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DEPARTMENT OF STATE

Washington, D.C. 20520

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EXPORT CONTROL  
AND  
INTERNATIONAL AFFAIRS

XSNM00861

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

Dear Mr. Shea:

This letter is in response to the letter from your office dated September 20, 1979, 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 of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (P.L. 95-242):

NRC No. XSNM00861 -- Application by Westinghouse Electric Corporation for amendment of license XSNM00861 to increase the amount of nuclear material authorized for export to Spain by 89 kilograms of U-235 contained in 2,774 kilograms of uranium enriched to 3.2 percent. This low enriched uranium is intended for the manufacture of spare fuel assemblies to replace those which may arrive damaged at the site of the LEMONIZ Nuclear Power Plant.

The proposed export would take place pursuant to the Agreement for Cooperation Between the United States and Spain as confirmed in a letter from the Embassy of Spain, a copy of which is enclosed. Spain has adhered to the provisions of its Agreement for Cooperation with the United States.

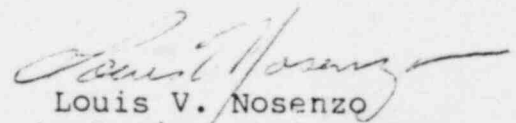
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The Executive Branch has reviewed the application and concluded that the requirements of the Atomic Energy Act as amended by P.L. 95-242 have been met with the exception of Section 128. The Spanish Government by note No. 88/6 dated March 8, 1980, has informed the U.S. that Spain has decided to initiate immediately the necessary arrangements with the IAEA for the application of safeguards to all nuclear facilities in Spain.

The Executive Branch has concluded that upon the completion of that action, Spain will be in compliance with Section 128 and that the proposed export will not be inimical to the common defense and security of the United States. A detailed analysis for Spain was submitted for NRC application no. XSNM01477 on September 19, 1979. There has been no material change in circumstances since that submission other than the developments relating to the application of IAEA safeguards to all Spanish nuclear facilities.

On the basis of the foregoing, the Executive Branch recommends that the NRC review and process this license request with a view to issuing the license as soon as the Executive Branch informs the NRC that the necessary arrangements are completed for the application of IAEA safeguards to all Spanish facilities.

Sincerely,



Louis V. Nosenzo  
Deputy Assistant Secretary

Enclosure:  
Assurance letter



EMBASSY OF SPAIN  
WASHINGTON

INDUSTRY AND ENERGY OFFICE

1875 CONNECTICUT AVE., NW - #1020  
WASHINGTON, D.C. 20009  
Tel. (202) 332-6060

Ref. No. 578

November 5, 1979

Mr. Vance H. Hudgins  
Director, Division of Politico-  
Military Security Affairs  
U. S. Department of Energy  
Washington, D. C. 20585

Re: XSNM-844, Amendment No. 03a  
~~XSNM-861~~, Amendment No. 02a  
XSNM-865, Amendment No. 02  
XSNM-866, Amendment No. 02

Dear Mr. Hudgins:

In response to your letter of October 11 regarding the above mentioned export license amendments, I am pleased to inform you that confirmation has been received from the Spanish Junta de Energía Nuclear about the following particulars:

- a) The transfer of the material, as identified on the license application, will be subject to the terms and conditions of the current agreement for Cooperation concerning civil uses of atomic energy between the United States and Spain.
- b) The ultimate consignees, as identified on the applications, are authorized by the Spanish Government to receive and possess the material.

Yours sincerely,

German Domínguez, Ph.D.  
Industry and Energy Attaché