

March 12, 2012

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Washington, D.C. 20555

In the Matter of
SHAW AREVA MOX SERVICES
Mixed Oxide Fuel Fabrication Facility
Docket No. 70-3098-MLA

Dear Administrative Judges:

On March 9, 2012, during the MOX Services evidentiary hearing, the Atomic Safety and Licensing Board ("Board") directed the NRC staff to provide citations to several documents referred to in Mr. Tom Pham's testimony concerning the status of a proposed rule to amend 10 C.F.R. Part 74, the NRC's Material Control and Accounting ("MC&A") regulations. As Mr. Pham stated in his testimony, on August 5, 2005, the staff proposed changes to the MC&A program in SECY-05-0143. On November 18, 2005, the Commission issued a Staff Requirements Memorandum ("SRM") for SECY-05-0143 directing the staff to develop a rulemaking plan. On April 25, 2008, the staff submitted SECY-08-0059, which provided a rulemaking plan containing six options. On February 5, 2009, the Commission issued an SRM for SECY-08-0059 approving Option 4, which does not address "Diversion Path Analysis." On December 15, 2011, the proposed rule was submitted to the Commission in SECY-11-0175.

The table on the following page provides the Agencywide Documents Access and Management System ("ADAMS") accession numbers and availability for the documents discussed above. The staff will provide copies of the non-publicly available documents to the parties upon request pursuant to the operative Protective Order.

Respectfully submitted,

/RA/

Marcia J. Simon
Counsel for the NRC Staff

cc: Attached Service List

Farrar
McDade
Trikouros

Documents Related to Proposed Rule Amending 10 C.F.R. Part 74

Document	Date	Accession No.	Availability
SECY-05-0143 Attachment	Aug. 5, 2005	ML050870219 ML050870309	Non-Publicly Available
SRM for SECY-05-0143	Nov. 18, 2005	ML053220618	Non-Publicly Available
SECY-08-0059 Enclosure	April 25, 2008	ML080580307 ML080380315	Publicly Available*
SRM for SECY-08-0059	Feb. 5, 2009	ML090360473	Publicly Available*
SECY-11-0175 Encl. 1 – Federal Register Notice Encl. 2 – Draft Regulatory Analysis Encl. 3 – Draft EA	Dec. 15, 2011	ML113400219 ML113400218 ML113400163 ML113400159	Publicly Available*

* The publicly available documents are also available on the NRC public website.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
SHAW AREVA MOX SERVICES) Docket No. 70-3098-MLA
)
(Mixed Oxide Fuel Fabrication Facility)) ASLBP No. 07-856-02-MLA-BD01

CERTIFICATE OF SERVICE

I hereby certify that copies of the "LETTER IN THE MATTER OF SHAW AREVA MOX SERVICES, LLC" in the above captioned proceeding have been served on the following persons by deposit in the United States Mail; through deposit in the Nuclear Regulatory Commission internal mail system as indicated by an asterisk (*); and by electronic mail as indicated by a double asterisk (**) on this 12th day of March, 2012:

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