

Harvey Scott



COVER FAX SHEET

OFFICE OF WESTERN EUROPEAN AFFAIRS (EUR/WE)
(Spain)

TO: DOE - Rick Jones
FROM: FRANK FOULGER - (202) 647-1412 FAX: (202) 647-3459
SUBJECT: Project INBALO

REMARKS: Per our talk

FOR:
Clearance / / **Information / /**
Per Request / / **Comment / /**
Number of pages to follow 2

PRIORITY

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DEPARTMENT OF STATE
EUROPEAN AFFAIRSPAGE 01 OF 02 MADRID 12160 00 OF 03 211713Z 054291 0824012
ACTION: SP (02)INFO: WE (02) SOV (01) SOML (01) RPE (02) EEC (02)
----- 22/1034Z A2 SS (TOTAL COPIES: 010)

ACTION EUR-00

INFO LOG-00 ACDA-13 ADS-00 AMAD-01 CEQ-01 CIAE-00 DODE-00
EB-00 H-01 INRE-00 INR-01 IO-19 L-00 NRC-02
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-----A2AC37 212039Z /72 45P 211709Z OCT 91
FM AMEMBASSY MADRID
TO SECSTATE WASHDC PRIORITY 0274
DOE WASHDC

UNCLAS MADRID 12160

DEPT FOR EUR/WE-FOULGER

ENERGY DEPARTMENT FOR CODE EH-40 - DAS PETTENGILL

E.O. 12356 W/A
TAGS: TRGY, OSC1, PREL, KSCAL, SP
SUBJECT: CONTINUED FUNDING FOR RADIOLOGICAL
MONITORING IN SPAINREFS: (A) LETTER EMBASSY-EUR/WE 7/3/91; (B) TELCONS
MORRIS (EMBASSY)-BELL (DOE) 8/16/91; 10/9/91.

SUMMARY

1. SPAIN AND THE U.S. HAVE COOPERATED IN RADIOLOGICAL MONITORING OF THE AREA AROUND PALOMARES WHERE A COLLISION BETWEEN TWO U.S. AIR FORCE PLANES IN 1966 CAUSED NUCLEAR CONTAMINATION FROM TWO BOMBS THAT FELL FROM THE WRECKAGE. A CHANGE IN RESPONSIBILITY FOR THE PROGRAM WITHIN THE U.S. DEPARTMENT OF ENERGY WAS CAUSED USG TO MISS CONTRIBUTIONS TO THE COOPERATIVE PROJECT. THIS MESSAGE OUTLINES THE BACKGROUND OF THE COOPERATION, URGES SETTLEMENT OF OUTSTANDING OBLIGATIONS AND OFFERS HELP IN NEGOTIATING ANY CONTINUATION OF THE COOPERATION.

BACKGROUND

2. FOLLOWING THE COLLISION OF A US AIR FORCE B-52 AND A KC-135 OVER PALOMARES, SPAIN, IN 1966, USG THROUGH DOE HAS ASSISTED SPAIN WITH RADIOLOGICAL MONITORING OF THE AREA WHERE NUCLEAR MATERIAL, MAINLY PLUTONIUM, WAS SCATTERED. MATERIAL CAME FROM TWO NUCLEAR BOMBS THAT FELL FROM THE WRECKAGE. ALTHOUGH THE EXPLOSIONS WERE NONNUCLEAR, THEY NEVERTHELESS RELEASED CONSIDERABLE RADIOACTIVE MATERIAL IN THE AREA, MOST OF WHICH WAS SUBSEQUENTLY CLEANED UP BY THE USG. TWO OTHER BOMBS THAT FELL DID NOT GO OFF.

3. PROVISION FOR USG ASSISTANCE IS INCORPORATED IN

AN AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE JUNTA DE ENERGIA NUCLEAR (NUCLEAR ENERGY BOARD), MINISTRY OF INDUSTRY AND ENERGY.

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SIGNED FEBRUARY 1966 BY JOHN A. HALL, ASSISTANT GENERAL MANAGER FOR INTERNATIONAL ACTIVITIES, AEC, AND JOSE MARIA OTERO NAVASCUES OF THE JUNTA. THE AGREEMENT IS REFERRED TO AS THE OTERO-HALL AGREEMENT. THE SUCCESSOR TO THE AEC IN THE U.S. IS THE DEPARTMENT OF ENERGY, AND THE SUCCESSOR TO THE JUNTA DE ENERGIA NUCLEAR IS THE CENTRO DE INVESTIGACIONES ENERGETICAS, MEDIOAMBIENTALES Y TECNOLOGICAS - CIEMAT (CENTER FOR ENERGY, ENVIRONMENT AND TECHNOLOGY RESEARCH), IN THE MINISTRY OF INDUSTRY, TRADE AND TOURISM.

