



DEPARTMENT OF STATE

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BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

OFFICE OF
INTERNATIONAL
PROGRAMS

JAN 14 1981

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

XB01117

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INTERNATIONAL SERVICES
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U.S. INFO

Dear Mr. Shea:

I refer to the letter from your office dated November 18, 1980, requesting Executive 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. XB001117 - Application by University of California to authorize the export for a ten-year period of no more than 100 millicuries of tritium per year to all countries combined. Shipments would be authorized to any country not listed under 10 CFR Part 110, Section 110.27, Restricted Destinations, and Section 110.28, Embargoed Destinations. No individual shipment would exceed 10 millicuries. The tritium in various forms would be used in labeled compounds, etc., for joint research projects or by University of California personnel working in foreign locations.

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 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 quantities of material involved, per country and per 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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