



DEPARTMENT OF STATE

Washington, D.C. 20520

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

14 MAY 1981

Acc

XSNM00844

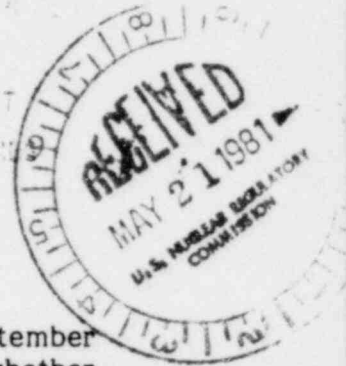
70-2125

Amend No. 3

1981 MAY 15 PM 4 27

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

REPORT  
AND SPONS



Dear Mr. Shea:

This letter is in response to the letters from your office dated September 20, 1979 and May 6, 1980, requesting Executive Branch views as to whether amendments of an export license in accordance with the applications 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:

**NRC No. XSNM00844** — Applications by Westinghouse Electric Corporation for amendments to license XSNM00844 to extend the expiration date from June 1, 1980 to December 31, 1981 and 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 Almaraz 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.

The Executive Branch has reviewed the applications and concluded that the requirements of the Atomic Energy Act, as amended by the Nuclear Non-Proliferation Act of 1978, have been met 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 activities.

As reported in my letter of May 11, 1981, the Spanish Government has informed the Department of State that all necessary legal steps have been taken to bring the IAEA-Spain Safeguards Agreement into force to cover those facilities not previously under IAEA safeguards. The Spanish Embassy has also provided separate assurances, copy enclosed, with respect to the proposed license amendments, that all nuclear activities in Spain are under IAEA safeguards and in the unlikely event that situation should change, while any shipments under the proposed amendments were pending, the Government of Spain would consult with the U.S. Government 90 days in advance.

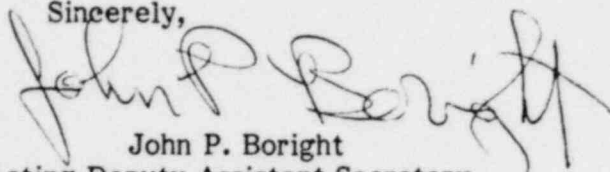
8106120 444

\*Copy to EDR and ACC 5-20-81

Idea, Devins, Moore, Cohen/Kessler, & LD

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

Sincerely,



John P. Boright  
Acting Deputy Assistant Secretary

Enclosures:  
Assurance letters

RECEIVED  
U.S. DTC

1961 MAY 15 PM 4 27

DEPARTMENT  
OF TRANSPORTATION  
RECORDS



EMBASSY OF SPAIN  
WASHINGTON

INDUSTRY AND ENERGY OFFICE

1875 CONNECTICUT AVE., NW - #1020  
WASHINGTON, D.C. 20009  
Tel. (202) 332-9060

Ref. No. 364a

May 11, 1981

Dr. John Boright, Acting  
Deputy Assistant Secretary  
Bureau of Oceans and International  
Environmental and Scientific Affairs  
U.S. Department of State  
Washington, D. C. 20520

Re: XSNM0844 - Amendments 3, 3a and 4

Dear Dr. Boright:

In addition to the assurances provided regarding the above mentioned amendment requests, I am pleased to note that all nuclear activities in Spain as indicated in the Note Verbale of the Spanish Government of March 8, 1980 are subject to IAEA Safeguards. In the unlikely event that this situation is to change during the time the proposed shipments covered by the subject applications are pending, the Government of Spain will consult with the Government of the United States 90 days in advance.

Sincerely,

German Dominguez, Ph.D.  
Industry and Energy Attaché

cpy: Mr. Vance H. Hudgins, DOE

1981 MAY 15 PM 4 25

RECEIVED  
MAY 15 1981



EMBASSY OF SPAIN  
WASHINGTON

INDUSTRY AND ENERGY OFFICE

1875 CONNECTICUT AVE., NW - #1020  
WASHINGTON, D.C. 20009  
Tel. (202) 332-9060

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

1981 MAY 15 PM 4 21

EX-107 REPORT  
AND  
ATTACHMENTS