

April 14, 2004

Mr. Gary Robertson , Director
Division of Radiation Protection
Department of Health
7171 Cleanwater Lane, Bldg #5
P.O. Box 47827
Olympia, WA 98504-7827

Dear Mr. Robertson:

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, we do believe it is prudent when conducting performance assessments at the Hanford site to include the source terms from these rods as you have done in the renewal EIS, as we have not ruled out the possibility that the rods are at Hanford. 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 are the letters from the U.S. Environmental Protection Agency (Attachment 4) and the U.S. Department of Energy(DOE) (Attachment 5) on their review of the NRC safety analyses.

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
5. U.S. Department of Energy comments

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***See previous concurrence; #Re-affirmed concurrence by E-mail (date in parentheses)**

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