



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

August 29, 1989

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

I am responding to your letter of July 21, 1989, concerning tritium shipper-receiver discrepancies. Our responses to the questions posed in your letter are enclosed.

Under the Atomic Energy Act of 1954, as amended, the Nuclear Regulatory Commission (NRC) is responsible for licensing the export of nuclear materials, including tritium. In carrying out this responsibility, NRC consults with other departments and agencies of the Federal government, including the Departments of Energy and State. For exports other than those that are covered by a general license pursuant to 10 CFR Parts 110.20 and 110.23, the Executive Branch typically approves requests for exports of tritium if they are not inimical to the U.S. common defense and security, provided that (1) the shipments are limited in size, (2) the tritium cannot be re-exported without U.S. authorization, and (3) limits are placed on subsequent shipments to certain countries of the ultimate product containing the U.S. supplied tritium. Based on these findings and its own findings under 10 CFR Part 110, NRC issues an export license that adopts the above provisions as conditions. Although the Department of Energy (DOE) is still conducting its investigation into the tritium shipper-receiver discrepancies between the Oak Ridge National Laboratory and Surelite, Ltd., there are no current indications that the tritium exports to Surelite were in violation of NRC's export license.

With respect to the ongoing investigation of these discrepancies, DOE, with NRC staff assistance, recently completed a preliminary investigation of this matter. Since this inquiry did not resolve all of the discrepancies under investigation, the Office of the Assistant Secretary for Nuclear Energy, DOE, commissioned a special team with more extensive experience with tritium to continue the investigation. We understand that DOE will advise you of the team's findings from this ongoing investigation. We will keep you informed of any additional significant information pertinent to NRC activities.

Sincerely,

Kenneth M. Carr
Kenneth M. Carr

Enclosure:
Responses to Questions

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