



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

DCS/DF02

NOV 22 1989

Mr. Keith Asmussen
General Atomics
10955 John Jay Hopkins Drive
San Diego, CA 92121

Dear Mr. Asmussen:

We have reviewed your application for a license to export specimen pickup assemblies for use in the Malaysian TRIGA facility. We do not think that this equipment requires an export license from the NRC. The pickup assembly and the containers are not required for reactor operation and, as we have been advised, they do not come in direct contact with the primary coolant, one of the determining criteria in deciding whether a reactor component is licensable by NRC. An argument could be made, of course, that the assembly does constitute a component, inasmuch as it is used in connection with the primary purpose for which the reactor operates, that is, for conducting research. On balance, however, we believe this item would best be classified as "balance of plant."

This observation was discussed with a representative of the Executive Branch, who also expressed some reservation about the need for an NRC license.

Accordingly, we have determined that the pickup assemblies and the specimen containers are not considered subject to NRC license requirements and may be exported as balance-of-plant equipment, subject to Department of Commerce regulations.

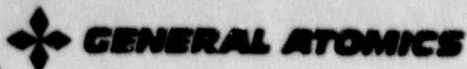
Sincerely,

Hans B. Schechter, Assistant Director
for International Security, Exports
and Materials Safety
Office of Governmental and Public Affairs

Enclosure:
Appl. dtd 9/22/89
(XCOM01028 - Malaysia)

cc w/Enclosure:
T. Hart, DOE
R. DeLaBarre, DOS
N. Martin, DOE
M. Rosenthal, ACDA
G. Brubaker, DOD
G. Kuzmycz, DOC

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XCOM-1028 PDC



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September 26, 1989
IEL-1455

Mr. Marvin R. Peterson
Assistant Director for International Security
Office of Governmental and Public Affairs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Application for License to Export Equipment for
Use in a Reactor to Malaysia

Dear Mr. Peterson:

General Atomics has a commitment to ship some items to Malaysia for use in the TRIGA Mark II Reactor at Tun Ismail Atomic Research Centre. The items consist of a specimen pick-up assembly and two types of specimen containers. The pick-up assembly is a grapple device used to place and retrieve specimen containers in and from irradiation locations in the core of the reactor. The first type of specimen container, known as "TRIGA tubes," is the kind which is placed in the core and retrieved by the pick-up assembly or grapple device. The second type of specimen container, known as "Rabbit tubes," are for use in a pneumatic system for delivery and retrieval of samples.

We are not certain whether or not an NRC export license is required to ship these items to Malaysia. Referring to 10 CFR 110.8 (a)(9), the items obviously do not constitute "nuclear reactors and parts and components for nuclear reactors..." On the other hand, they are "...components specially designed or prepared for use in a nuclear reactor..." as stated in 10 CFR 110.8 (a)(9).

Enclosed is a completed NRC Form 7 for this transaction. If you would, please, review this application and determine whether an NRC export license is required. If an NRC license is required, please process our request as soon as possible since we have a shipment scheduled for October 15, 1989. If an NRC license is not required, please advise us as soon as possible so that we may proceed to export under a Department of Commerce general license.

If you should have any questions regarding this request,
please contact me at (619) 455-2823.

Very truly yours,

Keith E. Asmussen

Keith E. Asmussen, Manager
Licensing, Safety and
Nuclear Compliance

Enclosure

APPLICATION FOR LICENSE TO EXPORT NUCLEAR MATERIAL AND EQUIPMENT (See Instructions on Reverse)

1. APPLICANT'S USE		a. DATE OF APPLICATION 9/22/89		b. APPLICANT'S REFERENCE TEL-1455		2. NRC USE		a. DOCKET NO. 11004212		b. LICENSE NO. X0001038			
3. APPLICANT'S NAME AND ADDRESS						4. SUPPLIER'S NAME AND ADDRESS <i>(Complete if applicant is not supplier of material)</i>							
a. NAME General Atomics ATTN: Keith E. Asmussen						a. NAME							
b. STREET ADDRESS 10955 John Jay Hopkins Drive						b. STREET ADDRESS							
c. CITY San Diego			STATE CA		ZIP CODE 92121		d. STREET ADDRESS						
d. TELEPHONE NUMBER (Area Code - Number - Extension) (619) 455-2823						c. CITY			STATE		ZIP CODE		
5. FIRST SHIPMENT SCHEDULED		6. FINAL SHIPMENT SCHEDULED		7. APPLICANT'S CONTRACTUAL DELIVERY DATE		8. PROPOSED LICENSE EXPIRATION DATE		9. U.S. DEPARTMENT OF ENERGY CONTRACT NO. (if known)					
Oct. 15, 1989		Only one shipment		Nov. 1, 1989		Oct. 15, 1990							
10. ULTIMATE CONSIGNEE						11. ULTIMATE END USE <i>(Include plant or facility name)</i>							
a. NAME Nuclear Energy Unit Prime Minister's Department						For use in TRIGA Mark II reactor at the Tun Ismail Atomic Research Centre							
b. STREET ADDRESS Kompleks Puspatti, Bangi						11a. EST. DATE OF FIRST USE November 1989							
c. CITY - STATE - COUNTRY 43000 Kavang, Selangor, Malaysia						13. INTERMEDIATE END USE							
12. INTERMEDIATE CONSIGNEE						13a. EST. DATE OF FIRST USE							
a. NAME						15. INTERMEDIATE END USE							
b. STREET ADDRESS						15a. EST. DATE OF FIRST USE							
c. CITY - STATE - COUNTRY													
14. INTERMEDIATE CONSIGNEE													
a. NAME													
b. STREET ADDRESS													
c. CITY - STATE - COUNTRY													
16. NRC USE		17. DESCRIPTION <i>(Include chemical and physical form of nuclear material; give dollar value of nuclear equipment and components)</i>				18. MAX. ELEMENT WEIGHT		19. MAX. WT. %		20. MAX. ISOTOPE WEIGHT		21. UNIT	
		Components specially designed for use in a nuclear reactor which are under NRC export licensing authority per 10 CFR 110.8(a)(9). More specifically: 2 specimen pick-up assemblies 500 rabbit tube specimen containers 500 TRIGA tube specimen containers TOTAL				\$650.00 each 7.88 each 3.55 each		F.O.B.		San Diego			
										\$1,300.00 3,940.00 1,775.00 \$7,015.00			
22. COUNTRY OF ORIGIN - SOURCE MATERIAL				23. COUNTRY OF ORIGIN - SNM WHERE ENRICHED OR PRODUCED				24. COUNTRIES WHICH ATTACH SAFEGUARDS (if known)					
N/A				N/A									
25. ADDITIONAL INFORMATION (Use separate sheet if necessary)													
26. The applicant certifies that this application is prepared in conformity with Title 10, Code of Federal Regulations, and that all information in this application is correct to the best of his/her knowledge.													
27. AUTHORIZED OFFICIAL		a. SIGNATURE Keith E. Asmussen				b. TITLE Manager, Licensing, Safety and Nuclear Compliance							

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