



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); EMAIL: Linda.C.Modica@mac.com

December 17, 2007

Office of the Secretary
U.S. Nuclear Regulatory Commission
ATTN: Rulemakings & Adjudications
Washington, D.C. 20555-0001

VIA EMAIL: HEARINGDOCKET@NRC.GOV

RE: DOCKET NO. 70-143, NUCLEAR FUEL SERVICES, INC., LICENSE NO. SNM-124

The Sierra Club's national Radiation Committee, acting on behalf of the national Sierra Club, respectfully requests an Oral Hearing before the Atomic Safety & Licensing Board panel to be held in Tennessee within the community affected by Nuclear Fuel Services' (NFS) operations. The specific matter to be addressed at the requested Oral Hearing is the recently-granted amendment to SNM-124 license allowing NFS to receive and store greater quantities of highly-enriched, weapons-grade uranium-235 than previously allowed.

The Sierra Club requests an Oral Hearing from the ASLB because of the arbitrary and capricious manner by which NRC Staff awarded NFS an amendment to its Special Nuclear Material license prior to allowing interested parties to exercise their right to be heard. The national Sierra Club, on behalf of its members in the Erwin area as well as other concerned citizens, requests the opportunity to have NRC Staff explain in public – rather than hiding behind their desks serving boiler-plate responses to the public's concerns and filtering them through NRC's bureaucracy -- why it continues to run rough-shod over American citizens' rights to participate in their government's decision-making.

Second, regarding the latest amendment to SNM-124, the Sierra Club requests an Oral Hearing on the apparent violation by NRC Staff of citizens' Fifth Amendment due-process rights, as well as possible violations of the Administrative Procedures Act (APA) and the National Environmental Policy Act (NEPA).

Third, because NFS is still operating under the Confirmatory Order and has yet to meet the apparent conditions of its license which requires a Safety Culture at NFS's Erwin facility, an Oral Hearing is requested so that the ASLB can hear the concerns of the Sierra Club and the Erwin community regarding the disregard for worker and public health and safety demonstrated not only by the licensee which is taking more than 3 years to institute a Safety Culture in Erwin, but also by the NRC which continues to allow NFS to run the BLEU process despite its continued failure to operate safely and in accordance with the safety requirements of SNM-124.

Fourth, on November 8, 2007, NFS had yet another accident at its Erwin facility: a worker was sprayed with a radioactive, caustic liquid and required emergency medical attention at Unicoi County Memorial Hospital. ([Johnson City Press](#), 11/10/07, p.4A) This latest accident at NFS occurred even though

Deputy Region II Administrator Victor McCree promised that “NRC will continue enhanced oversight at NFS to verify sustained improved performance”. (Erwin Record, 09/18/07) The Sierra Club requests hearing regarding this latest failure by NFS to protect worker health and safety, and the repeated failure of the NRC to protect the public’s health and safety.

Fifth, the Sierra Club requests an Oral Hearing to allow the public living in the Region of Interest (ROI) around NFS to express its concern regarding the inconsistent actions & statements of NRC staff who, on the one hand, assert that NFS continues to have “problems in the implementation of safety controls” (Erwin Record, 09/18/07) yet, on the other hand, allow the Erwin licensee to threaten the health and safety of the public living and working not only within the ROI but also along the route of the increased amount of HEU shipments.

Finally, an Oral Hearing is requested to address Sierra’s concern that the Department of Energy (DOE) and the Tennessee Valley Authority (TVA) may be pressuring NRC to deliver license amendments to their contractor, NFS, that serve the DOE and TVA program interests but not the public’s health, safety and security.

With this letter, the Sierra Club urges NRC Commissioners to revoke the NFS license amendments for the failed BLEU Process -- and any license amendments that would enable it to start up the equally-unproven C-D Line -- unless and until the licensee demonstrates, and the public verifies, that NFS has instituted and tested an effective, stringent and pervasive Safety Culture at its Erwin facility.

