

QUESTION 1:

When and how did the NRC learn of the tritium shipper-receiver differences referred to in the July 10, 1989 staff memorandum? What responsibilities will the NRC have in investigating these discrepancies?

ANSWER:

The Department of Energy (DOE) advised the Nuclear Regulatory Commission (NRC) of the referenced discrepancies in a May 31, 1989 telephone conversation between a member of DOE's legal staff and a staff member of NRC's Office of Nuclear Material Safety and Safeguards. Information obtained during that conversation and a subsequent discussion on June 1, 1989, was communicated orally and in writing to NRC management in the Offices of Nuclear Material Safety and Safeguards and Governmental and Public Affairs during the period May 31- June 2, 1989. This information was also communicated to the Office of the Executive Director for Operations. The first formal Commission notification was on June 16, 1989.

During discussions between DOE and NRC, it was agreed that NRC would provide technical support in conducting a preliminary investigation of the tritium shipper-receiver differences between Oak Ridge and two firms in the United Kingdom. NRC agreed to participate in a support role on the DOE investigative team because NRC is responsible under the Atomic Energy Act of 1954, as amended, to assure that its licensees do not engage in unauthorized activities which would be inimical to the common defense and security of the U.S. NRC participation is specifically justified because: 1) the transactions involved

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NRC export licenses, 2) the reported differences could have been the result of leakage or diversion, and 3) similar differences might have been occurring at NRC or Agreement State licensees. The initial investigation did not result in indications of unauthorized activities, nor did it identify the reasons for all of the differences with one of the firms, Surelite, Ltd. Therefore, the Office of the Assistant Secretary for Nuclear Energy, DOE, formed a special investigative team with more extensive experience with tritium to further review this matter and to determine whether the alleged discrepancies were real and if so, where any missing tritium may have gone. NRC is following this further investigation closely to determine if additional NRC actions are required.