


K-319

APP000041
Dec. 5, 2012

	In the Matter of: SHAW AREVA MOX SERVICES (Mixed Oxide Fuel Fabrication Facility)		
	ASLBP #:	07-856-02-MLA-BD01	
	Docket #:	07003098	
	Exhibit #:	APP000041-00-BD01	
	Admitted:	5/21/2013	
	Rejected:	5/21/2013	
Other:	Identified: 5/21/2013	Withdrawn:	Stricken:

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Michael C. Farrar, Chairman
Paul B. Abramson
Dr. Nicholas G. Trikouros

**DOCKETED
USNRC**

December 5, 2012 (4:30 p.m.)

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:

December 5, 2012

SHAW AREVA MOX SERVICES, LLC

Docket No. 70-3098-MLA

(Mixed Oxide Fuel Fabrication Facility
Possession and Use License)

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

**SHAW AREVA MOX SERVICES, LLC
ADDITIONAL DIRECT TESTIMONY
RELATED TO NRC STAFF REQUESTS FOR ADDITIONAL INFORMATION**

Donald J. Silverman, Esq.
MORGAN, LEWIS & BOCKIUS, LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone (202) 739-5502
E-mail: dsilverman@morganlewis.com

Counsel for Shaw AREVA MOX Services, LLC

I. Introduction

Q1: Please state your names.

A: My name is Sue King (SK).

My name is Gary Clark (GC).

Q2: What is your educational background and experience?

A: [GC, SK] We previously presented our backgrounds and experience in response to Question 2 of our revised initial pre-filed testimony in the proceeding, which has been admitted as Exhibit APPR00014, and in our curriculum vitae, admitted as Exhibits APP000015 and 17.

Q3: What is the purpose of your additional testimony?

A: [GC, SK] The purpose of our testimony is to modify and clarify our prior testimony in light of: (1) the NRC Staff's Requests for Additional Information (RAIs) issued in response to the Fundamental Nuclear Material Control Plan (FNMCP) revisions submitted with our October 15, 2012 testimony; and (2) Shaw AREVA MOX Services, LLC's (MOX Services) responses to those RAIs. Some of MOX Services' responses to the RAIs are self-explanatory and require no modification or clarification of our prior testimony. Since MOX Services is submitting its RAI responses, a revised FNMCP, and a revised "SSNM Item Identity and Location Data Verification Procedure" as additional Exhibits, along with this testimony, we will only address those matters that warrant changes to or clarification of our prior testimony.

Q4: Please describe the first matter that warrants modification or clarification of your prior testimony based upon the NRC Staff RAIs.

A: [GC, SK] NRC Staff RAI 2) stated:

Revise the description in [FNMCP Section 2.8.3.1] to be more consistent with the Statement of Position described in the MOX Services' Supplemental Statement of Position on Contentions 9

and 11, dated October 15, 2012 and Response to Surreply...with respect to the following item verification activities:

“Physical retrieval of individual items, reading of unique item identifiers, and confirmation that the as-read identity and location of items corresponds to identity and location information retained by PLCs.”

After consultation with the NRC Staff, it is MOX Services’ understanding that this RAI refers to the fact that the Supplemental Statement of Position and FNMCP Section 2.8.3.1 do not use precisely the same terminology when addressing MOX Services’ plans for physically accessing SSNM items as part of the item data verification process. We do not understand the Staff’s RAI to pose any substantive or technical concern with MOX Services’ SSNM item data verification process. Instead, we understand that the Staff’s interest simply was to ensure consistent and clear terminology between the FNMCP and Supplemental Statement of Position. Staff RAI 3) poses the same comment with respect to Section 2.8.3.2 of the FNMCP.

Q5: What are the relevant differences in terminology?

A: [GC, SK] The Supplemental Statement of Position, in various places, uses phrases such as “[p]hysical retrieval” of SSNM items, “physically check” and “physical movement.” The FNMCP uses the phrase “physical movements.” We should also note that our prior testimony used phrases such as “physically remove,” “physically retrieve,” “physically pull,” and “check,” and the SSNM Item Identity and Location Data Verification Procedure uses the phrase “movements.” Because of these subtle differences, MOX Services concluded it would be best to modify all of the relevant language, as necessary, to ensure consistency and clarity.

