



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

September 21, 2022

Ms. Park Overall

SUBJECT: REQUEST FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION RELATED TO A LICENSE AMENDMENT FOR NUCLEAR FUEL SERVICES, INC.

Dear Ms. Overall,

The U.S. Nuclear Regulatory Commission Staff (Staff) is responding to your letter¹ requesting, on behalf of yourself and Ms. Sandra Higgins Miller, access to sensitive unclassified non-safeguards information (SUNSI) included in the application to amend special nuclear materials license number SNM-124 submitted by Nuclear Fuel Services, Inc. (NFS).² You seek access to “all of the SUNSI documents involved with this action at NFS.”³ The SUNSI information that NFS submitted in support of its application is eight documents withheld from public disclosure under Title 10 of the *Code of Federal Regulations* Section 2.390 as containing proprietary commercial information.

Pursuant to the “Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation,” (SUNSI Order) included in the August 31, 2022, *Federal Register* notice, the Staff evaluated your request to determine whether (1) there is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding, and (2) there is a legitimate need for access to SUNSI. For this proceeding, the Staff determined that, while there are some uncertainties as to whether you would meet the criteria for standing, there is a reasonable basis to believe that you could establish standing. However, as detailed below, the Staff has determined that you have not provided a sufficient basis to demonstrate that you have a legitimate need for access to SUNSI in this proceeding.

Need for SUNSI

In your Request, you cited several reasons for why you need access to SUNSI. First, you stated “[t]he reasons we require these SUNSI documents is, the NRC has the Ketterer Report which ECAN Commissioned. . . . We did it. Therefore, I would be very interested in what the NRC is

¹ Letter from Ms. Park Overall to NRC, RE: NRC-2022-0097 AND ALL OTHER #'s LISTED BELOW 1 (Sept. 12, 2022) (Request) (Enclosure 1). Enclosure 1 is a version of your Request you filed with redactions to personally identifiable information on September 14, 2022.

² See NFS License amendment application; opportunity to request a hearing and to petition for leave to intervene; order imposing procedures, 87 Fed. Reg. 53,507 (Aug. 31, 2022).

³ Request at 2.

willing to share with me.”⁴ Second, you stated “[a]nother reason I am requesting access to the SUNSI materials is [t]he NRC pulled out of the study by the National Academy of Sciences . . . I would be very interested in seeing the SUNSI documents so as to help me understand the real purpose and function of the NRC.”⁵

The NRC policy regarding access to SUNSI balances the goal of providing meaningful access to NRC proceedings with the security, privacy, and commercial interests for limiting access to certain information.⁶ Accordingly, a criterion for receiving access to SUNSI is that the requester has demonstrated a “need” for the requested SUNSI with respect to the ability to meaningfully participate in the adjudicatory proceeding.⁷ The Commission’s guidance on evaluating this “need” is, more specifically, that a “request for SUNSI should include: (1) an explanation of the importance of the requested information to the proceeding, i.e., how the information relates to the license application or to NRC requirements or guidance, and how it will assist the requester in seeking intervention; and (2) an explanation of why existing publicly available versions of the application would not be sufficient.”⁸ Your request does not address these “need” criteria. More specifically, your request does not indicate whether you intend to seek intervention in the license amendment request proceeding, and relatedly, you do not indicate how the requested SUNSI information would further your meaningful participation in the proceeding, such as enabling you to proffer an admissible contention. You also did not include any explanation as to why the publicly available information regarding the license amendment request is insufficient for you to participate in the proceeding. Finally, the bases cited in your request focus on past activities at NFS, rather than on the NFS license amendment request currently before the NRC for its regulatory review. For these reasons, your request does not demonstrate a legitimate need for access to SUNSI; therefore, your request is denied.

⁴ *Id.* at 3.

⁵ *Id.*

⁶ See *South Texas Project Nuclear Operating Co.* (South Texas Project, Units 3 and 4), CLI-10-24, 72 NRC 451, 53-55 (2010).

⁷ See *id.* at 465.


⁸ *Id.*

In conclusion, because your request does not satisfy both requirements stated in the SUNSI Order, it is denied. Pursuant to the SUNSI Order, you may challenge this determination by filing a challenge within 5 days of receipt of this determination with: “(a) [t]he presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) an officer if that officer has been designated to rule on information access issues.”

Sincerely,

James R.

Downs

 Digitally signed by James R.
Downs
Date: 2022.09.21 14:38:26
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James R. Downs, Senior Project Manager
Fuel Facility Licensing Branch
Office of Nuclear Materials Safety and Safeguards
U.S. Nuclear Regulatory Commission

Docket No. 70-143-LA

Enclosures:

1. Request

cc w/encl: Distribution via Electronic Information Exchange

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of

NUCLEAR FUEL SERVICES, INC.

(Application to amend Special Nuclear
Material License, Erwin, Tennessee)

Docket No. 70-143-LA

Certificate of Service

Pursuant to 10 C.F.R § 2.305, I hereby certify that copies of the foregoing letter dated September 21, 2022, have been served upon the Electronic Information Exchange (the NRC's E-Filing System), in the captioned proceeding, this 21st day of September 2022.

