BY MAIL

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

Commonwealth Edison Proposal to Use Mixed Oxide Fuel

May 20, 1997

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 for providing "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,

Paul Leventhal
Nuclear Control Institute

Daniel Becker
Sierra Club

Kevin Martin
Illinois Peace Action

Daniel Hirsch
Committee to Bridge the Gap

Anna Aurrillo
U.S. Public Interest Research Group

Courtney Cuff
Friends of the Earth

Beverly Gattis
Serious Texans Against Nuclear Dumping

Marilyn Elie
Indian Point Project New York

Debby Katz
Citizens Awareness Network Massachusetts

Alice Slater
Global Resource Action Center for the Environment

J. Truman Downwinders Lava Hot Springs, ID

Thomas B. Cochran
Natural Resources Defense Council

Tom Clements
Greenpeace International

Cathy Truitt
Prairie Alliance

Amory Lovins
Rocky Mountain Institute

Jim Adams
Safe Energy Communication Council

Stanley Campbell
Sinnissippi Alliance for the Environment

Van Crandall
Sierra Club

Mary Byrd Davis
Yggdrasil Institute

David Kraft
Nuclear Energy Information Service

Robert W. Tillier
Physicians for Social Responsibility

Diane Brown
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Bill Magavern
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Michael Mariotte
Nuclear Information and Resource Service

Joyce Platfoot
North Suburban Peace Initiative

Jack Winchester
Sierra Club National Nuclear Waste Task Force

Jonathan Parfrey
Physicians for Social Responsibility

Mark Marcopolos
The Orange County Capital Group, NC

Bruce Drew
Prairie Island Coalition

Tammi L. Coles
Washington Peace Center, Washington, DC

William DeCamp
Oyster Creek Nuclear Watch
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Scott D. Portzline
Three Mile Island Alert
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Chris Trepal
Earth Day Coalition
Cleveland, OH

Elizabeth Apfelberg
San Luis Obispo Mothers for Peace
San Luis Obispo, CA

Jerry Polk
Citizens Action Coalition
of Indiana

Betty Schroeder
Arizona Safe Energy Coalition

Patricia Birnie
GE Stockholders' Alliance

Judith H. Johnsnode
Environmental Coalition on Nuclear Power
State College, PA

Barbara Wiedner
International Grandmothers for Peace
Elk Grove, CA

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David Ellison
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Charles Margulis
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Marion Pack
Alliance for Survival
Orange County, CA

Roger Harrried
Abalone Alliance
San Francisco, CA

Wendy Oser
Nuclear Guardianship Project
San Francisco, CA

Clare Greensfelder
Plutonium Free Future
Berkeley, CA

Susan L. Hiltt
Ohio Citizens for Responsible Energy, Inc.
Cape Cod, MA

David Agnew
Citizens at Risk

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**