

June 29, 2012

Michael C. Farrar, Chair
Atomic Safety and Licensing Board
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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Nicholas Trikouros, Administrative Judge
Atomic Safety and Licensing Board
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Lawrence G. McDade, Administrative Judge
Atomic Safety and Licensing Board
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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,

The NRC Staff provides notice that it has updated the hearing file for this proceeding pursuant to 10 C.F.R. § 2.336(d). The Staff produces herein as Supplement 48 to its Mandatory Disclosures: 1) an index of each item in the hearing file and 2) a sensitive information log. The Staff is continuing to preserve and maintain required privileged documents during the pendency of this proceeding. Also, attached is the Affidavit of David Tiktinsky as required by 10 C.F.R. § 2.336(c) and the Declaration of Peter Habighorst, Acting Deputy Director of the Division of Fuel Cycle Safety and Safeguards, formally invoking the deliberative process privilege as to the documents so referenced herein.

Respectfully submitted,

/RA/

Christopher C. Hair
Counsel for the NRC Staff

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Sensitive Information Log
Affidavit of David Tiktinsky
Declaration of Peter Habighorst

cc: Attached Service List

ATTACHMENT 1 SHAW AREVA MOX SERVICES, LLC HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Supplemental Disclosure 48 – June 29, 2012

ID #	Accession Number	Document Date	Title/ Description
48-01	ML120520077	2/29/2012	02/07/2012 Summary of Meeting with Shaw Areva Mox Services to Discuss The Proposed Risk Ranking of Items Relied For Safety And Augmented Quality Assurance For The Mixed Oxide Fuel Fabrication Facility Under Construction.
48-02	ML12178A354	5/30/2012	2012/05/30 MFFF - FW: Presentation for NRC Public Meeting
48-03	ML12178A323	6/05/2012	2012/06/05 MFFF - FW: Submittal of MPQAP Rev 11
48-04	ML12178A297	6/11/2012	2012/06/11 MFFF - pssc info (ouo)
48-05	ML12153A235	6/11/2012	05/16/2012 Meeting Summary with Shaw Areva Mox Services to Discuss the Proposed Risk Ranking of Items Relied for Safety and Augmented Quality Assurance for the Mixed Oxide Fuel Fabrication Facility Under Construction Near Aiken, South Carolina.
48-06	ML12178A290	6/14/2012	2012/06/14 MFFF - FW: Administrative IROFS Descriptions Not in Table.docx ouo
48-07	ML12178A318	6/18/2012	2012/06/18 MFFF - RE: NNSA/NA-26 MOX Facility

ATTACHMENT 2 SHAW AREVA MOX SERVICES, LLC HEARING FILE AND MANDATORY DISCLOSURES
DELIBERATIVE PROCESS LOG
Supplemental Disclosure 48 – June 29, 2012

DP No.	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-48-01	ML12178A314	Tiktinsky, David, NRC/NMSS	2012/06/05 MFFF - RE: Submittal of MPQAP Rev 11	6/05/2012	E-Mail	Campbell, Larry; Morrissey, Kevin, NRC/NMSS	Contains internal deliberation regarding the review of the MOX Services augmented QA program.	3
DP-48-02	ML12178A312	Soto, Soly, NRC/NMSS	2012/06/07 MFFF - FW: Emailing: Administrative IROFS Descriptions Not in Table.docx, Administrative IROFS Table from document.xlsx, Administrative IROFS Description list (table).docx	6/07/2012	E-Mail with Attachment	Tiktinsky, David; Morrissey, Kevin; StPeters, Courtney, NRC/NMSS	Draft Administrative IROFS procedure. Also, contains proprietary information.	26
DP-48-03	ML12178A268	Soto, Soly, NRC/NMSS	2012/06/15 MFFF - FW: ouo admin irofs	6/15/2012	E-Mail with Attachment	Tiktinsky, David; Morrissey, Kevin; StPeters, Courtney, NRC/NMSS	Contains internal deliberation regarding the review of the MOX Services Administrative IROFS. Also, OUO and contains proprietary information.	29

