

April 27, 2000

Mr. H. A. Dauvergne  
DBI Operating Company  
419 East Merle Court  
San Leandro, CA 94577

Dear Mr. Dauvergne:

I am responding to your letter of January 24, 2000, to Ronald Hauber of the U.S. Nuclear Regulatory Commission's (NRC's) Office of International Programs regarding your "Portable Thorium Reactor." I understand from Mr. Hauber that you are not currently seeking an export license for this device. Rather, I understand that you are looking for some sort of endorsement from the NRC.

The NRC does not issue product endorsements, per se, but does issue nuclear reactor design approvals and design certifications. The NRC's Office of Nuclear Reactor Regulation is responsible for licensing nuclear facilities under the Atomic Energy Act of 1954, and it performs reviews of nuclear reactor designs under Parts 50 and 52 of Title 10 of the U.S. Code of Federal Regulations. A copy of Title 10 can be obtained at our Web site <[www.nrc.gov](http://www.nrc.gov)>.

Your description of the "Portable Thorium Reactor" was not complete enough to permit either an evaluation of the feasibility of this device or a determination of the potential for radiation health and safety problems. However, because you claim that your device is always subcritical, the NRC does not consider it to be a nuclear reactor. Instead, it is a device that uses an accelerator to generate special nuclear material (U-233), and, if you intend to operate it in the United States, it would have to be licensed by the NRC (see 10 CFR 50.22). Also, you will need a license to receive, possess, or use byproduct, source, or special nuclear material (see 10 CFR Parts 30, 40, and 70). The NRC assesses applicants the full cost of its review for any license application (see 10 CFR Part 170). Full-cost fees are determined on the basis of the professional staff's time, plus any program support costs expended by the NRC during the course of its review.

You attached a report to your letter that was marked "confidential." Therefore, I am returning your report in its entirety, with no copies having been retained. In the future, if you wish to submit information to the NRC that you do not want to be released to the public then you need to request that it be withheld from public disclosure in accordance with the requirements of 10 CFR 2.790. I hope that you will find this information useful in determining your course of action. If you have any questions on this matter, please contact Jerry Wilson at 301-415-3145.

Sincerely,

**/RA/**

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

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Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

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