/Signed (electronically) by/

Kevin C. Roach
Counsel for NRC Staff
Mail Stop: O-14-A44
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Telephone: (202) 425-2664
E-mail: Kevin.Roach@nrc.gov

Dated in Atlanta, GA
this 21st day of September 2022

Attention: Rulemakings and Adjudications Staff
Office of the Secretary
Us Regulatory Commission
Washington, DC 2055-00

Office of the Secretary and General Counsel for Licensing,
Hearings, and Enforcement
Office of the General Counsel
US Nuclear Regulatory Commission
Washington DC 20555-0001

RE: NRC-2022-0097 AND ALL OTHER #'s LISTED BELOW

Federal Register/ Volume 87, No. 168/Wednesday, August
31.2022/Notices

To the Secretary:

I am requesting access to all SUNSI documents involving the conversion of Uranium Oxide to Uranium Metal at Nuclear Fuel Services, Erwin TN. I am requesting to be able to view any and all documents regarding the amendment/s to Nuclear Fuel Services SNM-124 License re: this action.

Nuclear Fuel Services Inc. is at 1205 Banner Hill Rd. Erwin, TN 37650 and it has been there for 65 years. I will request all SUNSI documents that pertain to the ML #'s and numbers below. I am also inquiring as to how my environmental attorney, David Bullock, can legally access redacted material re: this action?

1. As per the instructions in the referenced Federal Register Notice: The Docket ID NRC-2022-0097 and any other docket #'s or ML #'s that apply to the proposed conversion of Uranium Oxide to Uranium Metal at Nuclear Fuel Services, 1205 Banner Hill Road, Erwin, TN 37650. These are: ML21327A099 and the supplement # ML21327A099, L-2021LLA-0213, ML22014A421- ML22111A281. These are all – to my understanding so far- amendment requests to SNM - 124. I will require all of the SUNSI documents involved with this action at NFS.
2. The parties in question are myself, Park Overall, and Sandra Higgins Miller. I live on the river at [REDACTED] Rd. Afton, TN 37616. I have another property on Blackberry Lane also on the Nolichucky River. The Blackberry property does not have a street number yet, as only a barn is on it. My home is at River Mile 60.5 and my Blackberry Lane property is just below that and it is also on said River. In total I have over 44 acres that border the Nolichucky River. These properties are contaminated with radiation from Nuclear Fuel Services for the Ketterer Report traced these rads straight to NFS' s door. That is incontrovertible.
3. Sandra Higgins Miller is the daughter of a long- term employee of NFS, Alvin Higgins. who has passed. And she grew up right above NFS. Sandra Higgins Miller's address is [REDACTED], TN 37659. She has a vital interest in anything going on at NFS as her life is not a normal one. [REDACTED] Her damages are manifest. Her address growing up was 110 Horton Lane, Erwin, TN 37650 and in the many years her father worked at NFS, she lived on Meadow View Dr.

4. The reasons we require these SUNSI documents is, the NRC has the Ketterer Report which ECAN commissioned. (Erwin Citizen's Awareness Network) We did not get this study from the DOE or the NRC. We did it. Therefore, I would be very interested in what the NRC is willing to share with me.

Now, Ms. Higgins and I pose no threat to National Security; I assure you. She works up in Erwin has a good husband and some Yorkies, and I'm a retired actress. Ms. Higgins has no idea how to comply with these stringent rules you have set forth, and to be frank with you—I'm not even sure I do. But I am giving it a try.

Another reason I am requesting access to the SUNSI materials is

The NRC pulled out of the study by the National Academy of Sciences, which, Ms. Linda Modica, had so graciously gotten for the people here. We were one of the chosen facilities. Only 5 were chosen. Germany and France have studies around nuclear facilities that match ours. We find it disturbing no such studies have been done in this country to my knowledge. None. Except for ours. [The Ketterer Report](#). And [The Cancer Study](#) by [ECAN](#) which the ladies commissioned. Therefore, I would be very interested in seeing the SUNSI documents so as to help me understand the real purpose and function of the NRC. We were under the impression it was to protect the Public Health and Safety.

The NRC pulled out of funding this study. There are no American studies..... None on the Nolicucky, none but ours. Yet, NRC wishes to add a new process at the

legendary NFS? Look, we are the ones that are doing the studies. WE ARE DOING THE STUDIES. Not the NRC. Not the EPA. Not the DOE. WE DID IT. Dr. Michael Ketterer did it. Where was the NRC? Where was the DOE?

I brought in the ATSDR 2006. I have tried, as per my computer skills to attach it here for your convenience. It says there could be a pathway to humans. We agree.

These are but a few of the reasons I request the ability to view any documents the NRC has regarding the legendary and historically dangerous Nuclear Fuel Services new process request amendment/s. My property is impacted. Ms. Higgins life has been irreversibly adversely impacted.

Sincerely,

Ms. Park Overall

[REDACTED]

Afton, TN 37616

[REDACTED]

olparko@aol.com

