

FAX FOR ELAINE GALLIN

RE: NEW DOE/SPANISH MINISTRY OF INDUSTRY, COMMERCE AND TOURISM AGREEMENT

Bill Dennison, GC-51, has forwarded Harry Pettengill's 12/27 memo to this office. Following are several preliminary comments/questions:

The memo refers to DOE contract DE-GIO1-82EP12126. Do you have a copy of the contract document? Do you have a citation to the law referred to in the 10/22/93 Proc Ops memo?

We do not read the 10/22/93 Proc Ops memo as proposing a new "international agreement." Paragraph 2 of that memo suggests that Procurement would issue a new international contract of some type, perhaps using a noncompetitive grant or a cooperative non-procurement contract vehicle. The State Dept. would have to approve an "international agreement" between DOE and Spain's Ministry of Industry, Trade and Tourism under its Circular 175 procedure. But it is not clear that an international agreement is required. The 1966 "Hall-Otero" exchange of letters probably is not a legally binding international agreement.

Sam Bradley, GC-73
International and Legal Policy
telephone: 586-6738
faX: 586-7396