



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

50-237/244/254/265
295/304/379/374

July 29, 1997

Mr. Lester Schlosberg
6149 N. Wolcott Ave.
Chicago, IL 60660

Dear Mr. Schlosberg:

I am responding to your letter of June 10, 1997, to Chairman Jackson of the U. S. Nuclear Regulatory Commission (NRC) in which you expressed your general concern about the disposal of plutonium and your particular concern regarding the possible use of mixed oxide (MOX) fuel (which contains the plutonium) by Commonwealth Edison Company (ComEd) in light of its operational performance.

As you know, performance at some ComEd plants has been a concern to the NRC for some time. As a result of continuing inconsistent safety performance at a number of ComEd sites, the NRC issued a letter pursuant to its regulations in 10 CFR 50.54(f) on January 27, 1997, requiring ComEd to submit information relating to its ability to operate six nuclear stations while sustaining performance improvement at each site. ComEd responded on March 28 and April 15, 1997. On April 25, 1997, ComEd and the NRC staff discussed ComEd's performance at a public meeting. The NRC is conducting regulatory oversight activities aimed at ensuring that ComEd can safely operate its six nuclear stations while sustaining performance improvement at each site.

With regard to the utilization of surplus plutonium as a component of the fuel in its commercial nuclear power plants, ComEd has indicated that it is interested in using MOX fuel. However, ComEd has not officially asked the NRC to evaluate the acceptability of its use of MOX fuel in any of its plants. Before any MOX fuel is used in any domestic commercial nuclear power plants, the Department of Energy (DOE) would begin a formal evaluation process and issue a request for proposals to solicit expressions of interest from utilities which potentially could use the fuel, followed by evaluation of the respondents and selection of one or more finalists for the MOX fuel program. In addition, the NRC must authorize the use of MOX fuel in any domestic commercial power reactor.

If DOE were to select ComEd to participate in the MOX fuel program, ComEd would be required to perform a safety analysis of the impact of using MOX fuel and to request an amendment to one or more of its operating licenses. Before such an amendment could be granted, the NRC would conduct a review to determine if using MOX fuel would affect the safe operation of the plant and the NRC may have to assess the environmental impacts of plant operation using MOX fuel. The NRC's review would also assess the measures that would be employed to ensure the physical security of the MOX fuel. Any request for a license amendment will be subject to a licensing hearing at the request of an

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PDR ADOCK 05000237
H PDR

NRC FILE CENTER COPY

interested person who properly shows standing under NRC regulations. If ComEd were to formally request to use MOX fuel in any of its six nuclear stations, the NRC staff would evaluate that request on its merits using the information available to the NRC at that time.

In summary, the NRC's current regulatory oversight initiatives are aimed at ensuring that ComEd can safely operate its six nuclear stations while sustaining performance improvement at each site. It would be premature, at this time, for the NRC to take a position regarding the acceptability of the potential use of MOX fuel before it receives any proposal or request by ComEd or any other utility for a license amendment to authorize the use of such fuel.

We recognize your interest in these issues and hope that you find this letter helpful in addressing your concerns.

Sincerely,



Robert A. Capra, Director
Project Directorate III-2
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

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Sincerely,

ORIGINAL SIGNED BY

Robert A. Capra, Director
Project Directorate III-2
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-456, STN 50-547,
STN 50-454, STN 50-455, 50-237,
50-249, 50-373, 50-374, 50-254,
50-265, 50-295, 50-304

DOCUMENT NAME: DICK\GT970447

*see previous concurrence

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OFFICE	PM:PD3-2	TECH ED	OGC	RIII	D:DPRW
NAME	GDICK <i>RO-40C</i>	*BCalme	LJChandler	ABBEACH*	JROE*
DATE	06/24/97	06/23/97	06/24/97	06/24/97:jlc	06/27/97
OFFICE	ADPR/NRR	D:NRR	EDO	OCM	
NAME	*RZIMMERMAN	SCORINS	LJCAHAN	SJACKSON	
DATE	06/30/97	06/27/97	06/29/97	7/29/97	

