



DEPARTMENT OF STATE

Washington, D.C. 20520

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BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

JAN 05 1981 DEPT. OF STATE AND INTERNATIONAL AFFAIRS

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

Dear Mr. Shea:

This letter is in response to your letter dated July 10, 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 of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (P.L. 95-242):

NRC No. XB001102 — Application by Monsanto Research Corporation for authorization to export to India 1 milligram of californium-252 contained in a neutron source for academic research and analytic use at the Bhabha Atomic Research Center (BARC).

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 because the export involves only a small quantity of byproduct material.

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

SECRET

Sincerely,

Louis V. Nosenzo

Deputy Assistant Secretary

*Copy to [unclear] 1-9-81

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