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



October 29, 1985

RELATED CORRESPONDENCE

John H. Frye, III  
Administrative Judge  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matter of  
SEQUOYAH FUELS CORP.  
(Sequoyah Facility)  
Docket No. 40-8027; ASLBP No. 85-513-03-ML

MLA

Dear Judge Frye:

This letter documents the response which the NRC staff provided orally to you on October 25, 1985 in response to your oral request of October 24, 1985. You first inquired whether 10 C.F.R. § 40.34 applies to the conversion of depleted UF<sub>6</sub> to depleted UF<sub>4</sub>. After consultation with other members of the Staff, I advised you that the Staff does not consider Section 40.34 to be applicable to this process since the depleted UF<sub>4</sub> produced is not an "industrial product or device containing depleted uranium."

Your second inquiry was whether the UF<sub>6</sub> to be shipped to the Sequoyah Facility or the UF<sub>4</sub> to be shipped from the Facility are subject to NRC transportation requirements (10 C.F.R. Part 71). After consultation with other members of the Staff, I advised you that the packages containing the UF<sub>6</sub> and UF<sub>4</sub> are exempt from NRC transportation requirements and are only subject to the applicable Department of Transportation regulations since the packages do not contain more than a Type A quantity of radioactive material and the material is not fissile. See 10 C.F.R. § 71.10(b)(1).

Sincerely,

*Stephen H. Lewis*

Stephen H. Lewis  
Deputy Assistant Chief Hearing Counsel

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