

September 10, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF RESPONSE TO SHAW AREVA MOX
SERVICES LLC'S MOTION TO DENY PETITIONER NUCLEAR
INFORMATION AND RESOURCE SERVICE'S REQUEST FOR HEARING

On August 31, 2007, Shaw AREVA MOX Services, LLC ("MOX Services") filed a motion to deny petitioner, Nuclear Information and Resource Service's ("NIRS") "Petition for Intervention and Request for Hearing." On September 6, 2007, NIRS filed its "Response of Nuclear Information and Resource Service to Motion By Shaw, AREVA, MOX Services to Deny Nuclear Information and Resource Service a Hearing." Though the Staff neither objects to nor supports MOX Services' motion, in order to further supplement the record the Staff submits the following response.

In light of NIRS' response explaining the reasons for failing to personally appear in the August 22, 2007 proceeding, the Staff requests that in the future NIRS' representative make contact directly with NRC counsel and not through other petitioners in providing information relevant to this proceeding. Staff counsel did not become aware of NIRS' non-participation until immediately before the start of the August 22, 2007, proceeding.

The staff notes that some discussion of the representation issue occurred during an exchange between Judge Farrar and Glenn Carroll of Nuclear Watch South ("NWS") (See Official Transcript of Proceedings, page 6, lines 14-21) and Judge Farrar and Louis Zeller of Blue Ridge Environmental Defense League ("BREDL") (See Official Transcript of Proceedings,

page 30, lines 1-16). Note that during the exchange between Judge Farrar and Louis Zeller, Mr. Zeller declared that he was speaking on behalf of BREDL and NWS as well as NIRS on the issue of standing.

Respectfully Submitted,

/RA by Jody C. Martin/

Andrea' Z. Jones
Jody C. Martin
Counsel for the NRC Staff

Dated at Rockville, MD
this 10th Day of September, 2007

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF'S RESPONSE TO SHAW AREVA MOX SERVICES LLC MOTION TO DENY PETITIONER NUCLEAR INFORMATION AND RESOURCE SERVICE'S REQUEST FOR HEARING" 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 10th day of September, 2007:

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