



SIERRA  
CLUB  
FOUNDED 1892

# Radiation Committee

Linda C. Modica, Chair, 266 Mayberry Road, Jonesborough, Tennessee 37659  
TEL: [423] 676-2925 (m); [423] 753-9697 (h)

September 26, 2007

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
Before the Presiding Officer

September 27, 2007 (7:37am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

VIA EMAIL: [lgm1@nrc.gov](mailto:lgm1@nrc.gov), [rfcl@nrc.gov](mailto:rfcl@nrc.gov), [psl@nrc.gov](mailto:psl@nrc.gov)

In the Matter of NUCLEAR FUEL SERVICES, INC., LICENSE NO. SNM-124  
Special Nuclear Materials Facility (Confirmatory Order)

DOCKET NO. 70-143-CO  
ASLB NO. 07-857-01-CO-BD01

## SIERRA CLUB REQUEST FOR EXTENSION OF DEADLINE TO REPLY TO NRC STAFF'S RESPONSE TO HEARING REQUEST OF THE SIERRA CLUB'S NATIONAL RADIATION COMMITTEE AND WE THE PEOPLE, INC.

Dear Sir:

This is a timely-filed request for an additional 75 calendar days – i.e., until December 10, 2007 -- to reply to NRC Staff's Response to the national Sierra Club's hearing request.

This request is respectfully submitted for the following reasons:

First, NRC staff attorneys utterly disregarded the requirement of the Sierra Club that only paper copies of correspondence be sent via US mail. Instead, the NRC sent large files to my email account. As a result, the personal property of this Sierra Club volunteer, and the email account that I pay for out of personal funds, has been abused by NRC staff and damaged. The hobbling of my expensive wireless internet connection and the potential damage to my MacBook hard drive has cost countless hours of frustration trying to send emails, and untold losses of email correspondence that would have reached my account had NRC staff not violated the following requirement included in Sierra's August 20, 2007 Hearing Request:

***“Paper copies of correspondence and of the requested documents should be sent to Linda Modica, 266 Mayberry Road, Jonesborough, TN, 37659 via US mail or other reliable delivery service.”***

Second, Licensee attorneys utterly disregarded the requirement of this Petitioner that only paper copies of correspondence be sent via US mail, and instead sent numerous large PDF attachments to my email account – including emails and attachments for the other Petitioners in this Proceeding. As a result, the personal property of this Sierra Club volunteer and the email account that I pay for out of personal funds has been abused by NFS attorneys and damaged. The hobbling of my expensive wireless internet connection and the potential damage to my MacBook hard drive has cost countless hours of frustration trying to send emails, and untold losses of email correspondence that would have reached my account had NFS attorneys not violated the following requirement included in Sierra’s August 20, 2007 Hearing Request:

***“Paper copies of correspondence and of the requested documents should be sent to Linda Modica, 266 Mayberry Road, Jonesborough, TN, 37659 via US mail or other reliable delivery service.”***

Third, the damage caused to this Sierra Club volunteer’s hard drive and internet account has not yet been undone, and it is time-consuming to repair. The time that has been expended fixing the problems caused to my personal computer and internet account, the time spent using an older, slower computer, and the inefficiencies of dial-up, AOL internet service (to which I have had to resort to send this) have cost me the time that would have otherwise been spent with counsel reviewing NRC Staff’s Response.

Therefore, the Radiation Committee respectfully requests that the Presiding Officer use his discretion to grant the Sierra Club until December 10, 2007 to Reply to NRC Staff’s Response. Petitioner also requests that the Presiding Officer instruct the other parties to this Proceeding that correspondence with the Sierra Club and with We The People must only occur via U.S. Postal Service mail delivery. However, the national Sierra Club reserves the right to use email or faxes when communicating with the NRC or with NFS.

We trust that the Presiding Officer appreciates the fact that the computer resources and private email accounts of volunteer public servants should not be expected to bear the same weight of electronic correspondence as federal government or corporate computer resources.

Joining this Request for Extension of Deadline to Reply to NRC Staff is We the People, Inc.. Please send second copies of all correspondence with Linda Modica to Ann Harris, Executive Director, We the People, Inc., 341 Swing Loop Road, Rockwood, TN, 37854.

