

May 24, 2010 (3:24p.m.)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

May 24, 2010

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE 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

**INTERVENORS' RESPONSE TO SHAW AREVA MOX SERVICES'  
WITHDRAWAL OF EXEMPTION APPLICATION  
AND  
WITHDRAWAL OF CONTENTION 8**

Pursuant to the Atomic Safety and Licensing Board's ("ASLB's") orders of April 22 and 24, 2010, Intervenor Blue Ridge Environmental Defense League, Nuclear Information and Resource Service, and Nuclear Watch South, hereby respond to Shaw Areva MOX Services' ("Shaw Areva's") withdrawal of its December 17, 2009, application for an exemption from the U.S. Nuclear Regulatory Commission's ("NRC's") material control and accounting regulations. Letter from David Stinson, Shaw Areva President and COO, to NRC (May 11, 2010).

Intervenors believe that by withdrawing its exemption application, Shaw Areva has mooted their Contention 8 (submitted March 22, 2010), which challenged the adequacy of the application to satisfy the NRC's regulatory standing for the issuance of an exemption in 10 C.F.R. § 74.7. Therefore they hereby withdraw the contention.

Intervenors remain concerned, however, that the substantive issues raised by Contention 8 have not been resolved. Intervenor are now in the process of gathering information regarding the history of Shaw Areva's MC&A program and the exemption

request, in order to evaluate whether the concerns raised by Contention 8 are adequately addressed in the FNMCP, or whether they should file a new contention that challenges the adequacy of the FNMCP to satisfy the NRC's MC&A regulations. To that end, Intervenor has asked the NRC Staff to provide them with copies of all revisions to the FNMCP, correspondence between Shaw Areva and the NRC Staff (including responses to Requests for Additional Information), and documents that were reviewed during or generated after a series of meetings between Shaw Areva and the NRC Staff that took place between 2007 and 2009. Within 60 days of receiving the requested documents, Intervenor plans to either submit a new contention challenging the FNMCP or notify the ASLBP that their concerns have been satisfied.

Respectfully submitted,



Diane Curran

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May 24, 2010

## CERTIFICATE OF SERVICE

I certify that on May 24, 2010, copies of Intervenors' Response to Shaw Areva Mox Services' Withdrawal of Exemption Application and Withdrawal of Contention 8 were served on the following parties by e-mail and first-class mail:

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