Q6: Did MOX Services intend any different meaning by the use of these various phrases?

A: [GC, SK] Absolutely not. MOX Services relies on its MMIS and PLC systems to meet its SSNM item monitoring requirements, as clearly discussed in our prior testimony. To address

the matters raised by the Atomic Safety and Licensing Board (Board) regarding the verification of the accuracy of MMIS and PLC data under Contention 9, MOX Services simply intended to make clear that it will, among other things,¹ *physically access* a certain number of SSNM items in storage and confirm that the actual identity and location of the items corresponds to the PLC records for the items. In almost all cases, this will, in fact, involve a physical movement of the item using remote equipment to permit the unique identification information on the item to be read. We have chosen to revise our testimony, the FNMCP, and the Procedure to refer generally to “verification” or “physical access” for consistency and accuracy purposes, but no different meaning was intended.

Q7: What did you mean by “[i]n almost all cases” in the answer directly above?

A: [GC, SK] For every SSNM item storage area other than Assembly Handling and Storage Unit (TAS) and Waste Storage Unit (VDQ), there will be an actual physical movement of the item using remote equipment to permit the unique identification information to be read. In TAS and VDQ, items may not need to be “moved” to read the unique identification information. For example, in TAS, authorized MOX personnel can enter the storage area and simply read that information off of the fuel assembly itself.

Q8: So please identify how you are changing your testimony in this regard.

A: [GC, SK] We are attaching as Exhibit APPR000042, the cover page and pages 2, 5, 14, 16, 18, 20, 21 and 23 of our October 15, 2012 Pre-Filed Direct Testimony. These pages are marked to show the specific changes being made to our testimony. Additionally, a complete version of the revised testimony has been included as APPR10037.

¹ See “Shaw AREVA MOX Services, LLC’s Pre-Filed Direct Testimony In Response to Board’s June 29, 2012 Memorandum and Order”, Q/A 9 for a summary of the five methods planned for verifying the accuracy of MMIS and PLC data, including physically accessing SSNM items in storage.

Q9: Have you submitted revised FNMCP sections as well?

A: [GC, SK] Yes. Revised sections, with the relevant pages marked to show the changes made as a result of the RAIs, are included as Enclosure 3 of Exhibit APP000043.

Q10: Have you submitted revised pages for the Procedure?

A: [GC, SK] Yes. A revised Procedure, marked to show the changes made as a result of the RAIs, is included as Exhibit APPR10038.

Q11: Were all of the changes to the Procedure made as a result of the language differences among the various documents discussed above?

A: [GC, SK] No. In reviewing the Procedure as part of MOX Services' response to the RAIs, MOX Services determined that the Procedure should be clarified in order to make it simpler for the user to implement. The changes are reflected in Exhibit APPR10038. For example, instead of directing the operator to skip from one section to another section of the Procedure during execution, the desired procedure steps are now duplicated in all the sections where they are needed. This should avoid confusion during Procedure execution and is a standard Conduct of Operations good practice. MOX Services also took the opportunity to incorporate some Human Factors improvements into the Procedure structure with this revision. The sections of the Procedure are now organized so that a collection of procedure steps to accomplish a desired outcome (e.g., Generate Intermediate Data Verification Period Report) are grouped together in a single section. Finally, some imprecise language was also replaced. Specifically a reference to "a week" in the text at the beginning of the Procedure was replaced with "seven (7) days" in order to more explicitly communicate the time frame required and to align with the same specified period within the body of the Procedure.

Q12: Does this conclude your Additional Direct Testimony?


A: [GC, SK] Yes.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief. Executed on December 3, 2012.

A handwritten signature in cursive script, appearing to read "Gary Clark", is written over a horizontal line.

Gary Clark
Shaw AREVA MOX Services
P.O. Box 7097
Aiken, SC 29804-7097
(803) 819-2341
tgclark@moxproject.com

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief. Executed on December 3, 2012.


Sue King
Shaw AREVA MOX Services
P.O. Box 7097
Aiken, SC 29804-7097
(803) 819-2020
sking@moxproject.com