

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

THE ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Michael C. Farrar, Chairman

Dr. Paul B. Abramson

Nicholas G. Trikouros

In the Matter of

SHAW AREVA MOX SERVICES, LLC

(Mixed Oxide Fuel Fabrication Facility
Possession and Use License)

Docket No. 70-3098-MLA

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

April 11, 2014

Order

(Requesting Response to Intervenors' Comments on Proposed Redactions)

On February 27, 2014, the Board in this proceeding issued a non-public version of its Initial Decision ruling on Contentions 9, 10, and 11 (LBP-14-01)¹ along with a public notice informing the public of its issuance.² In that notice, the Board made clear its intention to submit the decision to the U.S. Nuclear Regulatory Commission's Office of Nuclear Security and Incident Response for a determination as to whether the decision contained any "security-related information that must be withheld."³ Additionally, the Board "invite[d] the parties to jointly submit proposed redaction to [LBP-14-01] no later than April 1, 2014. . . . for the sole purpose of preventing public release of non-public information."⁴

On April 1, 2014, the NRC Staff and Shaw AREVA MOX Services, LLC (Applicant) submitted joint proposed redactions to LBP-14-01, indicating in a hand-written notation that it

¹ LBP-14-01, 79 NRC __, __ (slip op. at 1) (Feb. 27, 2014).

² Licensing Board Notice (Regarding Issuance of Initial Decision) (Feb. 27, 2014) (unpublished).

³ Id. at 1.

⁴ Id. at 2.

“includes redactions from . . . NSIR and MOX Services.”⁵ After its request for time was granted, Intervenor filed comments on the proposed redactions on April 9, 2014.⁶ In order to expedite the Board’s consideration of the proposed redactions and subsequent public release of LBP-14-01, the Board requests the following information from the parties by close of business on Wednesday, April 16, 2014:

1. The Board invites the NRC Staff and Applicant to file a reply, on procedural and/or substantive grounds, to Intervenor’s comments. Alternatively, they may file a motion seeking more time to reply.
2. As part of any reply, the Staff and Applicant should indicate the source of the proposed redactions, differentiating those that came from NSIR, for the purposes of withholding security-related information, from those that came from the Staff and Applicant, for the “sole purpose of preventing public release of non-public information.”
3. As part of any reply, the Staff and Applicant should propose a process that will allow the Board to make redaction determinations that make available to the public as much of LBP-14-01 as possible consistent with information security needs. This process should take into account the need to involve the Agency’s information security officials in any ultimate determination. Additionally, the Board encourages counsel for the Staff and Applicant to consult with Intervenor’s counsel in an effort to create a mutually agreed upon process.

⁵ Proposed Redactions of the Board’s Initial Decision, (Apr. 1, 2014) at 1; see also, Letter from Christopher Hair, Counsel, NRC Staff, to Michael Farrar, Paul Abramson, and Nicholas Trikouros, Administrative Judges, Atomic Safety Licensing Board Panel (Apr. 1, 2014).

⁶ Intervenor’s Comments on Proposed Redactions to LBP-14-01 (Apr. 9, 2014).

In the interests of preventing further dissemination of the information subject to proposed redaction, the Board asks that all parties mark any subsequent filings with “Official Use Only – Security Related Information.”

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael C. Farrar, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 11, 2014⁷

⁷ Copies of this Order were sent this date to counsel for (1) Applicant Shaw AREVA MOX Services, LLC, (2) the NRC Staff, and (3) Intervenors.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Requesting Response to Intervenors' Comments on Proposed Redactions)** have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 70-3098-MLA

ORDER (Requesting Response to Intervenors' Comments on Proposed Redactions)

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[Original signed by Brian Newell]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 11th day of April, 2014