

October 18, 2006

Mr. John H. Swailes  
Chief Nuclear Officer  
Vice President of Operations  
National Enrichment Facility  
220 West Broadway, Suite B  
Hobbs, NM 88240

SUBJECT: LOUISIANA ENERGY SERVICES - ACCEPTABLE TIME FOR CLASSIFIED  
SHIPMENTS TO SIT IN PORT PRIOR TO TRANSPORT

Dear Mr. Swailes:

In your letter received on September 18, 2006 (NEF 06-00033-NRC), you requested that the Nuclear Regulatory Commission (NRC) define an acceptable time for which transported classified matter may sit at a port after being unloaded from a cargo ship. You stated that it appears unlikely that the transport containers will be able to be unloaded directly from the ship onto an approved transport truck. You also stated that these transport containers are indistinguishable from other transport containers and the security measures utilized while the containers are in transit will remain in place, along with the security measures at the port itself.

To receive NRC-regulated shipments, it is our expectation that the arrival port would be in compliance with the Maritime Transportation Security Act of 2002 (MTSA) and the International Ship and Port Facility Security Code (ISPS code). Any U.S. port facility that is in compliance with the MTSA is also in compliance with ISPS code. This can be verified with the local U.S. Coast Guard office.

It is expected that the currently proposed rulemaking by the Transportation Security Administration on the use of Transportation Worker Identification Cards (TWIC) will be in effect at most ports by the end of 2006. The TWIC program requires background checks for all workers with unescorted access to the port. It is our expectation that the TWIC program would be implemented at the port of arrival for NRC-regulated shipments of security sensitive items.

If the U.S. arrival port is in compliance with all of the above security measures, the length of time the NRC would define as an acceptable turn around time would be the routine amount of time required by the arrival port for removal of containers so as not to interfere with normal port operations.

J. Swailes

- 2 -

If you have any questions, please contact Mr. Timothy C. Johnson at 301-415-7299. If you plan to visit your proposed port of arrival, please coordinate with Mr. Johnson as the NRC would also like to participate in that visit.

Sincerely,

/RA by Julie A. Olivier Acting for/

Brian Smith, Chief  
Enrichment and Conversion Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Docket: 70-3103

cc:

William Szymanski/DOE  
Monty Newman/Hobbs  
Peter Miner/USEC  
Glen Hackler/Andrews  
Matt White/Eunice  
CO'Claire/Ohio  
Joseph Malherek/PC  
Clay Clark/NMED  
Roger Mulder/Texas

Fred Seifts/Jal  
James Curtiss/W&S  
Betty Richman/Tatum  
Lue Ethridge/Lea Cty  
Richard Ratliff/Texas  
Lee Cheney/CNIC  
Ron Curry/NMED  
Patricia Madrid/NMAG  
Steven Strout/LES

Lindsay Lovejoy/NIRS  
Troy Harris/Lovington  
James Ferland/LES  
John Parker/NMED  
M. Marriotte/NIRS  
Karl Gross/LES  
D. Watchman-Moore/NMED  
Glen Smith/NMAG  
Tim Lambka/LES

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