



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

April 17, 1979

OFFICE OF THE  
COMMISSIONER

MEMO TO: Commissioner Bradford  
FROM: Tom Gibbon *TG*  
SUBJECT: SECY-79-260 EXPORT OF REACTOR COMPONENTS TO INDIA

Section 109 of the Atomic Energy Act applies to component parts and states that no component shall be exported unless the Commission finds that the following criteria or their equivalent are met:

- "(1) IAEA safeguards as required by Article III(2) of the Treaty will be applied with respect to such component, substance, or item;
- (2) No such component, substance, or item will be used for any nuclear explosive device or for research on or development of any nuclear explosive device; and
- (3) No such component, substance, or item will be retransferred to the jurisdiction of any other nation or groups of nations unless the prior consent of the United States is obtained for such retransfer."

*The assurances required by Section 109 of the AEA*  
By letter of January 19, 1979, the State Department wrote to India seeking ~~these~~ assurances and an answer was received on March 23, 1979. The assurances provided by the Indian

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government ~~did~~ not correspond to the statutory language. The differences may or may not be significant. More importantly, the response from the Indians specifically tied any assurances in the letter to the Agreement for Cooperation. Therefore, ~~for~~ the same reasons that shipments of fuel would not meet the requirements of the Atomic Energy Act, shipments of components will ~~not~~ either.

is OK with my March 23, 1979 views  
on Tanager 1549-1272  
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| You should note that  
Section 110.40 of the Commission's Rules and Regulations states that:

"License applications for export of the following will be reviewed by Commissioners:....(5) any other license application determined by the staff or any Commissioner to warrant review by the Commission."  
[Emphasis supplied]

Therefore, it does not take a Commission majority to require that this license be reviewed by the Commission.

cc: Hugh L. Thompson, Jr.  
Myu Campbell