

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 08/29/07
SERVED 08/29/07

Nuclear Fuel Services, Inc.

Docket No. 70-143-CO

ASLBP No. 07-857-01-CO-BD01

ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 Fed. Reg. 28,710 (1972), and the Commission's regulations, see 10 C.F.R. §§ 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

NUCLEAR FUEL SERVICES, INC.
Special Nuclear Materials Facility
(Confirmatory Order)

This Board is being established in response to requests for hearing that were filed pursuant to a Notice of Publication of Confirmatory Order and Opportunity for Hearing (72 Fed. Reg. 41,528 (July 30, 2007)), regarding a Confirmatory Order issued to Nuclear Fuel Services, Inc. ("NFS") on February 21, 2007 that became immediately effective on the date of issuance. This proceeding arose from inspections and investigations at NSF by the NRC Staff that identified apparent violations for which escalated enforcement action was considered. The NRC Staff determined that its concerns regarding public health and safety could be resolved through confirmation of NFS's commitments as prescribed in the Confirmatory Order. Hearing requests have been submitted by: (1) Ken Silver, (2) R. Feher, (3) Linda Cataldo Modica on behalf of the Sierra Club, (4) Wanda Sue Kelley, (5) Barbara A. O'Neal, and (6) A. Christine Tipton.

The Board is comprised of the following administrative judges:

Lawrence G. McDade, Chair
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. Richard F. Cole
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. Peter S. Lam
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 C.F.R. § 2.302.

/RA/

E. Roy Hawkens
Chief Administrative Judge
Atomic Safety and Licensing Board Panel

Issued at Rockville, Maryland,
this 29th day of August 2007.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	Docket No. 70-143-CO
NUCLEAR FUEL SERVICES, INC.)	
)	
)	
Special Nuclear Materials Facility)	
(Confirmatory Order))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Lawrence G. McDade, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Richard F. Cole
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Bradley W. Jones, Esq.
Michael J. Clark, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Daryl M. Shapiro, Esq.
John H. O'Neill, Esq.
Blake J. Nelson, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037

Docket No. 70-143
ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD

Kenneth Silver, Assistant Professor
East Tennessee State University
Department of Environmental Health
P.O. Box 70682
Johnson City, TN 37614

R. Feher
489 Arnold Road
Jonesborough, TN 37659

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

John and Wanda Sue Kelley
123 Rolling Hills Rd.
Erwin, TN 37650

Barbara A. O'Neal
173 Roy Duncan Lane
Erwin, TN 37650

A. Christine Tipton
312 New Ave.
Erwin, TN 37650

Ann M. Ward, Esq.
General Counsel
Nuclear Fuel Services, Inc.
1205 Banner Hill Rd.
Erwin, TN 37650

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 29th day of August 2007