



United States Department of State

Washington, D.C. 20520

October 4, 1990

DCS / DF02  
J. Becker, OGC  
G. Sanslow, OROO  
B. Stout, MM

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

Dear Mr. Shea:

I refer to the letter from your office dated September 19, 1990, requesting Executive Branch views as to whether issuance of an export license in accordance with the application hereinafter described meets the applicable criteria of the Atomic Energy Act, as amended by the Nuclear Non-Proliferation Act of 1978:

NRC No. XB001281 - Application by Edlow International Co., for authorization to export to the United Kingdom 5,000 curies of bulk gaseous tritium for use by the Science and Engineering Research Council in pure research of muon catalyzed deuterium/tritium fusion at the Rutherford Appleton Laboratory ISIS Facility, Chilton, England. The tritium is to be returned to the U.S. following completion of the project which is in collaboration with Brigham Young University and Los Alamos National Laboratory.

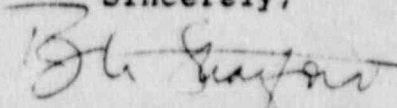
It is the opinion of the Executive Branch that the proposed export may be made based solely on a finding of noninimicality since byproduct material may be licensed under section 82.b. of the Atomic Energy Act on that basis without being subject to a Section 123 agreement for cooperation. The Executive 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 export contemplated will not be inimical to the common defense and security of the United States, provided that the license is conditioned to permit use ~~INTL SALES AND EXPORTS~~ and subsequent return to the U.S. only.

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On the basis of the foregoing, the Executive Branch recommends that the request be issued, subject to the proviso stated above.

Sincerely,



Richard J.K. Stratford  
Deputy Assistant Secretary  
Nuclear Energy & Energy Technology Affairs

EXPORT IMPORT  
INT'L SAFEGUARDS

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