

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)
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Docket No. 70-3098-MLA

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

September 3, 2010

ORDER  
(Scheduling Oral Argument)

On July 26, 2010, Intervenors, Nuclear Information and Resource Service, Nuclear Watch South, and Blue Ridge Environmental Defense League (collectively Intervenors) filed a motion for admission of three new contentions challenging Shaw AREVA MOX Services' (Shaw AREVA) revised fundamental nuclear material control plan. On August 23, 2010, Shaw AREVA and the NRC Staff filed answers to the motion, opposing the timeliness of the new contentions.

The Board will hear oral argument on the timeliness issues presented by the new contentions on September 21, 2010, commencing at 3:00 pm EDT, and adjourning no later than 5:00 pm. The Board expects that the argument can be conducted without reference to any sensitive unclassified non-safeguards information (SUNSI). The oral argument will be held in the Atomic Safety and Licensing Board Panel's Rockville Hearing Room, located on the third floor of Two White Flint North, 11545 Rockville Pike, Rockville, Maryland. Upon the Intervenors' request, the Board will make available a telephone bridge so that their representatives may monitor the argument remotely.

If a party has a conflict with the proposed time and date of the argument, they shall file a motion to reschedule by 12:00 pm, on September 9, 2010. In the motion, the party must state in

detail the nature of the conflict, and advise the Board of those times and dates within the week of September 20th when they would not be available, and explain in detail why they would not be available, and based on consultation with the other parties, advise the Board those times and dates within the week of September 20th when those other parties would not be available with a detailed explanation of why they would not be available.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Lawrence G. McDade  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
September 3, 2010

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).

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 ORDER (SCHEDULING ORAL ARGUMENT) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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Administrative Judge  
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Administrative Judge  
Lawrence G. McDade  
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Docket No. 70-3098-MLA  
ORDER (SCHEDULING ORAL ARGUMENT)

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[Original signed by Nancy Greathead]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 3<sup>rd</sup> day of September 2010