



Department of Energy

Washington, DC 20585

December 1, 1989

Honorable Kenneth M. Carr
Chairman
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

This is to follow up on our interim letter of August 2, 1989, and to provide our response to your letter of July 21, 1989, requesting continued Department of Energy (DOE) support for the shipment of highly enriched uranium (HEU). I apologize for the lateness of this response, but time was required to evaluate all aspects of the requested support.

DOE, as agreed upon by the Acting Assistant Secretary for Defense Programs on October 19, 1988, will continue to support the Nuclear Regulatory Commission (NRC) requests to transport HEU. This support will continue on a space available, reimbursable basis until such time as the NRC is able to license a commercial shipper.

Numerous potential problems are inherent with DOE's shipping commercial HEU. The transportation of commercial HEU is outside the traditional mission of the DOE. Consequently, we are concerned about several issues, especially security guards' authorities, the use of deadly force, accidents, and competition with commercial activities.

In light of these factors, NRC is requested to give priority to the exploration of alternative means of transporting commercial HEU. It is the desire of DOE to be relieved of this responsibility as soon as possible.

Your letter also discusses the completion of a comparability review that found that DOE's requirements for safe secure trailers differ significantly from NRC regulation for the protection of HEU in transit. We note that DOE's safe secure trailers provide even greater protection than that provided by NRC regulation for HEU in transit, and therefore these differences will not interfere with the temporary continuance of HEU shipments by DOE.

Sincerely,

A handwritten signature in black ink that reads "John C. Tuck".

John C. Tuck
Under Secretary

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PDR COMMS NRCC
CORRESPONDENCE PDC