4. THE OTERO-HALL AGREEMENT IS OPEN-ENDED AND CALLS FOR JOINT EFFORTS TO MEASURE UPTAKE AND RETENTION OF PLUTONIUM AND URANIUM BY THE POPULATION; MEASUREMENT OF CONCENTRATION OF PLUTONIUM IN THE AIR; DETERMINATION OF CONTAMINATION LEVELS IN AGRICULTURAL PRODUCTS AND MIGRATION OF PLUTONIUM OXIDE IN THE SOIL. IN PARTICULAR, THE UNITED STATES WAS TO TAKE CERTAIN ACTIONS DURING THE FIRST YEAR, AND THERE WERE THEN OUTLINED STEPS TO BE TAKEN IN SUBSEQUENT YEARS. THE TEXT OF THE RELEVANT PARAGRAPH:

"CONTINUED PROVISION, BEYOND THE FIRST YEAR, OF SPECIALIZED EQUIPMENT, TECHNICAL ASSISTANCE AND ADVICE FOR AS LONG AS BOTH PARTIES MUTUALLY AGREE TO BE DESIRABLE ON THE BASIS OF THE OBSERVATIONS AS THEY ARE OBTAINED."

EXECUTION OF THE OTERO-HALL AGREEMENT WAS CALLED PROJECT INDALO, AFTER PREHISTORIC STICK FIGURES FOUND IN CAVE PAINTINGS NEAR PALOMARES.

5. THE EMBASSY'S RECORDS ARE INCOMPLETE, BUT IT APPEARS THAT AEC/DOE ADVANCED GOS OVER \$500,000 UP TO ABOUT 1980 AND CONTINUED FUNDING UNTIL THE MID OR LATE 1980S. WE RECKON THIS TO BE ABOUT 15-20 PERCENT OF THE TOTAL MONITORING COSTS.

RECENT DEVELOPMENTS

6. AT THEIR REQUEST GABRIEL MAGANTO AND JOSE GUTIERREZ OF CIEMAT CALLED ON THE EMBASSY SCIENCE COUNSELOR JULY 3, 1991. THEY BROUGHT WITH THEM COPIES OF CORRESPONDENCE BETWEEN CIEMAT AND DOE OVER THE PERIOD APRIL 5, 1989, TO AUGUST 7, 1990 (REF. A). CENTRAL DOCUMENTS WERE TWO "AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT" STANDARD FORMS 30. THESE PERTAIN TO CONTRACT NUMBER DE-G101-82EP12126 AND APPEAR TO BE EXTENSIONS OF THE FIRST OTERO-HALL AGREEMENT CONTRACT DATING FROM FEBRUARY 26, 1966. FUNDS TO BE OBLIGATED ARE \$200,000 IN THE DOCUMENT OF APRIL 5, 1989, RETURNED TO DOE OFFICE OF PROCUREMENT OPERATIONS; ATT: MS LISA TILLMAN, PR-541, ROOM 1J-027, 1000 INDEPENDENCE AVE., SW, WASHINGTON DC 20585.

7. THE CORRESPONDENCE INDICATES EXTENDED DISCONNECTS AS SPANISH QUESTIONS WENT UNANSWERED AND DISBURSEMENTS WENT UNMADE. A LETTER FROM CIEMAT DATED JULY 6, 1990, REMINDS DOE THAT NO FUNDS HAD BEEN RECEIVED FOR THE PREVIOUS TWO FISCAL YEARS, PRESUMABLY \$200,000 EACH YEAR. CHESTER R. RICHMOND OF DOE'S OAK RIDGE NATIONAL LABORATORY ANSWERED THIS

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LETTER ON AUGUST 7, 1990, AND EXPLAINED THAT A CHANGE OF RESPONSIBILITY FROM DEFENSE PROGRAMS TO ENVIRONMENT, SAFETY AND HEALTH (ESH) WITHIN DOE HAD BEEN CANCELLED, AND THAT RESPONSIBILITY WOULD STAY WITH THE LATTER DIVISION. RICHMOND SAID HE HAD BRIEFED ESH ON CIEMAT'S ROLE IN PROJECT INDALO IN JULY 1990 AND ANTICIPATED AN EARLY MEETING BETWEEN THE PARTIES.

