



DCS/DF-02
United States Department of State

Washington, D.C. 20520

BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

August 17, 1988

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

XB001269
Japan

Dear Mr. Shea:

I refer to the letter from your office dated August 1, 1988, 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. XB001269 — Application by Edlow International Company to authorize export to Japan of 60,000 curies of bulk gaseous tritium for research and development of tritium processing and handling technology at the Japan Atomic Energy Research Institute (JAERI) Department of Thermonuclear Fusion Research Tritium Process Laboratory.

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 for export under Section 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 export contemplated will not be inimical to the common defense and security of the United States, provided that there will be no re-export from Japan of tritium supplied under this license.

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

Sincerely,

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

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