



DEPARTMENT OF STATE

Washington, D.C. 20520

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BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS OFFICE OF INTERNATIONAL PROGRAMS

JUL 11 1980

Mr. James R. Shea
Director of International Programs
United States Nuclear Regulatory Commission
Room 7814 - MNBB
Bethesda, Maryland

Dear Mr. Shea:

I refer to the letter from your office dated June 5, 1980, requesting Executive Branch views as to whether amendment of the export license 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. XB001091 -- Application by Edlow International Company on behalf of Radio Chemical Center, United Kingdom, for authorization to re-export from the United Kingdom to the German Democratic Republic 3.3 milligrams of U.S.-origin californium-252 as cermet wire for medical research.

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 re-export from the U.K. to the German Democratic Republic will not be inimical to the common defense and security of the United States, provided no re-exports from the German Democratic Republic to Cuba, Kampuchea, North Korea, Vietnam, Pakistan, Libya, Iraq, South Africa, Iran, India and Israel are made without the prior approval of the United States.

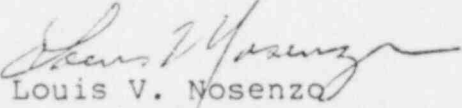
The Executive Branch has concluded that the export is consistent with the provisions of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978. A detailed analysis is believed unnecessary because of the small quantity of material involved.

*Copy to PDR and ACC 7-15-80

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

Sincerely,


Louis V. Nosenzo
Deputy Assistant Secretary