

March 23, 2001

Edwin S. Lyman, Ph.D., Scientific Director
Nuclear Control Institute
1000 Connecticut Ave., N.W., Suite 410
Washington, D.C. 20036

Dear Dr. Lyman:

I am responding to your letter, dated March 9, 2001, regarding the potential licensing of a mixed oxide (MOX) fuel fabrication facility by the Nuclear Regulatory Commission (NRC). In connection with any hearings which may occur regarding a MOX facility, you advocate the use of hearing procedures set forth in 10 C.F.R. Part 2, Subpart G.

Construction and operation of a MOX fuel fabrication facility is subject to the NRC's requirements set forth in 10 C.F.R. Part 70. The hearing procedures set forth in 10 C.F.R. Part 2, Subpart L are generally applicable to the adjudication of matters related to the issuance of 10 C.F.R. Part 70 licenses. Nevertheless, the Commission has decided that, in this instance, while any hearing conducted with respect to the potential licensing of a MOX fuel fabrication facility would be conducted as a Subpart L proceeding, certain other procedures not normally used in Subpart L will be used. These additional procedures will include a requirement for identification of contentions, the availability of limited discovery procedures, and the option for oral questioning of expert witnesses by the Presiding Officer based on questions submitted by the parties. Further information regarding the procedures to be used and scheduling will be set forth in a notice of opportunity for hearing to be published in the *Federal Register*.

If you have any further questions regarding the hearing, please contact John Hull, Esq., Office of the General Counsel, at (301) 415-1573.

Sincerely,

/RA/

Richard A. Meserve

March 23, 2001

Arjun Makhijani, Ph.D., President
Institute for Energy and Environmental Research
6935 Laurel Ave., Suite 204
Takoma Park, Maryland 20912

Dear Dr. Makhijani:

I am responding to your letter, dated March 9, 2001, regarding the potential licensing of a mixed oxide (MOX) fuel fabrication facility by the Nuclear Regulatory Commission (NRC). In connection with any hearings which may occur regarding a MOX facility, you advocate the use of hearing procedures set forth in 10 C.F.R. Part 2, Subpart G.

Construction and operation of a MOX fuel fabrication facility is subject to the NRC's requirements set forth in 10 C.F.R. Part 70. The hearing procedures set forth in 10 C.F.R. Part 2, Subpart L are generally applicable to the adjudication of matters related to the issuance of 10 C.F.R. Part 70 licenses. Nevertheless, the Commission has decided that, in this instance, while any hearing conducted with respect to the potential licensing of a MOX fuel fabrication facility would be conducted as a Subpart L proceeding, certain other procedures not normally used in Subpart L will be used. These additional procedures will include a requirement for identification of contentions, the availability of limited discovery procedures, and the option for oral questioning of expert witnesses by the Presiding Officer based on questions submitted by the parties. Further information regarding the procedures to be used and scheduling will be set forth in a notice of opportunity for hearing to be published in the *Federal Register*.

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Sincerely,

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Richard A. Meserve