

May 20, 1997

**BY MAIL**

Hon. Shirley Ann Jackson  
 Chairman  
 U.S. Nuclear Regulatory Commission  
 Washington, D.C. 20555

**Commonwealth Edison Proposal to Use Mixed Oxide Fuel**

Dear Madam Chairman:

As you may be aware, Commonwealth Edison Company of Illinois ("ComEd") plans to lead an international consortium in bidding for Department of Energy ("DOE") contracts to manufacture surplus warhead plutonium into mixed oxide ("MOX") fuel and then to irradiate this fuel in one or more of ComEd's licensed nuclear power plants. In light of outstanding questions raised by the Commission concerning ComEd's safety record, we think ComEd is an entirely inappropriate candidate for participation in any MOX plutonium disposition program. We have today sent a letter to the Chairman of ComEd outlining our views. A copy is attached.

Were ComEd actually to apply for license amendments allowing it to irradiate MOX fuel, a number of our organizations would vigorously oppose its applications. We would submit that ComEd could not meet the Commission's basic licensing standards, which require that there be a "reasonable assurance that the applicant will comply with the regulations in this chapter ... and that the health and safety of the public will not be endangered." 10 C.F.R. §§ 50.40(a), 50.92(a). In particular, among other matters, we would contend that ComEd could not be found under 10 C.F.R. Part 50, Appendix B, to have a quality assurance program adequate to provide for "managerial and administrative controls ... to ensure safe operation."

We do not believe the Commission need await the actual filing of license applications to raise concerns about ComEd's participation in the MOX program. To the contrary, we believe that the Commission has an obligation to the public to advise ComEd that such participation is likely to detract from efforts to resolve current safety problems at licensed facilities. It should further advise ComEd that no application by ComEd to amend its licenses to allow the irradiation of MOX could be favorably considered. Only such an approach is likely to be effective immediately to stem the flow of resources and management attention away from urgent safety problems.

Simply stated, ComEd should be told that it must get its own house in order and that it will not be permitted to assume the additional challenges of manufacturing and using MOX fuel.

We appreciate your consideration of our views. We would be more than happy to meet with you and Commission staff to discuss them in further detail and answer any questions that you might have.

Sincerely,

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 Nuclear Control  
 Institute

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 Natural Resources  
 Defense Council

David Kraft  
 Nuclear Energy  
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Daniel Becker  
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Tom Clements  
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Kevin Martin  
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Cathy Truitt  
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Diane Brown  
 Research Group  
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 Committee to Bridge the Gap

Amory Lovins  
 Rocky Mountain Institute

Bill Magavern  
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Jim Adams  
 Safe Energy  
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Courtney Cuff  
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Stanley Campbell  
 Mississippi Alliance for  
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 Peace Initiative  
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George Crocker  
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Ohio Citizens for Responsible  
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David Agnew  
Citizens at Risk  
Cape Cod, MA

Susan Lee Solar  
Sensible Mothers and others  
Against Radioactive Transport  
Austin, TX

Attachment

cc: Members of the Commission

## [Shirley Jackson's Response, July 28, 1997](#)



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