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PROGRAM, NATURALLY TAKING INTO ACCOUNT ANY DIFFERENT PRIORITIES OF EHS IN ITS ROLE AS NEW PARTNER. THE EMBASSY STANDS READY TO ASSIST.

ZAPPALA

8. IN A LETTER DATED JULY 8, 1991, HENRY J. PETTENGILL, DOE DAS FOR HEALTH IN ESH, WROTE EUR/WE (FOULGER) IN THE DEPARTMENT TO CONFIRM THE TRANSFER OF RESPONSIBILITY FOR PROJECT INDALO IN DOE TO THE ESH DIVISION. IN THIS LETTER HE PROPOSED WORKING OUT A FIVE-YEAR PLAN WITH SPAIN ON DECONTAMINATION AND RADIOLOGICAL SAMPLING. HE ALSO MENTIONED THAT PREVIOUS REASSIGNMENTS OF PROJECT RESPONSIBILITY HAD RESULTED IN A LACK OF CONTINUED FUNDING FOR FOUR OF THE PREVIOUS FIVE YEARS. AT THE SAME TIME, PETTENGILL PROPOSED TO EXECUTE IN AUGUST 1991 A FUNDING TRANSFER TO CIEMAT.

CURRENT SITUATION

9. TELEPHONE CONVERSATIONS BETWEEN THE EMBASSY AND DOE (REF. B) CONFIRMED DOE'S INTEREST IN BOTH SETTLING PERCEIVED OUTSTANDING OBLIGATIONS AND PLANNING FOR FUTURE COOPERATION. DOE'S BELL ALSO INDICATED THAT AN EHS OFFICIAL WOULD BE IN EUROPE IN NOVEMBER AND WOULD LIKE TO PURSUE THE ISSUES DIRECTLY AT THAT TIME WITH CIEMAT AND THE EMBASSY. EMBASSY HAS SINCE BEEN IN TOUCH WITH CIEMAT, WHICH WELCOMES ANY VISITS AND DISCUSSIONS AND IS WILLING TO LAY OUT ITS PLANS AND PROPOSALS FOR THE FUTURE AS A BASIS FOR FURTHER COOPERATION.

10. COMMENT: THE EMBASSY BELIEVES THAT THE ISSUES ARE TWO: SETTLEMENT OF PAST OBLIGATIONS BY DOE, AND PREPARING FOR POSSIBLE FUTURE COOPERATION. ESSENTIALLY, THEY ARE NOT CONNECTED. DELAYS IN PAYING WHAT APPEAR TO BE OBLIGATIONS GOING BACK SEVERAL YEARS, EVEN IF THEY WERE MADE BY ANOTHER DIVISION THAN THE ONE THAT NOW HAS RESPONSIBILITY IN DOE, SEEM LENGTHY IN VIEW OF THE CORRESPONDENCE AMONG CIEMAT, DOE, RICHMOND AND PETTENGILL. PROMPT SETTLEMENT OF THESE OBLIGATIONS APPEARS INDICATED REGARDLESS OF THE FUTURE COURSE OF COOPERATION THAT MAY BE MUTUALLY WORKED OUT IN NOVEMBER OR LATER.

LINGERING SENSITIVITY OF THE WHOLE SUBJECT OF PALOMARES WARRANTS KEEPING FOLLOW-UP ACTIVITIES BUSINESSLIKE AND OBJECTIVE AT THE TECHNICAL, COOPERATIVE LEVEL. NEITHER SIDE HAS ANYTHING TO GAIN IF THE ISSUE SHOULD BECOME A POLITICAL ONE AT A TIME WHEN OVERALL POLITICAL RELATIONS BETWEEN THE U.S. AND SPAIN ARE AT SUCH A HIGH LEVEL. END COMMENT.

11. SUGGESTED COURSE OF ACTION: PROMPT COMPLIANCE WITH PETTENGILL'S INDICATION THAT FUNDS WOULD BE TRANSFERRED FOR PREVIOUS OBLIGATIONS BY AUGUST 31, 1991, APPEARS TO BE IN ORDER. PREFERABLY THIS SHOULD BE DONE BEFORE ANY VISIT BY DOE-ENS OFFICIALS, SO AS NOT TO MAKE IT APPEAR AS A BARGAINING CHIP. AFTER THIS CLEAR COMMITMENT, DOE WOULD BE POSITIONED TO NEGOTIATE WITH CIEMAT IN GOOD FAITH OVER ANY FUTURE

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