NB: All correspondence regarding this matter needs to be through the Radiation Committee Chair, Linda Modica, who lives within the ROI at 266 Mayberry Road, Jonesborough, TN, 37659. Paper copies of correspondence must be delivered via US mail, UPS or Federal Express, or other reliable courier service. Emails and faxes are unacceptable.

Timely and respectfully filed,

/s/ Linda Cataldo Modica

Linda Cataldo Modica, Chair
Sierra Club Radiation Committee

Proof of Service/cc:

Ann Harris
Sierra Club EQST Liaison to Radiation Committee
341 Swing Loop Road
Rockwood, TN 37854

Pat Gallagher, Senior Staff Attorney
Sierra Club
85 Second Street, 2nd Floor
San Francisco, CA 94105

Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ocaamail@nrc.gov

Assistant General Counsel for Materials
Litigation and Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ogcmailcenter@nrc.gov

NRC Region II
61 Forsyth Street, SW
Atlanta, GA 30303
Eik1@nrc.gov
Src2@nrc.gov
Mjc1@nrc.gov
Jcm5@nrc.gov
Tac2@nrc.gov

Nuclear Fuel Services, Inc.
P.O. Box 337
Erwin, TN 37650
amward@nuclearfuelservices.com
daryl.shapiro@pillsburylaw.com
blake.nelson@pillsburylaw.com

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]
Sent: Monday, December 17, 2007 11:37 PM
To: Tison Campbell; HearingDocket Resource; Michael Clark; SherVerne Cloyd; Emily Krause; Jody Martin; OGCMailCenter; OCAAMAIL; amward@nuclearfuelservices.com; blake.nelson@pillsburylaw.com; daryl.shapiro@pillsburylaw.com
Cc: douglasjanz@aol.com; croedemeier@ap.org; Duncan Mansfield; msmith@ap.org; AHopkins@bristolnews.com; boconnor@bristolnews.com; dmcgee@bristolnews.com; jwig@bristolnews.com; ldavenport@bristolnews.com; mlakin@bristolnews.com; scameron@bristolnews.com; dave.hogan@citcomm.com; lhughes@erwinrecord.net; mstevens@erwinrecord.net; news@erwinrecord.net; wgrv@greeneville.com; wsmg@greeneville.com; news@heraldandtribune.com; gmtc@hotmail.com; lsaj_12@hotmail.com; bingram@johnsoncitypress.com; BJOLLY@johnsoncitypress.com; Newsroom; rhouk@johnsoncitypress.com; Andrew Eder; news@Knews.com; stambaugh@Knews.com; ct rept03@LCS.net; webmaster@mountaincityonline.com; washco@naxs.net; publisher@politics1.com; ThePeak@preferred.com; wgoc@preferred.com; wjcwwkin@preferred.com; wqut@preferred.com; publisher@seymourherald.com; news@standardbanner.com; rhardin@starhq.com; frank.trexler@thedailytimes.com; larry.aldridge@thedailytimes.com; editor@theheraldnewspapers.com; editor@themountainpress.com; letters2editor@thetomahawk.com; hhayes@timesnews.net; josborne@timesnews.net; smcclellan@timesnews.net; bbecker@wate.com; mthinkin@wate.com; newsroom@wate.com; jjohnson@wbir.gannett.com; thowell@wbir.gannett.com; ddierks@wcyb.com; shawkins@wcyb.com; hsummerford@wcyb.tv; Tradnoczi@wcyb.tv; dcounts@wjhl.com; jgreen@wjhl.com; lmoore@wjhl.com; mreynolds@wjhl.com; news@wjhl.com; NMorabito@wjhl.com; rwilliams@wjhl.com; twachs@wjhl.com; charlie@wkptam.com; bjones@xtn.net; jbeller@xtn.net; jhekel@xtn.net; nhull@xtn.net
Subject: Hearing Request re NFS Increased HEU Storage Limits, Amendment to License No. SNM-124, Docket No. 70-143
Attachments: RadComIncrHEUhearingReq12-17-07.doc; TEXT.htm

The Sierra Club's request that an Oral Hearing before the Atomic Safety & Licensing Board be held within the Erwin, Tennessee region affected by NFS's operations, is attached.