L. Schlosberg

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OFFICE	PM:PD3-2	TECH ED	OGC	RIII	D:DPRW
NAME	GDICK <i>RR-51C</i>	*BCamrg	LJChandler <i>SCAULLER</i>	ABBEACH*	JROE*
DATE	06/24/97	06/23/97	06/30/97 <i>change</i>	06/24/97:jlc	06/27/97
OFFICE	ADPR/NRR	ED:NRR	EDO	OCM	
NAME	*RZIMMERMAN	SCOLLINS	LJCAHAN	SJACKSON	
DATE	06/30/97	06/27/97	06/29/97	7/29/97	

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applicability of its use of MOX fuel in any of its plants. Before any MOX fuel is used in any domestic commercial power reactor, DOE must issue a request for proposals to solicit expressions of interest from parties interested in using the fuel, followed by evaluation of the respondents and selection of one or more finalists.

If ComEd expresses an interest in using MOX fuel, and if DOE selects ComEd to participate in the MOX fuel program, ComEd would be required to perform a safety analysis of the impact of using MOX fuel and to request an amendment to one or more of its licenses. Before such an amendment could be granted, the NRC would conduct a review to determine if using MOX fuel would affect the safe operation of the plant or the environmental impacts of plant operation. The NRC's review would also assess the measures that would be employed to ensure the physical security of the fuel. If ComEd makes such a request, the NRC staff will evaluate it on its merits using the information available to the NRC at that time.

In summary, the NRC's current regulatory oversight initiatives are aimed at ensuring that ComEd can safely operate its six nuclear stations while sustaining performance improvement at each site. It would be premature, at this time, for the NRC to take a position regarding the acceptability of the potential use of MOX fuel before it receives any proposal or request by ComEd for a license amendment to authorize the use of such fuel.

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Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

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STN 50-454, STN 50-455, 50-237,
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OFFICE	PM:PD3-2	E	TECH ED	OGC	R111	D:DPRW
NAME	GDICK		*BCalvro	LJChandler	ABBEACH J. Caldwell	JROE Conn. INC.
DATE	06/19/97		06/23/97	06/19/97	06/24/97:jlc for BY Shule	06/17/97 Roc for
OFFICE	ADPR/NRR		D:NRR	EDO	OCM	
NAME	RZIMMERMAN		SCOLLINS	LJCALLAN	SJACKSON	
DATE	06/19/97		06/19/97	06/19/97		

affect the safe operation of the plant or the environmental impacts of plant operation. The review would also assess the measures that would be employed to ensure the physical security of the fuel. If ComEd does make such a request, it will be evaluated on its merits using the information available to the NRC at that time.

In summary, the NRC's current regulatory oversight initiatives are aimed at ensuring that ComEd can safely operate its six nuclear stations while sustaining performance improvement at each site. It would be premature, at this time, for the NRC to take a position regarding the acceptability of the potential use of MOX fuel prior to the receipt of any proposal or request by ComEd for a license amendment to authorize the use of such fuel.

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NAME	GDICK	BSanders <i>B. Collins</i>	LJChandler	ABBEACH	JROE
DATE	06/ /97	06/23/97	06/ /97	06/ /97	06/ /97
OFFICE	ADPR/NRR	D:NRR	EDO	OCM	
NAME	RZIMMERMAN	SCOLLINS	LJCALLAN	SJACKSON	
DATE	06/ /97	06/ /97	06/ /97		

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Docket Files (STN 50-456, STN 50-457, STN 50-454, STN 50-455, 50-237, 50-249, 50-373, 50-374, 50-254, 50-265, 50-295, 50-304) (w/incoming), T5C3

PUBLIC (w/incoming)

