



DEPARTMENT OF STATE

Washington, D. C. 20520

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

2 APR 1981

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

EXPORT/IMPORT
AND
INTERNATIONAL PROGRAMS

XMAT0165
India

Dear Mr. Shea:

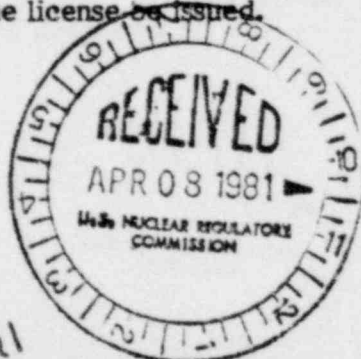
I refer to the letter from your office dated February 3, 1981, requesting Executive Branch views as to whether issuance of an export license in accordance with the application hereinafter described would be inimical to the common defense and security of the United States and whether the proposed export meets the applicable criteria in the Atomic Energy Act as amended by the Nuclear Non-Proliferation Act of 1978:

NRC No. XMAT0165 — Application by Sigma Chemical Company for authorization to export to India the equivalent of 10 kilograms of heavy water (D₂O) over a two-year period for basic nuclear magnetic resonance research.

It is the judgment of the Executive Branch that the export contemplated will not be inimical to the common defense and security of the United States, and 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, provided that the 200 kilogram annual limit established under the Zangger Committee Trigger List and the Nuclear Suppliers Guidelines is not exceeded.

In regard to the three criteria under Section 109 b., as stated in my letter to you dated April 26, 1979, exports to any destination, except embargoed countries, under general license of quantities of heavy water up to 10 kilograms (or up to two kilograms of deuterium atoms) would not be inimical to the U.S. common defense and security or contrary to the provisions of the Atomic Energy Act, as amended. Such amounts are exempted under INFCIRC/209 from safeguards application obligations and are not significant from the standpoint of production of fissionable materials for nuclear explosive use. Retransfers of such quantities of heavy water are covered by the Department of Energy's general authorization which constitutes prior approval. Therefore, it is the judgment of the Executive Branch that the requirements of Section 109 b. are met for the purposes of this export.

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



Sincerely,

Michael A. Gahin

Acting Deputy Assistant Secretary

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