

November 16, 2010 (2:50p.m.)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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November 15, 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 Intervenors' Supplemental Brief Regarding Timeliness and Justification for Late Filing of Contentions 9, 10, and 11. 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 Reply may contain Sensitive Unclassified Security Information ("SUNSI") and therefore should be protected from public disclosure.** However, Intervenors intend to seek public disclosure of the document in the future.

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,

/s/  
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 November 15, 2010, copies of Intervenor's Supplemental Brief Regarding Timeliness and Justification for Late Filing of Contentions 9, 10, and 11 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

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\_\_\_\_\_  
Diane Curran

## Hearing Docket

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**From:** Diane Curran [dcurran@harmoncurran.com]  
**Sent:** Tuesday, November 16, 2010 2:50 PM  
**To:** anna.jones@morganlewis.com; Klukan, Brett; Scott, Catherine;  
dsilverman@morganlewis.com; elyman@ucsusa.org; atom.girl@mindspring.com;  
bredl@skybest.com; Tucker, Katie; Sexton, Kimberly; McDade, Lawrence;  
maryolson@main.nc.us; Farrar, Mike; Trikouros, Nicholas; Docket, Hearing; OCAAMAIL  
Resource; Harich, Patricia; tmatthews@morganlewis.com  
**Subject:** Filing in MOX OL Proceeding  
**Attachments:** Intervenor cover letter re Supplemental Brief 11-15-10.pdf; 0889 DC Certificate of Service  
-- SUNSI 11-15-10.pdf

Dear ASLB and parties,

Attached please find the cover letter and service list for Intervenor's Supplemental Brief Regarding Timeliness and Justification for Late Filing of Contentions 9, 10, and 11, filed yesterday in this proceeding. The brief itself was submitted by Federal Express as a SUNSI document, under the terms of the ASLB's protective order in this case.

Sincerely,  
Diane Curran

Diane Curran  
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Received: from mail2.nrc.gov (148.184.176.43) by TWMS01.nrc.gov  
(148.184.200.145) with Microsoft SMTP Server id 8.1.393.1; Tue, 16 Nov 2010  
14:50:02 -0500

X-Ironport-ID: mail2

X-SBRS: None

X-MID: 29666110

X-fn: Intervenor cover letter re Supplemental Brief 11-15-10.pdf,  
0889 DC Certificate of Service -- SUNSI 11-15-10.pdf

X-IronPort-Anti-Spam-Filtered: true

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Received: from mail.harmoncurran.com ([173.13.203.242]) by mail2.nrc.gov with  
ESMTP; 16 Nov 2010 14:49:58 -0500

Content-Class: urn:content-classes:message

MIME-Version: 1.0

Content-Type: multipart/mixed;

boundary="----\_=\_NextPart\_001\_01CB85C7.72B40A0F"

Subject: Filing in MOX OL Proceeding

X-MimeOLE: Produced By Microsoft Exchange V6.5

Date: Tue, 16 Nov 2010 14:49:57 -0500

Message-ID: <3A9F01B3843EC648A26775F2431967CCC6CC8F@HARMON.hcse.com>

X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

Thread-Topic: Filing in MOX OL Proceeding

Thread-Index: AcuFx3NG0bfdNGkHTKqFQenuKKOhAQ==

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