

June 7, 2001

Mr. Bruce R. Duncil  
2680 Highbrooke Trail  
Duluth, GA 30097

Dear Mr. Duncil:

I am responding to your letter, addressed to Chairman Meserve, and dated May 18, 2001, in which you requested the U.S. Nuclear Regulatory Commission (NRC) to deny a pending application regarding the construction of a proposed mixed oxide (MOX) fuel fabrication facility, based on various concerns you expressed. I understand that our Office of General Counsel confirmed in a telephone conversation that you were not filing a request for hearing on the pending request for construction authority. We are now reviewing the Duke Cogema Stone & Webster construction authorization request (CAR). It is, therefore, premature to either approve or deny your request. Our process in reviewing the CAR is to ensure that the design of the proposed facility meets all applicable requirements before we will allow construction to begin. You expressed many concerns about the manufacture and use of MOX fuel -- issues which are outside the scope of the pending request for construction authority for the MOX facility. Other issues you raise -- such as nuclear non-proliferation -- involve policy questions which are outside the NRC's regulatory jurisdiction.

You also requested that the public comment period on the scope of the NRC's environmental impact statement (EIS) regarding the proposed MOX facility be extended for 90 days past the May 21, 2001, deadline. As part of the EIS scoping process, the public has had several opportunities to provide comments and input. The public comment period for scoping included three scoping meetings, one in North Augusta, South Carolina, one in Savannah, Georgia, and a third in Charlotte, North Carolina. The written comment period lasted from March 7, 2001, to May 21, 2001. Comments received after May 21 will be considered to the extent possible. We believe that adequate time has been allowed for the EIS scoping comment period and are denying your request for an extension. An opportunity for public comment on the EIS contents is planned to begin in March 2002, following publication of the draft EIS in February 2002. Additionally, more public meetings will be scheduled during the draft EIS comment period.

In your letter you stated a concern that a MOX fuel fabrication facility would establish a global plutonium economy. The U.S. Department of Energy (DOE) is undertaking the MOX program following a review of various options for dispositioning surplus plutonium from U.S. nuclear weapons. The DOE's Record of Decision for the "Surplus Plutonium Disposition Final Environmental Statement," contains the rationale for the decision. In that decision, DOE states that spent MOX fuel will be disposed of at the proposed high-level waste repository. In this way, it will be protected from accidents and diversion, and it will not be reprocessed nor will it create a plutonium economy.

Your letter includes a number of concerns related to the commercial nuclear power industry that the NRC staff considers potentially important. However, preparation of a detailed response to

your concerns is difficult due to the generalized nature of your comments. If you have specific concerns related to the safe operation of commercial nuclear power plants that we need to consider, please contact the Allegations Coordinator for the NRC's Office of Nuclear Reactor Regulation, Mr. Gregory Cwalina, at (301) 415-2983 or by writing to him at U.S. NRC, Mail Stop O-6F2, Washington, DC 20555. If you have concerns relating to the proposed Fuel Fabrication Facility at the Savannah River Site, please contact Mr. Robert O'Connell, the Allegations Coordinator for the NRC's Office of Nuclear Materials Safety and Safeguards, at (301) 415-7877 or by writing to him at U.S. NRC, Mail Stop T-8F5, Washington, DC 20555. If you have specific concerns related to perceived wrongdoing on the part of NRC staff, please contact the NRC's Office of Inspector General (OIG). The toll free number is (800) 233-3497. Trained staff are available to answer calls Monday through Friday between 9 a.m. and 4 p.m. (eastern standard time). At other times, callers may leave a message on the recorder. There is no caller identification feature associated with the Hotline. Individuals may also provide information by writing to Hotline personnel at the following address:

U.S. Nuclear Regulatory Commission  
Office of the Inspector General  
Hotline Program  
Mail Stop T-5 D28  
Washington, DC 20555-0001

If you have any further questions, please contact me at (301) 415-7299.

Sincerely,

/RA/

Timothy C. Johnson, Senior Project Manager  
Special Projects Branch  
Division of Fuel Cycle Safety and  
Safeguards  
Office of Nuclear Materials Safety  
and Safeguards

cc: J. Johnson, DOE  
H. Potter, SC Dept of H&EC  
J.T. Conway, DNFSB  
D. Moniak, BREDL  
E. Foster  
G. Carroll, GANE  
R. Thomas, Environmentalists, Inc.

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/RA/  
Timothy C. Johnson, Senior Project Manager  
Special Projects Branch  
Division of Fuel Cycle Safety and  
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Office of Nuclear Materials Safety  
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cc: J. Johnson, DOE  
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Docket 70-3098	Public	ADAMS	CPoland,PMDA	MBridgers, EDO	EMcAlpine, RII
CRC #01-0266	WTravers	CPaperiello	WKane	PNorry	PTressler, EDO
SReiter	JCraig	SBurns	KCyr	LReyes, RII	
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RO'Connell	ELeeds	RPierson	MWeber	DAYres, RII	

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OFFICE	NMSS/FCSS	NMSS/FCSS	NMSS/FCSS	NRR/DLPM	NMSS/DWM	OGC
NAME	WGleaves/ TJohnson	DHoadley*	JGiitter, Chief	RMartin*	BDavis	JHull
DATE	6/7/2001	6/ 7/2001	6/7/2001	6/ 7 /2001	6/7/2001	6/7/2001

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