Respectfully submitted,

/s/ Linda Cataldo Modica

Linda Cataldo Modica

cc: [OCAAMail@nrc.gov](mailto:OCAAMail@nrc.gov),  
[hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov),

[eik1@nrc.gov](mailto:eik1@nrc.gov),  
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[blake.nelson@pillsburylaw.com](mailto:blake.nelson@pillsburylaw.com),

cc: Ann Harris, Executive Director  
We The People, Inc.  
341 Swing Loop Road  
Rockwood, TN 37854

cc: Pat Gallagher, Senior Staff Attorney  
Sierra Club  
85 Second Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94105

cc: Congressman John D. Dingell, Chairman  
U.S. House of Representatives  
Committee on Energy and Commerce  
Washington, D.C. 20515-6115

**From:** Linda Modica <linda.c.modica@mac.com>  
**To:** <lgm1@nrc.gov>, <rfc1@nrc.gov>, <psl@nrc.gov>  
**Date:** Thu, Sep 27, 2007 3:37 AM  
**Subject:** Sierra Club Request for Extension of Deadline to Reply to NRC, Docket No. 70-143-CO

Attached, please find an MS-Word-for-Mac document that requests an extension of time to reply to the NRC response to Sierra's hearing request.

Linda C. Modica, Chair  
Sierra Club Radiation Committee  
266 Mayberry Road  
Jonesborough, TN 37659  
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"Radiation is like God -- you can't hide from it, and if you don't respect it, you'll be called to pay for your sins." ~~ former Nuclear Fuel Services employee quoted in "A big job for a little town", The Progressive, April 1981.

**CC:** <OCAAmail@nrc.gov>, <hearingdocket@nrc.gov>, <eik1@nrc.gov>, <src2@nrc.gov>, <daryl.shapiro@pillsburylaw.com>, <blake.nelson@pillsburylaw.com>, <amward@nuclearfuelservices.com>

**Mail Envelope Properties** (46FB5DBC.C44 : 20 : 31812)

**Subject:** Sierra Club Request for Extension of Deadline to Reply to NRC, Docket  
No. 70-143-CO

**Creation Date** Wed, Sep 26, 2007 11:33 PM

**From:** Linda Modica <linda.c.modica@mac.com>

**Created By:** linda.c.modica@mac.com

**Recipients**

nrc.gov

HearingDocket CC (HearingDocket)

nrc.gov

EIK1 CC (Emily Krause)

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SRC2 CC (SherVerne Cloyd)

RFC1 (Richard Cole)

nrc.gov

LGM1 (Lawrence McDade)

PSL (Peter Lam)

nrc.gov

OCAAMAIL CC

**From:** HearingDocket  
**To:** Linda Modica  
**Date:** Wed, Oct 10, 2007 11:06 AM  
**Subject:** Re: Sierra Club Request for Extension of Deadline to Reply to NRC, Docket No. 70-143-CO

Ms. Modica,

Please submit to our office signed versions of Sierra Club Request for Extension of Deadline to Reply to NRC Staff's Response to Hearing Request of the Sierra Club's National Radiation Committee and We The People, Inc., Sierra Club Reply to Licensee's Answer to Request for Hearing of the Sierra Club National Radiation Committee, and Errata as soon as possible since we have no record of receiving the paper documents. Before we can place the documents on our adjudicatory docket, we must have the signed paper versions. Our mailing address is:

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Attention: Rulemakings and Adjudications Staff

Thank you.

>>> Linda Modica <linda.c.modica@mac.com> 09/26/2007 11:33 PM >>>

**Mail Envelope Properties** (470CEA5C.723 : 14 : 39379)

**Subject:** Re: Sierra Club Request for Extension of Deadline to Reply to NRC,  
Docket No. 70-143-CO

**Creation Date** Wed, Oct 10, 2007 11:06 AM

**From:** HearingDocket

**Created By:** HearingDocket@nrc.gov

<b>Recipients</b>	<b>Action</b>	<b>Date &amp; Time</b>
mac.com linda.c.modica (Linda Modica)	Transferred	10/10/07 11:06 AM

<b>Post Office</b>	<b>Delivered</b>	<b>Route</b>
		mac.com

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	1759	Wednesday, October 10, 2007 11:06 AM

**Options**

**Auto Delete:** No  
**Expiration Date:** None  
**Notify Recipients:** No  
**Priority:** Standard  
**ReplyRequested:** No  
**Return Notification:** None

**Concealed Subject:** No  
**Security:** Standard

**To Be Delivered:** Immediate  
**Status Tracking:** Delivered & Opened