



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 29, 2008

SECRETARY

Ms. Linda C. Modica
Chair, Sierra Club Radiation Committee
266 Mayberry Road
Jonesborough, TN 37659

Dear Ms. Modica:

I am responding to the request for hearing that you submitted, on behalf of the Sierra Club Radiation Committee, to the U.S. Nuclear Regulatory Commission (NRC) on December 17, 2007. On October 18, 2007, the Commission published in the *Federal Register* a "Notice of License Amendment Request of Nuclear Fuel Services, Inc., Erwin, TN, and Opportunity to Request a Hearing" on a proposed license amendment that would allow Nuclear Fuel Services (NFS) to possess greater quantities of uranium-235.

The *Federal Register* notice stated that any person requesting a hearing on the proposed license amendment must demonstrate standing by stating the nature of the requestor's right to a hearing and the nature and extent of the requestor's interest in the proceeding. Additionally, the *Federal Register* notice explained that a requestor must set forth with particularity the contentions sought to be raised, in accordance with 10 C.F.R. § 2.309(f). A contention is a specific statement of the issue of law or fact that the petitioner seeks to raise in a hearing and must include a concise statement of the alleged facts or expert opinions that support the requestor's position. Finally, contentions must demonstrate that the issue raised is within the scope of the proceeding and is material to the findings the NRC must make to support the action involved in the proceeding.

NRC is denying your request for a hearing. Your letter sets forth no issue of law or fact with particularity, as required by section 2.309(f) and did not demonstrate that the issues raised were within the scope of the proceeding or material to the findings the NRC must make to support issuance of the license amendment. Instead, the concerns focus on the performance of NFS and the NRC. Further, your letter failed to adequately address standing. Therefore, pursuant to the authority provided by 10 C.F.R. § 2.346(h), your request for a hearing on this matter is denied.

Sincerely,

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

cc: Daryl M Shapiro, Esquire
Blake J. Nelson, Esquire