

Erwin Citizens Awareness Network  
P.O. Box 1151  
Erwin, Tennessee 37650

November 27, 2009

NRC Chairman Gregory B. Jaczko  
c/o Office of the Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

VIA: FED EX

RE: REQUEST FOR EXTENSION OF TIME TO PETITION FOR HEARING IN THE  
MATTER OF NUCLEAR FUEL SERVICES (NFS) 40-YEAR LICENSE RENEWAL  
APPLICATION; DOCKET NO. 70-143; NRC-2009-0435

Dear Chairman Jaczko:

We apologize to you and the Commission for the delay in submitting this extension request. But, since the Federal Register "Notice of Receipt of License Renewal Application From Nuclear Fuel Services, Erwin, Tennessee, and Opportunity to Request a Hearing" was published on October 6, 2009, Erwin Citizens Awareness Network members, as well as our assistants in Sierra Club, have been thoroughly engaged in nuclear issues that have confronted our region – just as you urged us to be in your November 26, 2008 letter to us:

***"As a proponent of transparency, public disclosure, and participation in the NRC's processes and decisions, especially with respect to facilities such as NFS, I hope that the Erwin CAN continues its involvement and efforts".***

Working constantly, we have spent countless hours educating ourselves through ADAMS searches – printing, summarizing and studying each and every document -- in a determined struggle to try and catch-up after being kept in the dark during the three years of NRC's secrecy ("OUO") policy. Oftentimes, we have neglected our own health, our families and loved ones because of the importance we place on these issues to our community and, perhaps, to the country in general.

Some of the specific issues that we have addressed since the Federal Register Notice was published on October 6<sup>th</sup>, and that have caused this request to be delayed, include:

- **Preparation for and participation of Erwin Citizens Awareness Network (ECAN) and Sierra Club members in teleconference with DOE on October 8<sup>th</sup> regarding the dumping of nuclear waste from NY State in Tennessee;**
- **Preparation for and participation of ECAN and Sierra Club members in a meeting with a Tennessee Department of Health representative on October 17<sup>th</sup> regarding State cancer data showing that Unicoi County (where NFS is located) suffers from nearly twice the incidence of brain cancer than the State as a whole;**

- **Focusing on (and speaking with the press regarding) the major accident at NFS on October 13<sup>th</sup> (Event #45446) which required an NRC Augmented Inspection Team. The AIT report is expected by mid-December according to Region II;**
- **Finding an environmental attorney experienced with nuclear cases, then traveling to and meeting with attorney who might help with hearing petition and declaration filings;**
- **Preparation for and participation of ECAN and Sierra Club members in the Public Meeting conducted by NRC's Region II at Erwin Town Hall on October 29<sup>th</sup>. Even over the Thanksgiving holiday, we are working on feedback to the NRC about that meeting in an attempt to correct what we believe are misleading answers that Region II provided to the public in a 13-page Frequently Asked Questions document (copy enclosed). A DVD of the meeting is also enclosed, along with a Letter to the Editor by an ECAN member;**
- **Preparation for and participation of ECAN and Sierra Club members in a meeting, requested by Peter Habighorst after the October 29<sup>th</sup> Public Meeting, with him and other NRC officials responsible for the preparation of the EA regarding NFS's request for a 40-year license renewal. (The Table of Contents for the two 3-inch binders of materials provided to NRC at the November 17<sup>th</sup> meeting is enclosed). We continue to forward information, to Mr. Habighorst and James Park, in support of an Environmental Impact Statement on NFS;**
- **Focusing and commenting on yet another NFS accident which occurred on November 14<sup>th</sup> (Event #45497 was not released until November 19<sup>th</sup>), involving the newly-licensed UF6 processing in the Commercial Development Line – an extremely hazardous process that we challenged for two years. (We understand that the CD Line has been completely shut down, pending further investigations);**
- **Tracking NFS accidents, report timing, veracity of contents, and NRC public release of reports. Not only was public release of the last 2 event reports delayed by NRC for 5 days or more (because of the OUC policy, according to NRC staff), but also Event #45446 contained substantial errors of fact that minimized the severity of the accident and that were picked up in the NRC's press release as well as the media;**
- **Focusing and commenting on the release, on November 24<sup>th</sup>, of the "resolution" of the nearly four-year-old Fitness-for-Duty Issue involving the (yet unnamed) NFS Senior Executive and NFS's contract physician. For nearly a month, the alcohol-impaired Senior Executive continued to have access to Special Nuclear Material (Event #42480) -- a dangerously-long breach of security in the public's eyes, but, apparently, not according to the ADR findings.**

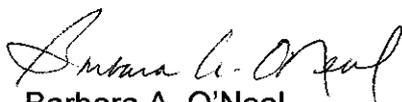
Further, ECAN and Sierra Club (and, possibly, other members of the public or public interest groups still to be determined) are unable to file their request for hearing by December 7, 2009 due to the fact that funding for legal help has not yet been raised and because an affordable attorney to help potential petitioners file their hearing request and declarations has not yet been selected.

Additionally, preparation for and travel regarding the Thanksgiving holiday, plus the seasonal flu and swine flu, have caused our members' time to be focused on personal matters. Finally, because the daughter of one of ECAN's advisors was diagnosed with Mononucleosis and Whooping Cough, resulting in the need to bring her home from college for medical treatment and recuperation, we have lost the time that she would have otherwise dedicated to the hearing petition.

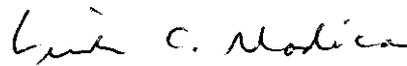
As you can see, we have been busy; and a lot of that time has been spent interacting with members of the NRC staff. Therefore, on behalf of Erwin Citizens Awareness Network and Sierra Club (as well as other individuals or public interest groups who might join our petition for hearing), we respectfully ask the Commission to extend the deadline for filing a Hearing Request until after the Christmas and New Year's holidays. Specifically, potential petitioners ask that the deadline be extended by 30 business days from the current December 7<sup>th</sup> deadline, i.e., to January 20, 2010.

As Kurt Vonnegut said in his book, Hocus Pocus, "the two prime movers in the universe are time and luck." Perhaps we'll have both!

Respectfully submitted,



Barbara A. O'Neal  
For Erwin Citizens Awareness Network



Linda C. Modica  
For Sierra Club Nuclear Issues Activist Team

4 Enclosures:

- (1) DVD of October 29, 2009 NRC Public Meeting in Erwin, TN
- (2) NFS Frequently Asked Questions (distributed by NRC Region II at Oct. 29 meeting)
- (3) Binder #1 and Binder #2 Contents: Themes for an NFS Environmental Impact Statement, provided to NRC on November 17, 2009
- (4) Letter to Editor, Johnson City Press, November 18, 2009