



United States Department of State

Washington, D.C. 20520

March 10, 1994

Mr. Carlton R. Stolber  
Director, International Programs  
United States Nuclear Regulatory Commission  
Rockville, Maryland

DCS / DF02  
~~J. Becker, OGC~~  
G. Sanslow, OROO  
B. Stout, MM  
T. ROJAS CHICO, CC  
PDR

Dear Mr. Stolber:

I refer to the letter from your office dated February 24, 1994, requesting the views of the Executive Branch as to whether issuance of an export license in accordance with the application hereinafter described meets the applicable criteria of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978:

**NRC No. XCOM1088** - Application by General Electric Company for authorization to export to Spain one ultrasonic weld inspection system, with a total value of \$600,000, for use by Empresa Nacional del Uranio S.A. (ENUSA) to assure quality of fuel rod welds in fuel assemblies for Spanish boiling water reactors. The plant handles uranium fuel only; there are no plans to license the plant for handling of fuel containing plutonium.

It is the judgment of the Executive Branch that the proposed export will not be inimical to the common defense and security of the United States and is consistent with the provisions of the Atomic Energy Act of 1954, as amended.

As a party to the NPT, Spain has committed itself to maintain IAEA safeguards on all of its peaceful nuclear activities and has pledged not to manufacture or otherwise acquire any nuclear explosive device. It is therefore the judgment of the Executive Branch that criteria (1) and (2) for exports of nuclear components, substances and items under Section 109b of the Atomic Energy Act, as amended, are met. With respect to the remaining criterion, the Delegation of the Commission of the European Communities in a letter dated January 25, 1979 confirmed on behalf of EURATOM member states that U.S. exports to the Community of nuclear components specially designed or prepared for use in a nuclear facility, deuterium (including heavy water) and reactor grade graphite will be transferred under the U.S.-EURATOM Agreement for Cooperation, as amended, and are therefore subject to the guarantees of Article XI of the Agreement. These guarantees include a pledge of no retransfer beyond the jurisdiction of the Community without prior U.S. approval. It is therefore the judgment of the Executive Branch that the criteria for exports of nuclear components, substances and items under Section 109b of the Atomic Energy Act, as amended, are met.

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

Sincerely,

Richard J. K. Stratford  
Director  
Nuclear Energy Affairs

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