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ADJUDICATIONS STAFF

May 18, 2001

Board of Commissioners
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Meserve,
Commissioners Merrifield, Dicus, Diaz, and McGaffigan,

Upon reviewing the letter sent to you earlier today, I noticed an error that needs correction to accurately convey our request to you.

Additionally, we draw your attention to the unfortunate fact that the NRC's Environmental Impact Statement on the MOX factory will not be completed until well into the licensing review calendar currently under way. The ability of the public to comment in the scoping process is seriously limited by the unavailability of the non-proprietary Construction Authorization Request. Please delay the licensing process until the EIS is published and changes reflected in the MOX factory design. It is a waste of resources of the NRC, Duke- COGEMA-Stone & Webster and GANE to enter the license review process until the EIS is completed.

It is the PROPRIETARY version of the Construction Authorization Request which is unavailable to the public.

Attached is a corrected version of the letter that should be considered with GANE's Request for Hearing submission.

Respectfully,

Glenn Carroll
Glenn Carroll
Coordinator

Enclosures



May 17, 2001

Board of Commissioners
U.S. Nuclear Regulatory Commission
Washington, D.C 20555

Dear Chairman Meserve,
Commissioners Merrifield, Dicus, Diaz, and McGaffigan,

Thank you for upgrading the Subpart L process for the MOX Fuel Factory license review by including discovery and cross-examination as expressed in your letter to GANE dated March 23, 2001, and in the Federal Register Notice of April 18, 2001.

Attached is GANE's Request for Hearing. As you can see many complex and difficult issues are unresolved. We believe this plutonium fuel case compels the establishment of a full, three-member Atomic Safety & Licensing Board of judges.

Additionally, we draw your attention to the unfortunate fact that the NRC's Environmental Impact Statement on the MOX factory will not be completed until well into the licensing review calendar currently under way. The ability of the public to comment in the scoping process is seriously limited by the unavailability of the proprietary version of the Construction Authorization Request. Please delay the licensing process until the EIS is published and changes reflected in the MOX factory design. It is a waste of resources of the NRC, Duke-COGEMA-Stone & Webster and GANE to enter the license review process until the EIS is completed.

We also want to call your attention to the staggering costs to a member of the public to acquire a paper copy of Duke-COGEMA-Stone & Webster's Construction Authorization Request. The non-proprietary version is 1,800 pages for which the NRC Public Document Room charges 10¢ per page.

A few dedicated volunteer GANE members have represented Georgia citizens at the NRC for more than 20 years. We have not been charged for documents we have received from the NRC, solicited or unsolicited. The unprecedented risk posed by bringing plutonium oxides to Savannah River Site for processing into fuel demand an unprecedented inquiry on every level, including by the public.

Please use the authority of your commission to remedy this obstruction to public participation in the most significant licensing case in a decade. Perhaps DCS, or DOE, may be required to finance the distribution of free copies of the C.A.R. to interested citizens.

We appreciate your responsiveness to our concerns.

Respectfully,

A handwritten signature in cursive script that reads "glenn carroll". The signature is written in dark ink and is positioned above the printed name and title.

Glenn Carroll
Coordinator

Enclosures