EDO Principal Correspondence Control

FROM: DUE: 01/29/04

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FINAL REPLY:

Governor Bob Taft

TO:

The Commission

FOR SIGNATURE OF : ** PRI ** CRC NO: 04-0021

Chairman Diaz

DESC:

Expedite the Approval Process for the License Applications for Any New Uranium Enrichment Facility

ROUTING:

Travers
Norry
Paperiello
Kane
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Dean
Burns/Cyr
Caldwell, RIII
Lohaus, STP

DATE: 01/20/04

ASSIGNED TO: CONTACT:

NMSS Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:

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PAPER NUMBER:	LTR-04-0021	**LOGGING DATE:**	01/16/2004
ACTION OFFICE:	EDO		
AUTHOR:	GOV Bob Taft		
AFFILIATION:	OH-GOV		
ADDRESSEE:	Nils Diaz		
SUBJECT:	Urges the Commission to expedite the approval process for the license applications for any new uranium enrichment facility		
ACTION:	Signature of Chairman		
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DATE DUE:	02/02/2004	**DATE SIGNED:**	

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BOB TAFT
GOVERNOR
STATE OF OHIO

CHAIRMAN REC'D
04 JAN 15 PM 4:51

January 15, 2004

Chairman Nils J. Diaz
Commissioner Edward McGaffigan, Jr.
Commissioner Jeffrey S. Merrifield
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20850-2738

Dear Chairman Diaz and Commissioners McGaffigan and Merrifield:

We understand that in your review of license applications for any new uranium enrichment facility you may take into consideration the provisions of Section 637 of the pending energy legislation that would expedite the approval process and require the U.S. Government to take possession and store for processing additional quantities of depleted uranium hexafluoride (DUF_6). (see *Nuclear Fuel* dated January 5, 2004)

Therefore, I am writing on behalf of the State of Ohio to express my deep concern about any expedited process that would approve a new facility before the issue of storage and conversion of the DUF_6 byproduct is resolved in a specific and certain manner.

Currently, there is no facility to process the DUF_6 tails. Congress has provided that a DUF_6 conversion facility will be built in Ohio although construction on that project has not commenced. In addition, there already is a very large amount of waste that will have to be processed at a new Ohio facility.

Ohio currently hosts 198,000 metric tons of DUF_6 that was generated principally by the federal government during the Cold War at the Portsmouth Gaseous Diffusion Facility. It is my understanding it could take up to 18 years to process and convert this volume of material. Ohio and the Department of Energy are also currently negotiating an agreement to receive in Ohio DUF_6 generated at Oak Ridge in anticipation of construction of a new DUF_6 processing plant in Ohio. We have worked closely with the Department of Energy to resolve these environmental issues and have made very significant progress.

Acceptance of additional DUF_6 from a new uranium enrichment facility not covered by current agreements would raise significant environmental and public safety issues that would need to be resolved. Our concern in this regard is intensified by the fact that proposed Section

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637 would eliminate the environmental safeguards required by the National Environmental Policy Act (NEPA) with respect to approval of a new uranium enrichment facility.

Therefore, we request that the NRC not approve any new uranium enrichment facility until it is determined how and where the DUF_6 byproduct from such a facility will be stored and processed. In addition, we want you to be aware that acceptance of such additional DUF_6 by Ohio would not be automatic or inevitable. There would be environmental and public safety issues that would have to be negotiated and resolved before we could agree to acceptance of additional material.

We ask that you carefully consider Ohio's views as part of your licensing process for any new uranium enrichment facility. Thank you for your consideration.

Sincerely,

Bob Taft

Bob Taft
Governor