



DEPARTMENT OF STATE

Washington, D.C. 20520

ACU

XB000989  
11000242

(Amendment 01)

BUREAU OF OCEANS AND INTERNATIONAL  
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

OCT 20 1980

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

Dear Mr. Shea:

I refer to the letter from your office dated September 17, 1980, requesting Executive Branch views as to whether amendment 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. XB000989 -- Application by Monsanto Research Corporation to amend license XB000989 to authorize export to New Zealand of up to 10 curies per year of californium-252 in the form of cermet wire and up to 1000 curies per year of curium-242 or -244 as sealed radiation sources for various nuclear and non-nuclear applications.

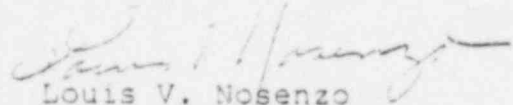
It is the opinion of the Executive Branch that the proposed export may be made without being subject to the terms of an Agreement for Cooperation since byproduct material may be licensed under Sections 81 and 82 of the Atomic Energy Act without the prerequisite of a Section 123 Agreement. Further, it 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 Act of 1978. A detailed analysis is believed unnecessary in this case because of the small quantity of material involved, and the intended recipient country, which is an NPT party.

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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