

QUESTION 8:

Has the NRC assisted in investigating any other tritium shipper-receiver discrepancies during the last five years? If so, please provide a list of the parties involved, the amount of tritium, and the results of NRC's investigation into each discrepancy.

ANSWER:

The NRC has not assisted in investigating any other tritium shipper-receiver discrepancies during the last five years.

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7TH DISTRICT, MASSACHUSETTS

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Congress of the United States
House of Representatives
Washington, DC 20515

July 21, 1989

The Honorable Kenneth M. Carr
Chairman
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Chairman Carr:

I am writing you regarding a July 10, 1989 memorandum sent to the Commission by NRC staff regarding tritium shipper-receiver discrepancies in shipments to Self-Powered Lighting, Inc. of Elmsford, New York for export to Surelite Ltd., of North Hamptonshire, England. This memorandum indicates that discrepancies have arisen which NRC staff believes are of a magnitude to "pose a potential concern from the standpoint of both safety and non-proliferation."

The NRC staff memorandum indicates that the Department of Energy has requested NRC's assistance in investigating shipments made to these firms because "a significant shipper-receiver difference, totaling more than 25,000 curies, has accumulated for deliveries made to date, with some individual differences being as large as 40 percent." The memorandum also indicates that "the possibility exists that there may be shipper-receiver differences between ORNL and domestic licenses that purchase tritium from DOE."

Those discrepancies are of serious concern to me, in as much as they raise the possibility that U.S.-produced tritium may have been lost and possibly diverted for use in nuclear weapons. In addition, the discrepancies raise larger questions about the adequacy of current safeguards on and regulation of tritium sales and exports.

Earlier this year, I asked the NRC several questions regarding tritium exports in conjunction with the Energy and Power Subcommittee's February 28, 1989 hearing on the NRC budget. At that time, Commission assured me that, "the NRC is satisfied that existing U.S. Government export control measures for tritium are adequate." The NRC staff memo regarding the tritium discrepancies raises questions regarding whether those measures are in fact adequate.

In order to better understand the facts surrounding the tritium discrepancies currently under investigation and their broader implications, I would appreciate the NRC's assistance

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and cooperation in answering the following questions:

1. When and how did the NRC learn of the tritium shipper-receiver discrepancies referred to in the July 10, 1988 staff memorandum? What responsibilities will the NRC have in investigating these discrepancies?
2. It is my understanding that both Self-Powered Lighting, Inc. and Surelite, Ltd. have outstanding tritium orders with DOE. Will further shipments to those firms be suspended pending completion of the NRC's investigation? If not, please explain why the NRC would permit such shipments to continue and what specific measures are being taken to avoid further discrepancies.
3. Does the NRC have any proof that the missing 25,000 curies of tritium have not been retransferred without proper authorization or diverted or that this tritium is not currently posing a risk to public health?
4. The NRC staff memo indicates that "there are no present NRC requirements for safeguarding tritium." If this is the case, how could NRC be confident that "existing U.S. Government export control measures are adequate" -- as NRC told me earlier this year?
5. Does NRC believe there may be a need for a NRC requirement for safeguards on tritium, given the fact that it is a key component of modern nuclear weapons? If not, why not? If so, what form should these safeguards take?
6. It is my understanding that licenses issued by the NRC for domestic sales of tritium include provisions for: (1) records of receipt, transfer, and disposal of the material; (2) reports of theft or unlawful diversion; (3) inspection of records kept pursuant to the license; and (4) tests of the material, facilities, monitoring instruments, etc. Do NRC licenses for exports of tritium include the same requirements? If not, how can the NRC be sure that exported tritium is not improperly transferred or diverted from peaceful uses?
7. The NRC staff memo also states that "the possibility exists that there may be shipper-receiver differences between ORNL and domestic licensees that purchase tritium from DOE." What is the basis for this statement and which domestic licensees are being investigated?
8. Has the NRC assisted in investigating any other tritium shipper-receiver discrepancies during the last five years? If so, please provide a list of the parties involved, the amount

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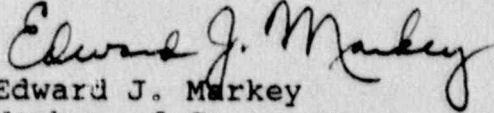
of tritium, and the results of NRC's investigation into each discrepancy.

In addition, I would appreciate it if you could keep me fully informed regarding the NRC staff's investigation and any findings and recommendations.

I appreciate your assistance and cooperation in this matter. I request that you provide a response to these questions within ten working days, or no later than August 10, 1989. If you cannot provide a full response by that time, I would appreciate it if you could provide an interim response indicating when a final response can be provided. Should you have any questions about this request, please contact Mr. Jeff Duncan of my staff.

With best wishes,

Sincerely,


Edward J. Markey
Member of Congress

EJM/jd