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SUBJECT: EXPRESS CONCERN FOR THE PROPOSAL TO CONVERT PLUTONIUM FROM
DECOMMISSIONED NUCLEAR WEAPONS INTO AN EXPERIMENTAL REACTOR
FUEL.....MOX

ACTION: Signature of Chairman
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COMMISSION CORRESPONDENCE

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February 22, 2001

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Dr. Richard Meserve
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Dear Chairman Meserve,

We petition you out of deep concern for the proposal to convert plutonium from decommissioned nuclear weapons into an experimental reactor fuel -- MOX. Although many of the decisions surrounding the MOX proposal are clearly outside NRC jurisdiction, the role to be played by the NRC is a critical one. Soon the Commission will undertake the review of a license application by Duke Energy, the French company Cogema, and Stone & Webster Engineering to construct a MOX fuel factory at Savannah River Site near Augusta, Georgia.

We are alarmed by many aspects of the MOX proposal, most notably the prospect of creating a plutonium economy and the nuclear weapons proliferation consequences attendant to such a scenario. While proliferation and international plutonium policy may not be the purview of the NRC, the agency does have authority over the environmental, and consequently, the public health, implications of MOX manufacture. It is to that authority which we appeal.

A global consortium of companies which have not previously collaborated together, of which only the French partner, Cogema, has any nuclear fuel manufacturing experience (which experience is a French "state secret") seeks NRC permission for this unprecedented undertaking. The NRC currently plans to review the license application to build this first-of-its-type, full-scale plutonium fuel factory by an unknown entity, Duke-Cogema-Stone & Webster, under the informal 'paper' permitting procedures of 10 CFR Part 2, Subpart L (10 CFR §2.1201 et seq.).

We petition the NRC to use the procedures set forth in 10 CFR Subpart G (§ 2.700 et seq.) and that the Commission fully adjudicate the license application as a formal courtroom proceeding.

The NRC's Subpart G process provides the following basic significant procedural protections to the public:

- the right to discover the underlying technical scientific and engineering basis for proposed permit conditions;
- the right to depose and to cross-examine industry and governmental experts;
- the right to produce in-person expert testimony in opposition to the proposed project;
- the right to compel testimony and evidence via subpoena;
- the right to a full and impartial Atomic Safety and Licensing Board of judges to evaluate the demeanor and credibility of witnesses, and to ask followup questions from the bench;
- the right to develop and preserve a thorough factual record of opposition for meaningful review by the Federal court system.

Subpart L excludes these basic tools and is deficient to achieve full comprehension of the facts, risks and flaws of both licensee abilities and the design-basis of the proposed construction.

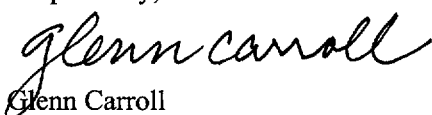
MOX fuel manufacture poses many unanswered technical questions. We believe that it potentially carries an unprecedented level of environmental, worker and public health risk. Society approaches the MOX prospect with no relevant industry experience in plutonium fuel converted from weapons, and with a conventional uranium fuel history that is riddled with accidents, egregious environmental contamination and an unacceptably high level of worker radiation exposures. At the same time, the NRC's weakest regulatory performance is associated with the regulation of fuel processing and manufacture.

The public interest here lies in a procedurally rigorous process to achieve a credible decision whether or not MOX fuel fabrication deserves licensure. The U.S. experiments with weapons-grade plutonium are being watched by Russia and the world. The public and the NRC have extremely high stakes in ensuring the most informed decision is made. The NRC has itself expressed more than once that full public involvement consistently fosters improved industry performance and safety.

Chairman Meserve, we call upon you to exercise the authority granted to you by your office and to fulfill the NRC's mandate to protect the public health and our environment by requiring the public adjudicatory process described in 10 CFR Subpart G (§ 2.700 et seq.) upon the licensing of MOX manufacture.

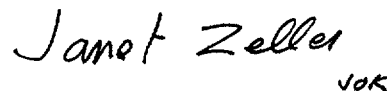
It is up to you and the Board of Commissioners to ensure that human progress in the nuclear age proceeds deliberately and with extreme caution. We believe that you will concur that our demand for Subpart G process on MOX fuel licensure is reasonable, and we eagerly expect your favorable response.

Respectfully,



Glenn Carroll
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