

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  
January 4, 2012

ORDER

(Discussing Sensitivity of November 16, 2011 Teleconference Transcript)

We conducted a teleconference with counsel for the parties on November 16, 2011, to discuss scheduling the evidentiary hearing for this proceeding.<sup>1</sup> At the conclusion of this teleconference, counsel for the Intervenors (Nuclear Watch South, the Blue Ridge Environmental Defense League, and the Nuclear Information and Resource Service) requested that the teleconference transcript be made publicly available.<sup>2</sup> It was not clear, however, to the Board whether Sensitive Unclassified Non-safeguards Information (SUNSI) was discussed during the conference.<sup>3</sup> As such, the Board decided to withhold the transcript from public access in accordance with 10 C.F.R. § 2.390 pending a formal review by the NRC Information Security Branch.<sup>4</sup>

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<sup>1</sup> See Tr. at 1008.

<sup>2</sup> See id. at 1036.

<sup>3</sup> See id. at 1036–37.

<sup>4</sup> See id.

The NRC Information Security Branch has completed its review of the November 16, 2011 teleconference transcript and has advised the Board that there is no sensitive information of any kind in the transcript.<sup>5</sup> That being so, unless the Board receives an objection within seven (7) days from the date of this Order, the Board will direct the court reporter to re-issue the transcript without the SUNSI label. The re-issued transcript will then be placed on the NRC Agencywide Documents Access and Management System (ADAMS) and be publicly available.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Michael C. Farrar, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
January 4, 2012

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).

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<sup>5</sup> E-mail from Bernard Stapleton, Chief, Information Security Branch, U.S. Nuclear Regulatory Commission, to Shelbie Lewman, Judicial Law Clerk, Atomic Safety and Licensing Board Panel (Dec. 26, 2011, 10:54 AM EST).

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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Shaw AREVA MOX Services, LLC ) Docket No. 70-3098-MLA  
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(Mixed Oxide Fuel Fabrication Facility )  
Possession and Use License) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Discussing Sensitivity of November 16, 2011 Teleconference Transcript)** have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Michael C. Farrar, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Nicholas G. Trikouras  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Lawrence G. McDade  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Shelbie Lewman, Law Clerk

Catherine Scott, Esq.  
Brett Michael Patrick Klukan, Esq.  
Christopher Hair, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Shaw AREVA MOX Services  
P.O. Box 7097  
Aiken, SC 29804  
Attention: Dealis Gwyn

Docket No. 70-3098-MLA

**ORDER (Discussing Sensitivity of November 16, 2011 Teleconference Transcript)**

Glenn Carroll  
Coordinator  
Nuclear Watch South  
P.O. Box 8574  
Atlanta, GA 31106

Louis A. Zeller  
Blue Ridge Environmental Defense League  
P.O. Box 88  
Glendale Springs, NC 28629

Mary Olson  
Nuclear Information and Resource Service  
P.O. Box 7586  
Asheville, NC 28802

Donald J. Silverman, Esq.  
Timothy P. Matthews, Esq.  
Anna L. Vinson, Esq.  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

Diane Curran, Esq.  
Harmon, Curran, Spielberg &  
Eisenberg, L.L.P.  
1726 M Street, NW, Suite 600  
Washington, DC 20036

[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 January 2012