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X-SBRS: 5.3

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X-fn: Intervenor cover letter and certificate re SUNSI filing 3-22-10.pdf

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mail.harmoncurran.com) ([173.13.203.242]) by mail1.nrc.gov with ESMTP; 22
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Subject: Filing in Plutonium MOX Facility Licensing Proceeding

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Thread-Topic: Filing in Plutonium MOX Facility Licensing Proceeding

Thread-Index: AcrJ/ltPcENFceROR6KxUd0E438cmg==

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