



CHAIRMAN

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

PDR

February 16, 1990

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

Dear Congressman Markey:

In my letter of November 22, 1989, concerning tritium shipper-receiver discrepancies, I stated that we would inform you of the Commission's final conclusions on tritium controls following the completion of the Department of Energy's (DOE's) investigations. DOE has now completed these investigations and concluded that the discrepancies were caused by internal deficiencies in equipment, measurement methods, procedures, records, and management and technical oversight in handling the tritium at the Oak Ridge National Laboratory. DOE's review also concluded that stronger U.S. Government controls on tritium, apart from the corrective actions taken by Oak Ridge National Laboratory, were not necessary.

In reevaluating the NRC position regarding the need for additional or improved controls on tritium, we have reviewed current NRC regulations and reassessed their adequacy. We have also monitored the various stages of DOE's investigations in the tritium discrepancy issue. Based on the NRC staff's direct efforts and an analysis of the information provided in DOE's investigative reports, we are satisfied that this matter has been thoroughly and completely addressed and that no changes in NRC regulations concerning tritium are necessary at this time.

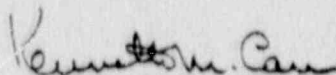
I want to assure you that the Commission will continue to exercise its regulatory responsibilities with due regard for the sensitive nature of tritium. In that connection, the Commission and Agreement States carefully review all applications for licenses to possess bulk tritium gas and have only approved a small number of such licenses to companies which meet all regulatory requirements. The Commission and the Executive Branch have authorized exports of significant quantities of bulk tritium gas only to the United Kingdom, Switzerland, Japan, and Canada, all countries with established nonproliferation credentials. In contrast, we have not approved several license applications for tritium gas export to countries without such credentials (see enclosure). In accordance with the Atomic Energy Act, the Executive Branch and the NRC conduct independent reviews of programs in these countries for exports exceeding 100 curies of tritium. These reviews include an assessment as to whether individual exports

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would be inimical to the U.S. common defense and security. In making an inimicality determination, we rely heavily on the Executive Branch's assessment, our own assessment of end-use, and on other relevant information pertaining to nonproliferation. Export licenses permit no deviation from the stated end-use of tritium and require U.S. approval of retransfers to other countries. U.S. Government representatives have also visited officials in the United Kingdom, Canada, and Switzerland to establish their continued adherence to nonproliferation objectives and specific sites to confirm compliance with end-use commitments.

I believe this information should resolve the concerns you expressed in your letter of October 31, 1989.

Sincerely,


Kenneth M. Carr

Enclosure:
List of tritium export
applications not approved

REJECTED NRC TRITIUM GAS EXPORT LICENSE APPLICATIONS

LICENSE NUMBER	DATE COMPLETED	APPLICANT	CURIES	IMPORTING COUNTRY	END-USE
XB1015	06/14/79	DREL Petroleum	1,250,000	Israel	Light Source Mfg.
XB1039	02/29/80	Self-Powered Lighting	800,000	Dominican Republic	Light Source Mfg.
XB1041	03/13/80	Israeli Embassy	1,000	Israel	Light Source Mfg.
XB1074	07/18/80	Edlow	50,000	Yugoslavia	Light Source Mfg.
XB1092	01/07/82	Self-Powered Lighting	1,250,000	Dominican Republic	Light Source Mfg.
XB1130	07/24/81	Milcor	30,000	Israel	Light Source Mfg.
XB1137	01/07/82	Self-Powered Lighting	1,250,000	South Korea	Light Source Mfg.
XB1225	04/11/86	ICM Corporation	300,000	South Korea	Light Source Mfg.
XB1236	09/30/85	Edlow	200	South Africa	Accelerator Targets
XB1237	09/30/85	Edlow	2	South Africa	Tracing Experiments

4,931,202 TOTAL CURIES

ENCLOSURE