

April 14, 2004

Henry J. Porter, Assistant Director
Division of Waste Management
Bureau of Land and Waste Management
Department of Health & Environmental Control
2600 Bull Street
Columbia, SC 29201

Dear Mr. Porter:

This is in reference to the potential disposal of the Millstone Unit 1 missing fuel rods at either the Barnwell, South Carolina, or Hanford, Washington, low-level waste disposal facilities. U.S. Nuclear Regulatory Commission (NRC) has completed its evaluation regarding the safety significance of the potential presence of the Millstone Unit 1 missing fuel rods at either of these sites. Attached are the final safety analyses for the missing fuel rods (Attachments 1 and 2) and the response to comments (Attachment 3) received following the January 6, 2003, publication of the draft analyses in the Federal Register.

The conclusion of the safety analyses is that the presence of the two fuel rods, if they are at either site, is minimal to both the present workers and future generations of the public. Additional efforts to locate and retrieve the missing fuel rods are not warranted. The rods, if present, do not constitute a risk to the public health and safety, or environment. Consequently, on the basis of the safety analyses, no further regulatory action is warranted. NRC considers this matter closed. However, the NRC concurs with your requirement of the special notation for Slit Trench number 8 in your July 1, 2003, letter to Chem-Nuclear Systems, LLC, which provides for including the source terms from these rods, as we have not ruled out the possibility that they are at Barnwell. If the Millstone Unit 1 missing spent fuel rods were to be positively identified at your licensee's site, we would appreciate a prompt notification.

Also enclosed is the letter from the U.S. Environmental Protection Agency (Attachment 4).

Henry J. Porter

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If you have any questions regarding this decision, please contact Christopher McKenney, of my staff, at (301) 415-6663.

Sincerely,

/RA/

John T. Greeves, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Attachment:

1. Barnwell Safety Analysis
2. Hanford Safety Analysis
3. Response to Comments on Draft Safety Analyses
4. U.S. Environmental Protection Agency comments

If you have any questions regarding this decision, please contact Christopher McKenney, of my staff, at (301) 415-6663.

Sincerely,

/RA/

John T. Greeves, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
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Attachment:

1. Barnwell Safety Analysis
2. Hanford Safety Analysis
3. Response to Comments on Draft Safety Analyses
4. U.S. Environmental Protection Agency comments

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***See previous concurrence**

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