



United States Department of State

Washington, D.C. 20520

November 24, 1999

PDR
DCSDF023
NMSS
DOEOR
NACRNMSS

Ms. Janice Dunn Lee
Director, International Programs
United States Nuclear Regulatory Commission
Rockville, Maryland 20555-0001

Dear Ms. Lee:

I refer to the letter from your office, October 5, 1999, requesting the views of the Executive Branch as to whether issuance of an export license in accordance with the application hereinafter described meets the applicable criteria of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978:

NRC No. XCOM1132 - Application by General Atomics for authorization to export to Thailand miscellaneous specially designed or prepared replacement parts, in value not exceeding \$200,000, for use in the TRIGA Mark III reactor of the Office of Atomic Energy for Peace, Bangkok, Thailand.

It is the judgment of the Executive Branch that the proposed export will not be inimical to the common defense and security of the United States, and is consistent with the provisions of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978.

As a party to the NPT, Thailand has committed itself to maintain IAEA safeguards on all of its peaceful nuclear activities and has pledged not to produce or otherwise acquire any nuclear explosive device, therefore satisfying criteria (1) and (2) of Section 109b of the Atomic Energy Act, as amended, for exports of nuclear components, substances and items. The remaining criterion, agreement not to retransfer any such U.S.-supplied component, substance or item without prior U.S. consent, has been satisfied by the receipt of a generic assurance letter, dated April 1984, from the Thailand Office of Atomic Energy for Peace (OAEP). That letter must be read in the context of a letter from the U.S. Department of State, dated July 6, 1983, requesting such assurances. In this regard, the reference to paragraph (c) in the OAEP letter is interpreted to refer to paragraph (3) of the July 1983 letter. Copies of both letters are enclosed.

On the basis of the foregoing, the Executive Branch recommends that the license be issued.

Sincerely,

John A. Dooley
Acting Director
Office of Nuclear Energy Affairs

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PDR EXPORT

TELEPHONE : Sec Gen. 5791940
: Office 5790547, 5790130-9, 5795230-4
CABLE : ATOMTHAI BANGKOK
OUR REF NO. 0601/1769



OFFICE OF ATOMIC ENERGY FOR PEACE
THANON VIBHAVADSE RANGSI, BANGKHEN
BANGKOK-9, THAILAND

17 April 1984

Mr. Eleanor B. Steinberg
Office of Nuclear Export Control
United States Department of State
Washington, D.C. 20520
U.S.A.

Subject: NRC export licenses

Dear Mr. Steinberg,

We are writing with reference to your letter of July 6, 1983 addressed to the Commercial Counselor, the Royal Thai Embassy, Washington, D.C. concerning the above subject.

We wish to inform you that we are authorized by the Atomic Energy Commission for Peace (Thai A.E.C.) by virtue of Section 19 of the Atomic Energy for Peace Act B.E. 2504 (1961) a copy of which is enclosed herewith.

We hereby confirm that the requirements set forth in your particular (c) will be observed in generic basis.

Yours faithfully,

Athorn Patumasootra

Athorn Patumasootra
Secretary General.

Encl :



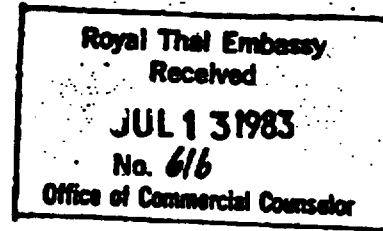
United States Department of State

Washington, D.C. 20520

**BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS**

July 6, 1983

Mr. Wichian Pratoommas
Commercial Counselor
Embassy of Thailand
Five World Trade Center
Suite 3443
New York, New York 10048



Dear Mr. Pratoommas:

The United States Nuclear Regulatory Commission (NRC) has received an application from GA Technologies Incorporated for authorization to export to Thailand various replacement parts and components such as: control rod elements and drives, ion chambers and fission chambers, valued at approximately \$200,000, to be used in the TRIGA III research reactor in Bangkok (Application No. XCOM0778).

The components listed above are among the nuclear components, substances and items brought under the export licensing authority of the NRC by the Nuclear Non-Proliferation Act of 1978. Included are nuclear components specially designed and prepared for use in a nuclear facility, deuterium (including heavy water) and nuclear grade graphite. These components are detailed in Appendix A of title 10, Chapter 1, Part 110 of the Federal Register (10 CFR 110), as published in Vol. 43, No. 98 on May 19, 1978, a copy of which is enclosed.

The Act requires that three criteria must be met, inter alia, as a condition of issuance of such NRC export licenses. Specifically, these are:

- (1) IAEA safeguards as required by Article III (2) of the Non-Proliferation Treaty (NPT) will be applied with respect to such equipment or material;
- (2) No such equipment or material will be used for any nuclear explosive device or for research on or development of any nuclear explosive device; and
- (3) No such equipment or material will be retransferred without the prior approval of the United States.

As a party to the NPT, the Government of Thailand already meets the first two criteria. However, the third criterion relating to retransfers is not covered by the NPT nor any other existing arrangement. For this reason, we are requesting that your Government confirm that it will meet this criterion with respect to the proposed export described above (XCOM0778). Your Government may also respond on a generic basis, providing confirmation that this criterion will be met with respect to all future U.S. nuclear component exports as well as the currently pending case.

Although this confirmation may be given on either a case-by-case or generic basis, we expect that you may prefer the generic basis for its administrative simplicity.

Early receipt of the confirmation, whether generic or case specific, would enable the Executive Branch and the NRC to expedite consideration of the currently pending application for the export of nuclear components. Thank you for your cooperation in this matter.

Sincerely,

Eleanor B. Steinberg
Acting Director
Office of Nuclear Export Control

Enclosure:
As stated