

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)

Docket No. 70-3098-MLA  
  
ASLBP No. 07-856-02-MLA-BD01  
  
April 4, 2011

NOTICE OF CONFERENCE CALL  
(Telephonic Status Conference)

On April 8, 2011, at 10:00 AM EDT, this Board will convene a teleconference call with the parties regarding the schedule for this proceeding. On June 27, 2008, we admitted Contention 4 for hearing,<sup>1</sup> and more recently, on April 1, 2011, we admitted Contentions 9, 10, and 11 for hearing.<sup>2</sup> The NRC Staff has informed the Board that it has issued the final Safety Evaluation Report for the MOX facility<sup>3</sup> and accordingly, hearings on the four contentions may be commenced.<sup>4</sup> The purpose of this call is to discuss matters related to proceeding to evidentiary hearing on the admitted contentions.

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<sup>1</sup> See LBP-08-11, 67 NRC 460 (2008).

<sup>2</sup> See LBP-11-09, 73 NRC \_\_ (slip op.) (Apr. 1, 2011).

<sup>3</sup> Letter from Kimberly A. Sexton, Counsel for the NRC Staff, to the Licensing Board (Dec. 21, 2010).

<sup>4</sup> See 10 C.F.R. § 2.332(d); see also Licensing Board Order (Summarizing Prehearing Conference) (Mar. 23, 2009) (unpublished) [Prehearing Conference Order]; Licensing Board Order (Memorandum) (Sept. 9, 2009) (unpublished).

The parties should be prepared to discuss the following matters during the teleconference call:

- (1) Whether this proceeding should be governed by Subpart L or Subpart N procedures;<sup>5</sup>
- (2) Whether the parties are prepared to proceed to hearing on Contention 4, and if not, why not;
- (3) Provide an estimate for how long will it take the parties to complete the mandatory discovery for Contentions 9, 10, and 11;
- (4) Provide an estimate for when the parties could submit written direct testimony on Contention 4;
- (5) Whether proceeding directly to hearing on Contention 4 would delay disclosures on Contentions 9, 10, and 11, and if so, why, and for how long;
- (6) If the Board holds a single evidentiary hearing on the four admitted contentions, provide an estimate of when the parties would be ready to present direct testimony on the four contentions;
- (7) Should all parties submit direct testimony simultaneously, or should the filing of the testimony be staggered with: first, the Intervenors submitting their direct testimony, second, the NRC Staff and the Applicant submitting their replies; and third, the Intervenors submitting their rebuttal testimony;
- (8) Given that the evidentiary hearing might include SUNSI, should the hearing be held in Rockville, Maryland or in Augusta, Georgia;
- (9) Whether the parties are interested in utilizing the NRC's Electronic Information Exchange (EIE) system for the submission of filings for the remainder of the proceeding; and
- (10) Any other matters that counsel might wish to bring to the Board's attention.

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<sup>5</sup> See Prehearing Conference Order at 3.

On or before 5:00 PM on April, 6, 2011, the parties should contact the Board's law clerk, Katie Tucker, via e-mail (Katie.Tucker@nrc.gov), to obtain the telephone number and pass code for the April 8, 2011 teleconference. The Board expects that the call should take no longer than two hours.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>6</sup>

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Lawrence G. McDade  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
April 4, 2011

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<sup>6</sup> 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 NOTICE OF CONFERENCE CALL (TELEPHONIC STATUS CONFERENCE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
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Washington, DC 20555-0001

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Administrative Judge  
Nicholas G. Trikourous  
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Administrative Judge  
Lawrence G. McDade  
Atomic Safety and Licensing Board Panel  
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Docket No. 70-3098-MLA  
NOTICE OF CONFERENCE CALL (TELEPHONIC STATUS CONFERENCE)

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[Original signed by Nancy Greathead]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 4<sup>th</sup> day of April 2011