DP No.	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-48-04	ML12178A219	Soto, Soly, NRC/NMSS	2012/06/25 MFFF - FW: Guidance Draft.docx	6/25/2012	E-Mail with Attachment	Tiktinsky, David; Morrissey, Kevin; StPeters, Courtney, NRC/NMSS	Draft guidance document for NRC review the MOX Services Administrative IROFS.	4
DP-48-05	ML12178A224	Soto, Soly, NRC/NMSS	2012/06/25 MFFF - FW: Guidance Draft.docx	6/25/2012	E-Mail with Attachment	Tiktinsky, David; Morrissey, Kevin; StPeters, Courtney, NRC/NMSS	Draft guidance document for NRC review the MOX Services Administrative IROFS.	4
DP-48-06	ML12178A231	Campbell, Larry, NRC/NMSS	2012/06/25 MFFF - FW: MFFF QA Program to address Graded QA	6/25/2012	E-Mail	Tiktinsky, David; Marcano, Damaris; Atack, Sabrina; Morrissey, Kevin, NRC/NMSS	Contains internal deliberation regarding the review of the MOX Services graded QA program.	2

June 29, 2012

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

AFFIDAVIT OF DAVID TIKTINSKY CONCERNING
MANDATORY DISCLOSURE
REQUIREMENT OF 10 C.F.R. § 2.336(c)

I, David Tiktinsky, do hereby state as follows:

1. I am employed as a Senior Project Manager in the Division of Fuel Cycle Safety and Safeguards in the Nuclear Regulatory Commission's ("NRC") Office of Nuclear Material Safety and Safeguards. I serve as the Senior Project Manager for the Mixed Oxide Fuel Fabrication Facility license application to possess and use special nuclear material. Among other things, I am managing the preparation of the hearing file and mandatory disclosures in connection with the license application issue in this proceeding.

2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336 (b) and (c) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.

3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

/Original signed by/

David Tiktinsky

Executed in Rockville, MD
this 29th day of June, 2012.

June 29, 2012

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

DECLARATION OF PETER HABIGHORST

I, Peter Habighorst, do hereby state as follows:

1. I am employed as the Acting Deputy Director of the Division of Fuel Cycle Safety and Safeguards in the Office Nuclear Material Safety and Safeguards of the United States Nuclear Regulatory Commission ("NRC"). My supervisory responsibilities include oversight of the NRC Staff's review and evaluation of the Shaw Areva Mixed Oxide Fuel Fabrication Facility License Application.

2. As part of their responsibilities in preparing the hearing file and mandatory disclosures for these proceedings, NRC Staff members under my supervision identified certain documents as privileged because they contained information concerning the Staff's deliberative process. Those documents are listed in Attachment 2 to the Mandatory Supplemental Disclosures submission of the Staff's Hearing File.

3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that they contain predecisional information concerning the Staff's review of the license application. All documents contain either the Staff's analyses, recommendations, opinions, or evaluations, and may not necessarily reflect the final agency position with respect to the matters discussed therein. Each of the

documents comprises part of the deliberative process necessary to the Staff's review of the pending license application.

4. Further, I have determined that disclosures of these documents could result in harm to the agency, in that it would (a) prematurely disclose the preliminary views of individual Staff members and/or the Staff prior to reaching a final agency decision, and could thus create confusion as to the actual policy or views of the NRC Staff; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussions on an unresolved issue would tend to chill all future deliberations and would interfere with the Staff's ability to engage in a free exchange of opinions and analyses prior to publishing its final review documents; and (c) imply or suggest incorrectly that the opinions of the Staff members involved in these communications are actually the final decisions of the agency, while no such final decision has yet been made.

5. Accordingly, I formally invoke the deliberative process privilege with respect to each of the documents listed in Attachment 2 to the Mandatory Supplemental Disclosures submission of the Staff's Hearing File.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

/Original signed by/

Peter Habighorst

Executed in Rockville, MD,
this 29th day of June, 2012.

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 29th day of June, 2012:

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/RA/

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