



DEPARTMENT OF STATE

Washington, D.C. 20520

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BUREAU OF OCEANS AND INTERNATIONAL  
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS OFFICE OF  
INTERNATIONAL PROGRAMS

JUN 15 1979

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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 April 18, 1979, requesting Executive Branch views as to 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, and whether the proposed export meets the applicable criteria in the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978:

NRC No. XCOM0227 -- Application by General Electric Company for authorization to export to Belgium pipe whip restraints specially designed or prepared for use in the Tihange 2 nuclear power reactor. The total value of the proposed export is \$1,250,000.

It is the judgment of the Executive Branch that the export contemplated will not be inimical to the common defense and security of the United States, and 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.

As noted in my letter dated February 1, 1979, the United States has received assurances from the Delegation of the Commission of the European Communities for EURATOM Member States that: A) export of components substances and items from the U.S. fall within the category of "material, including equipment and devices" in Article XI of the Agreement for Cooperation Between the United States

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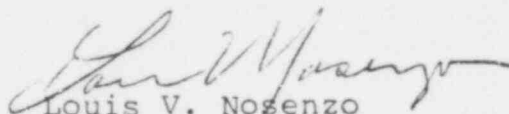
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and EURATOM, as amended; B) these items will be transferred under the U.S.-EURATOM Cooperation Agreement and thus be subject to the guarantees in that article; and C) therefore the criteria set forth in section 109 b. of the Atomic Energy Act, as amended, are met. These guarantees include a pledge of no explosive use and no retransfer beyond the jurisdiction of the Community without prior U.S. approval.

Moreover, as an NPT party, Belgium has committed itself to maintaining IAEA safeguards on all of its peaceful nuclear activities and has pledged not to use any nuclear export for production or research and development of any nuclear explosive device, two of the three criteria required to be met for exports of reactor components under Section 109 of the Atomic Energy Act, as amended.

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

Sincerely,



Louis V. Nosenzo  
Deputy Assistant Secretary

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