

September 8, 2010 (3:57p.m.)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Michael C. Farrar, Chairman
Lawrence G. McDade
Dr. Nicholas G. Trikouros

In the Matter of)
)
SHAW AREVA MOX SERVICES, LLC)
)
(Mixed Oxide Fuel Fabrication Facility)
Possession and Use License)

September 8, 2010

Docket No. 70-3098-MLA

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

**SHAW AREVA MOX SERVICES' MOTION
TO RESCHEDULE ORAL ARGUMENT
AND TO CLOSE ARGUMENT BASED ON SUNSI**

In response to the Atomic Safety and Licensing Board's ("ASLB" or "Board") Order (Scheduling Oral Argument) dated September 3, 2010, Applicant Shaw AREVA MOX Services, LLC ("MOX Services") hereby requests that the oral argument on the timeliness issues associated with the new contentions submitted by the Intervenors in the above captioned proceeding be rescheduled. The basis for MOX Services' Motion is presented below.

Lead counsel for MOX Services, Mr. Donald J. Silverman, will be unavailable from Monday September 20, 2010 through Thursday September 23, 2010. He will be in London, England for a business conference at which he is speaking, and at which additional business meetings have already been scheduled. He will return to the United States on Thursday September 23, 2010, in the afternoon, and if it is a necessity to hold the oral argument during the

week of September 20, he could be available on Friday the 24th, preferably after noon. While it appears that the ASLB has a strong preference for conducting the argument during that week, MOX Services respectfully requests that the ASLB also consider September 29, 2010, which would be preferable to MOX Services' counsel and is acceptable to the Intervenors and the NRC Staff.

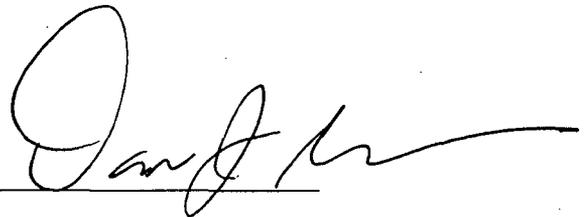
In accordance with the ASLB's Order, MOX Services' counsel has spoken with counsel for Intervenors and the NRC Staff. The dates of *unavailability* for Intervenors' counsel are September 20, 27 and 28, 2010. Intervenors' counsel is not available on September 20 because of a previously scheduled family obligation, and on September 27 and 28 because of a previously scheduled medical procedure. NRC Staff counsel's dates of *unavailability* are September 23, 30, and October 1. The NRC Staff is not available on those dates because of previously scheduled business travel.

Secondly, in the ASLB's Order it stated "[t]he Board expects that the argument can be conducted without reference to any [SUNSI]." Order at 1. MOX Services is aware that Intervenors wish to have the NRC publicly release certain information contained in prior pleadings as non-SUNSI. *See* Intervenors' Letter Transmitting Motion for Admission of Contentions 9, 10, and 11 (July 26, 2010). That request has not yet been resolved, however, and the relevant pleadings by MOX Services and Intervenors to date have been SUNSI protected. Because the oral argument will focus and elaborate on the content of those pleadings, MOX Services believes that critical information associated with its Answer is SUNSI and that it could be hampered in its ability to effectively argue its positions.

Accordingly, to maintain *for now* the status quo protection of this information, and to avoid unintended and inappropriate disclosures, MOX Services also requests that this oral argument be closed pending resolution of the larger issue of which information constitutes, or does not constitute, SUNSI. MOX Services has consulted with counsel for Intervenors and NRC Staff, neither of whom objects to this request. Counsel for Intervenors, however, clarifies that it does not object in this instance, because it understands that Intervenors will work with MOX Services and the NRC Staff to develop a process to release information to the extent that any such information is determined to have been inappropriately protected as SUNSI. MOX Services agrees to work with the Intervenors and NRC Staff in good faith in this regard.

For the aforementioned reasons, MOX Services respectfully requests that the oral argument scheduled by the Board be rescheduled for September 29, 2010, and be closed to the public.

Respectfully submitted,



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UNITED STATES OF AMERICA
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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2010, copies of Shaw AREVA MOX Services, LLC's "Motion to Reschedule Oral Argument and to Close Argument Based on SUNSI" were served upon the persons listed below, by email and first class mail.

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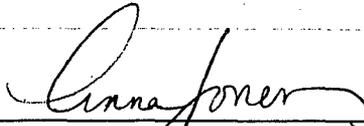
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Dated: 08 September 2010



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