E-mail Properties

Mail Envelope Properties (D841D501B2C4D244B75AB897F70C1494128A467A65)

Subject: Hearing Request re NFS Increased HEU Storage Limits, Amendment to

License No. SNM-124, Docket No. 70-143
Sent Date: 01/14/2008 9:12:45 PM
Received Date: 12/17/2007 11:37:00 PM
From: Linda Modica

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

Recipients:

(Tison Campbell)
Tracking Status: None
Hearing.Docket@nrc.gov (HearingDocket Resource)
Tracking Status: None
(Michael Clark)
Tracking Status: None
(SherVerne Cloyd)
Tracking Status: None
(Emily Krause)
Tracking Status: None
(Jody Martin)
Tracking Status: None
(OGCMailCenter)
Tracking Status: None
(OCAAMAIL)
Tracking Status: None
amward@nuclearfuelservices.com (amward@nuclearfuelservices.com)
Tracking Status: None
blake.nelson@pillsburylaw.com (blake.nelson@pillsburylaw.com)
Tracking Status: None
daryl.shapiro@pillsburylaw.com (daryl.shapiro@pillsburylaw.com)
Tracking Status: None
douglasjanz@aol.com (douglasjanz@aol.com)
Tracking Status: None
croedemeier@ap.org (croedemeier@ap.org)
Tracking Status: None
dmansfield@ap.org (Duncan Mansfield)
Tracking Status: None
msmith@ap.org (msmith@ap.org)
Tracking Status: None
AHopkins@bristolnews.com (AHopkins@bristolnews.com)
Tracking Status: None
boconnor@bristolnews.com (boconnor@bristolnews.com)
Tracking Status: None
dmcgee@bristolnews.com (dmcgee@bristolnews.com)
Tracking Status: None
jwig@bristolnews.com (jwig@bristolnews.com)
Tracking Status: None
ldavenport@bristolnews.com (ldavenport@bristolnews.com)
Tracking Status: None
mlakin@bristolnews.com (mlakin@bristolnews.com)
Tracking Status: None
scameron@bristolnews.com (scameron@bristolnews.com)
Tracking Status: None

dave.hogan@citcomm.com (dave.hogan@citcomm.com)
Tracking Status: None

lhughes@erwinrecord.net (lhughes@erwinrecord.net)
Tracking Status: None

mstevens@erwinrecord.net (mstevens@erwinrecord.net)
Tracking Status: None

news@erwinrecord.net (news@erwinrecord.net)
Tracking Status: None

wgrv@greeneville.com (wgrv@greeneville.com)
Tracking Status: None

wsmg@greeneville.com (wsmg@greeneville.com)
Tracking Status: None

news@heraldandtribune.com (news@heraldandtribune.com)
Tracking Status: None

gmtc@hotmail.com (gmtc@hotmail.com)
Tracking Status: None

lsaj_12@hotmail.com (lsaj_12@hotmail.com)
Tracking Status: None

bingram@johnsoncitypress.com (bingram@johnsoncitypress.com)
Tracking Status: None

