



DEPARTMENT OF STATE
Washington, D.C. 20520

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BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS
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September 10, 1982

EXPORT/IMPORT
AND
INTERNATIONAL AFFAIRS

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

Dear Mr. Shea:

I refer to the letter from your office dated August 11, 1982, 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, as amended by the Nuclear Non-Proliferation Act of 1978:

NRC No. XB001157 — Application by KMS Fusion Inc. for authorization to export to the United Kingdom 300 curies of tritium in hollow glass pellets to be used as targets in laser fusion research at the Rutherford Laboratory. The previous license issued to KMS in 1980 for export of tritium in target pellets for Rutherford Laboratories expired in June, 1982.

It is the opinion of the Executive Branch that the proposed exports 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. 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. Further, it is the judgment of the Executive Branch that the byproduct material exports contemplated will not be inimical to the common defense and security of the United States.

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

Sincerely,

James B. Devine
James B. Devine
Deputy Assistant Secretary

Copy to PDR and ACC 9-17-82