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VICE PRESIDENT

DEPARTMENT OF ENERGY  
PROPOSED RULE

*PR - Misc. Notice  
Reg. Guide*

May 2, 1979

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Docketing and Service Branch

Subject: Draft Regulatory Guide 5.XX (SG-904-4)  
Physical Protection of Strategic  
Special Nuclear Material in Transit,  
Redraft dated March 21, 1979



Gentlemen:

The subject draft Regulatory Guide is not in agreement with either the current or proposed 10CFR Part 73, concerning applicability to the Utility Industry of physical security requirements for special nuclear material in transit.

In its present form, the third paragraph on Page 2 of the draft Regulatory Guide would dictate applicability of the Guide to commercial light water reactor spent fuel shipments. Under current and proposed editions of 10CFR 73, § 73.6 (b), spent fuel from most commercial light water reactors should be exempted from the requirements of the subject Guide.

In order to avoid confusion and unnecessary expense, it is requested that the draft paragraph concerning applicability of the Guide to NRC licensees and applicants be revised to reflect the exemptions as listed in 10CFR 73, § 73.6.

Very truly yours,

*R. J. McWhorter  
by B. M. Miller*

RJM/RRO:vrn

cc: BMiller

Acknowledged by card... *5/22* 517 026