



DEPARTMENT OF STATE

Washington, D.C. 20520

ACC

XB000990
11000249

BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

December 18, 1978

Mr. James R. Shea
Director of International Programs
United States Nuclear Regulatory Commission
Room 6714 - MNBB
Bethesda, Maryland

Dear Mr. Shea:

I refer to your letter dated October 20, 1978, for Executive Branch views on 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:

NRC No. XB000990 -- Application by Nucleonic Data Systems, Inc. for authorization to export to Poland 31 millicuries of Americium-241 in an x-ray fluorescence coating gauge to measure zinc coatings of steel substrates.

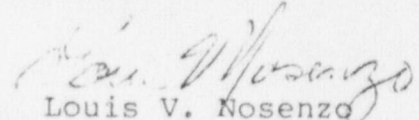
It is the opinion of the Executive Branch that the proposed export may be made without being subject to the terms of an Agreement for Cooperation since byproduct material may be licensed under Sections 81 and 82 of the Atomic Energy Act without the prerequisite of a Section 123 Agreement. Further, it 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. The Executive Branch has concluded that this export is consistent with the provisions of the Atomic Energy Act of 1954, as amended, and with the Nuclear Non-Proliferation Act of 1978. A detailed analysis is believed unnecessary in this case because of the small quantity of material involved.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Louis V. Nosenzo", is written over the typed name.

Louis V. Nosenzo
Deputy Assistant Secretary