



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs Telephone: 301/415-8200

Washington, D.C. 20555-0001

E-mail: [opa\\_resource@nrc.gov](mailto:opa_resource@nrc.gov) Site: [www.nrc.gov](http://www.nrc.gov)

Blog: <http://public-blog.nrc-gateway.gov>

---

No. 11-061

April 1, 2011

## LICENSING BOARD ADMITS ADDITIONAL CONTENTIONS REGARDING MIXED-OXIDE FUEL FABRICATION FACILITY LICENSE APPLICATION

A three-judge Atomic Safety and Licensing Board (ASLB) has concluded that opponents of an operating license application for the proposed Mixed-Oxide (MOX) Fuel Fabrication Facility in South Carolina have offered acceptable additional arguments that should be considered in an eventual hearing regarding the application. The ASLB is the independent body within the NRC that presides over hearings where the public can challenge proposed licensing and enforcement actions.

In its 2-1 decision, the ASLB accepted for further review the arguments from Blue Ridge Environmental Defense League, Nuclear Watch South, and the Nuclear Information and Resource Service. The arguments revolve around the adequacy of aspects of the proposed facility's procedures for controlling the plutonium and enriched uranium that the facility would combine to create MOX; the security-related focus of these matters means they cannot be discussed in detail. While the NRC technical staff have found the proposed procedures acceptable, the Board will now subject the facility's procedures and the staff's position to additional scrutiny.

The Board majority rejected objections from the applicant, Shaw Areva MOX Services, and NRC legal staff that the additional arguments were offered too late in the NRC's hearing process. The Board's dissenting judge noted that, regardless of the arguments' timing, the Board should take up the issues involved, given their importance. The majority agreed, and all concurred that NRC regulations would require the Board to seek Commission approval if that course of action were necessary.

Shaw Areva MOX Services submitted an operating license application for the facility in 2006 and has updated the application since then. The NRC technical staff issued its safety evaluation report on the proposed facility in December 2010. The ASLB hearing must be concluded and the staff must verify the facility's proper construction before any license could be issued.

Documents related to the license application are available on the NRC website at: <http://www.nrc.gov/materials/fuel-cycle-fac/mox/licensing.html>. Documents pertaining to the ASLB proceeding are available in the agency's Electronic Hearing Docket at: <http://ehd1.nrc.gov/EHD/>.

More information about the ASLB can be found at: <http://www.nrc.gov/about-nrc/organization/aslbpfuncdesc.html>.

###

News releases are available through a free *listserv* subscription at the following Web address: <http://www.nrc.gov/public-involve/listserver.html>. The NRC homepage at [www.nrc.gov](http://www.nrc.gov) also offers a SUBSCRIBE link. E-mail notifications are sent to subscribers when news releases are posted to NRC's website.