EDO #G970447, 05E6

EDO r/f, 05E6

L.J. Callan, 05E6

E. Jordan, 05E6

H. Thompson, 05E6

P. Norry, 05E6

J. Blaha, 05E6

S. Burns, 015B18

C. Paperiello, NMSS, T8A23

A.B. Beach, RIII

S. Collins/F. Miraglia, 012G18

R. Zimmerman, 012G18

T. Martin, 011H21

PD3-2 r/f

J. Roe, JWR

E. Adensam, EGA1

R. Capra

M. Boyle (email MLB4)

P. Milano, 014B20

M. Thadani, 014B20

OGC, 015B18

OPA, 02A13

SECY #CRC-97-0609, 016G15

M. L. Slosson, 01H21

K. Bohrer, NRR Mail Room (EDO #G970447 w/incoming), 012G18

N. Olson, 012G18

T. Harris

G. Dick (w/incoming)

S. Bailey

R. Assa

J. Stang

R. Pulsifer

L. Rossback

D. Skay

C. Shiraki

D. Lynch

C. Moore

V. Perin, T8A33

T. Sherr, T8A33

J. Wilson, 010H5

R. Lanksbury, RIII

M. Parker, RIII

W. Kropp, RIII

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Docket Files (STN 50-456, STN 50-457, STN 50-454, STN 50-455, 50-237, 50-249, 50-373, 50-374, 50-254, 50-265, 50-295, 50-304) (w/incoming), T5C3

PUBLIC (w/incoming)

EDO #G970447, 05E6

EDO r/f, 05E6

L.J. Callan, 05E6

E. Jordan, 05E6

H. Thompson, 05E6

P. Norry, 05E6

J. Blaha, 05E6

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EDO #G970447, 05E6

EDO r/f, 05E6

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E. Jordan, 05E6

H. Thompson, 05E6

P. Norry, 05E6

J. Blaha, 05E6

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OFFICE	PM:PD3-2	TECH ED	OGC	RIII	D:DPRW
NAME	GDICK <i>Rev 504</i>	*BCamrg	LJChandler <i>change</i>	ABBEACH*	JROE*
DATE	06/16/97	06/23/97	06/24/97	06/24/97:jlc	06/27/97
OFFICE	ADPR/NRR	ED:NRR	EDO	OCM	
NAME	*RZIMMERMAN	SCOLLINS	LJCAHAN	SJACKSON	
DATE	06/30/97	06/27/97	06/27/97	7/29/97	



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

July 29, 1997

Mr. Lester Schlosberg
6149 N. Wolcott Ave.
Chicago, IL 60660

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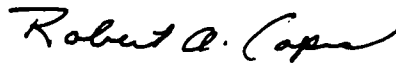
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Project Directorate III-2
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

ACTION

EDO Principal Correspondence Control

FROM: DUE: 06/25/97 EDO CONTROL: G970447
DOC DT: 06/10/97
FINAL REPLY:

Lester Schlosberg
Chicago, Illinois

TO:

Chairman Jackson

FOR SIGNATURE OF : ** PRI ** CRC NO: 97-0609

Office Director

DESC:

COMMONWEALTH EDISON -- USE OF PLUTONIUM

ROUTING:

Callan
Jordan
Thompson
Norry
Blaha
Burns
Paperiello, NMSS

DATE: 06/13/97

ASSIGNED TO:

CONTACT:

NRR

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

Put EDO and Chairman on for concurrence.
Chairman's office to review response prior to
dispatch.

NRR RECEIVED: JUNE 16, 1997
NRR ACTION: DRPW:ROE

NRR ROUTING: COLLINS
MIRAGLIA
ZIMMERMAN
MARTIN
SLOSSON
BOHRER

ACTION

DUE TO NRR DIRECTOR'S OFFICE

BY June 24, 1997

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-97-0609 LOGGING DATE: Jun 12 97
ACTION OFFICE: EDO
AUTHOR: LESTER SCHLOSBERG
AFFILIATION: ILLINOIS
ADDRESSEE: CHAIRMAN JACKSON
LETTER DATE: Jun 10 97 FILE CODE:
SUBJECT: COMMONWEALTH EDISON.....USE OF PLUTONIUM
ACTION: *Appropriate D.L.*
DISTRIBUTION: CHAIRMAN
SPECIAL HANDLING: NONE
CONSTITUENT:
NOTES:
DATE DUE: *June 27*
SIGNATURE: DATE SIGNED:
AFFILIATION:

Chairman should review response prior to dispatch