



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

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_6 to depleted UF_4 . 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_4 produced is not an "industrial product or device containing depleted uranium."

Your second inquiry was whether the UF_6 to be shipped to the Sequoyah Facility or the UF_4 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_6 and UF_4 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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