PDR

United States Department of State

Washington, D.C. 20520

BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

May 16, 1983

XSNM02033
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OFFICE OF INTERNATIONAL PROGRAMS

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

Dear Mr. Shea:

This letter is in response to the letter from your office dated March 18, 1983, requesting Executive Branch views as to whether issuance of an export license in accordance with the application hereinafter described meets the applicable criteria in the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978:

> NRC No. XSNM02033 - Application by Reactor Experiments, Inc. for authorization to export to Japan 11.5 milligrams of plutonium-239 as metal disks encapsulated in nickel for nuclear mock-up experiments related to mixed-oxide fuel pin testing at the Japan Atomic Energy Research Institute.

Under amended regulations for the export of certain quantities of nuclear material which do not have significance from a nuclear proliferation perspective, only "the proposed export of a production or utilization facility or of more than 3 grams of special nuclear material would be under the terms of an agreement for cooperation" (10 CFR Part 110.44, effective April 21, 1980.) Quantities of 3 grams or less of special nuclear material may, accordingly, be exported without an agreement for cooperation.

The Executive Branch has reviewed this application and concluded that the requirements of the Atomic Energy Act, as amended by the Nuclear Non-Proliferation Act of 1978, have been met and that the proposed export will not be inimical to the common defense and security of the United States. A detailed analysis for Japan was submitted April 30, 1979 for NRC application No. XSNM01435. There has been no material change in circumstances since that submission.

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

Sincerely,

James B. Devine
Deputy Assistant Secretary

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