



DEPARTMENT OF STATE

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

DEC 05 1980

XCOM0271  
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(Amendment No. 01)

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

Dear Mr. Shea:

I refer to the letter from your office dated November 26, 1980, requesting Executive Branch views as to whether amendment 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, as amended by the Nuclear Non-Proliferation Act of 1978:

**NRC No. XCOM0271** — Application by PaR Metal Bellows Corporation to increase the number of neutron absorber tubes to be exported to Spain under license XCOM0271 from 850 to 874. The neutron absorber tubes will be utilized for fabrication of spent fuel storage racks for the Santa Maria de Garona Nuclear Power Plant. The additional 24 tubes have been ordered as replacements for tubes which may be damaged in transit or during installation.

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 stated in my letter to you dated January 31, 1979, it is the view of the Executive Branch that the generic assurances provided by the Spanish Government by letter to U.S. Embassy, Madrid, January 23, 1979 meet the criteria under Section 109 b. for exports of reactor components by confirming that the items specified in Appendix A of 10 CFR 10 will be included under the definition, "material including equipment and devices" cited in Article X of the 1974 U.S.-Spain Agreement for Cooperation, and are therefore subject to the guarantees in that article, including: 1) IAEA safeguards; 2) no nuclear explosive use; and 3) no retransfer without prior U.S. consent.

On the basis of the foregoing, the Executive Branch recommends that the license be amended as requested.

Sincerely,

Louis V. Nosenzo  
Deputy Assistant Secretary

\*Copy to PDR and ACC 12-9-80

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