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DEPARTMENT OF STATE

Washington, D.C. 20520

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BUREAU OF OCEANS AND INTERNATIONAL
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EXPORT/IMPORT
AND
INTERHAT'L SFGROS

Mr. James R. Shea
Director of International Programs
United States Nuclear Regulatory Commission
Room 6714 - MNBB
Bethesda, Maryland

XB001088
11001086

Dear Mr. Shea:

I refer to the letter from your office dated March 20, 1980, requesting Executive Branch views as to whether issuance of an export license in accordance with the application hereinafter described would be inimical to the common defense and security of the United States and whether the proposed export meets the applicable criteria in the Atomic Energy Act, as amended by the Nuclear Non-Proliferation Act of 1978:

NRC No. XB001088 -- Application by Sargent Industries-Sweeney Division to authorize export to various "Condition Two" countries of up to a total of 125 curies of tritium to all countries combined over a one-year period. The material is incorporated in metal foils for static electricity monitors, each containing approximately .2 curies of tritium.

It is the opinion of the Executive Branch that the proposed export may be made without being subject to the terms of an Agreement for Cooperation since byproduct material may be licensed under Sections 81 and 82 of the Atomic Energy Act without the prerequisite of a Section 123 Agreement. Further, it is the judgment of the Executive Branch that the byproduct material export contemplated will not be inimical to the common defense and security of the United States.

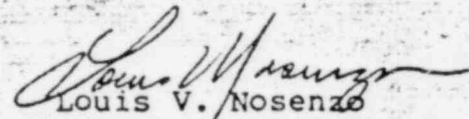
The Executive Branch has concluded that this export is consistent with the provisions of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation

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Act of 1978. A detailed analysis is believed unnecessary in this case because of the small quantity of material involved per country and the non-nuclear end-use.

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

Sincerely,



Louis V. Nosenzo
Deputy Assistant Secretary

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