BJOLLY@johnsoncitypress.com (BJOLLY@johnsoncitypress.com)
Tracking Status: None

newsroom@johnsoncitypress.com (Newsroom)
Tracking Status: None

rhok@johnsoncitypress.com (rhok@johnsoncitypress.com)
Tracking Status: None

EderA@Knews.com (Andrew Eder)
Tracking Status: None

news@Knews.com (news@Knews.com)
Tracking Status: None

stambaugh@Knews.com (stambaugh@Knews.com)
Tracking Status: None

ctrept03@LCS.net (ctrept03@LCS.net)
Tracking Status: None

webmaster@mountaincityonline.com (webmaster@mountaincityonline.com)
Tracking Status: None

washco@naxs.net (washco@naxs.net)
Tracking Status: None

publisher@politics1.com (publisher@politics1.com)
Tracking Status: None

ThePeak@preferred.com (ThePeak@preferred.com)
Tracking Status: None

wgoc@preferred.com (wgoc@preferred.com)
Tracking Status: None

wjcwwkin@preferred.com (wjcwwkin@preferred.com)
Tracking Status: None

wqut@preferred.com (wqut@preferred.com)
Tracking Status: None

publisher@seymourherald.com (publisher@seymourherald.com)
Tracking Status: None

news@standardbanner.com (news@standardbanner.com)
Tracking Status: None

rhardin@starhq.com (rhardin@starhq.com)
Tracking Status: None

frank.trexler@thedailytimes.com (frank.trexler@thedailytimes.com)
Tracking Status: None

larry.aldrige@thedailytimes.com (larry.aldrige@thedailytimes.com)
Tracking Status: None

editor@theheraldnewspapers.com (editor@theheraldnewspapers.com)
Tracking Status: None

editor@themountainpress.com (editor@themountainpress.com)
Tracking Status: None

letters2editor@thetomahawk.com (letters2editor@thetomahawk.com)
Tracking Status: None

hhayes@timesnews.net (hhayes@timesnews.net)
Tracking Status: None

josborne@timesnews.net (josborne@timesnews.net)
Tracking Status: None

smcclellan@timesnews.net (smcclellan@timesnews.net)
Tracking Status: None

bbecker@wate.com (bbecker@wate.com)
Tracking Status: None

mhinkin@wate.com (mhinkin@wate.com)
Tracking Status: None

newsroom@wate.com (newsroom@wate.com)
Tracking Status: None

jjohnson@wbir.gannett.com (jjohnson@wbir.gannett.com)
Tracking Status: None

thowell@wbir.gannett.com (thowell@wbir.gannett.com)
Tracking Status: None

ddierks@wcyb.com (ddierks@wcyb.com)
Tracking Status: None

shawkins@wcyb.com (shawkins@wcyb.com)
Tracking Status: None

hsumerford@wcyb.tv (hsumerford@wcyb.tv)
Tracking Status: None

Tradnoczi@wcyb.tv (Tradnoczi@wcyb.tv)
Tracking Status: None

dcounts@wjhl.com (dcounts@wjhl.com)
Tracking Status: None

jgreen@wjhl.com (jgreen@wjhl.com)
Tracking Status: None

lmoore@wjhl.com (lmoore@wjhl.com)
Tracking Status: None

mreynolds@wjhl.com (mreynolds@wjhl.com)
Tracking Status: None

news@wjhl.com (news@wjhl.com)
Tracking Status: None

NMorabito@wjhl.com (NMorabito@wjhl.com)
Tracking Status: None

rwilliams@wjhl.com (rwilliams@wjhl.com)
Tracking Status: None

twachs@wjhl.com (twachs@wjhl.com)
Tracking Status: None

charlie@wkptam.com (charlie@wkptam.com)

Tracking Status: None

bjones@xtn.net (bjones@xtn.net)

Tracking Status: None

jbeller@xtn.net (jbeller@xtn.net)

Tracking Status: None

jhekel@xtn.net (jhekel@xtn.net)

Tracking Status: None

nhull@xtn.net (nhull@xtn.net)

Tracking Status: None

Post Office:

HQCLSTR01.nrc.gov

Files	Size	Date & Time	
MESSAGE	96284	01/14/2008	
RadComIncrHEUhearingReq12-17-07.doc			54748
TEXT.htm	2063		

Options

Expiration Date:

Priority: olImportanceNormal

ReplyRequested: False

Return Notification: False

Sensitivity: olNormal

Recipients received: