



DEPARTMENT OF STATE

Washington, D.C. 20520

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

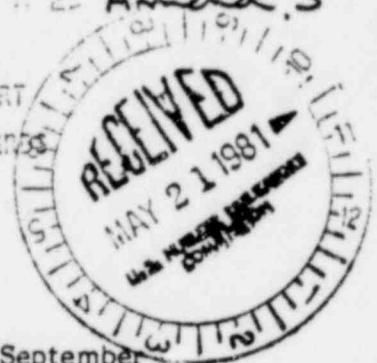
ACC

XSNM01045  
70-2446

1981 MAY 15 PM 4 25 Amend. 3

14 MAY 1981

EXPORT CONTROL  
INTERNATIONAL AFFAIRS



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

Dear Mr. Shea:

This letter is in response to the letter from your office dated September 11, 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:

**NRC No. XSNM01045** — Application by Westinghouse Electric Corporation to amend license XSNM01045 to authorize increase of the amount of nuclear material to be exported to Spain by 2,513.123 kilograms of U-235 contained in 71,803.56 kilograms of uranium enriched to a maximum of 3.72 percent. This low enriched uranium in the form of fabricated fuel assemblies will be shipped to Spain for four reloads of the Jose Cabrera Nuclear Power Plant at Zorita.

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 this application 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 nuclear facilities.

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.

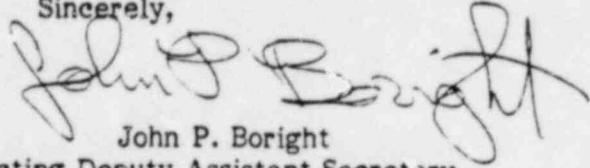
8106150 062

Copy to FDR and ACC 5-20-81

Shea, Payne, Moore, Cohen/Kessler, ELD,

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  
JUN 1968

1968 MAY 15 PM 4 20

RECEIVED  
JUN 1968



EMBASSY OF SPAIN  
WASHINGTON

INDUSTRY AND ENERGY OFFICE

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

Ref. No. 332a

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: XSNM01045, Amendments 1 and 1a

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 20

RECEIVED  
INDUSTRY AND ENERGY OFFICE



EMBASSY OF SPAIN  
WASHINGTON

INDUSTRY AND ENERGY OFFICE

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

Ref. No. 497

September 27, 1979

Mr. Vance H. Hudgins  
International Security Affairs  
Department of Energy  
Washington, D. C. 20545

Re: XSNM-1045 - Amendment

Dear Mr. Hudgins:

In response to your letter of September 24, regarding Westinghouse Electric Corporation's request of August 16 to amend License XSNM-1045, I am pleased to inform you that confirmation has been received from the Spanish Junta de Energia Nuclear about the following particulars:

- a) The transfer of the material, as identified on the application, will be subject to all 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 consignee, as identified on the License application, is authorized by the Spanish Government to receive and possess the material.

Sincerely,

German Dominguez, Ph. D.  
Industry and Energy Attaché

Please note that Martin Gallego is no longer with this Office.  
Thank you.

INTERNATIONAL SECURITY AFFAIRS  
INDUSTRY AND ENERGY OFFICE