

UNCLASSIFIED

MEMORANDUM FOR: THE PRESIDENT

FROM: Colin L. Powell
Secretary of StateSpencer Abraham
Secretary of EnergySUBJECT: Proposed Protocol Amending the Agreement
for Cooperation Between the Government of
the United States of America and the
Government of the Kingdom of Morocco
Concerning Peaceful Uses of Nuclear Energy

The United States has negotiated a proposed Protocol Amending the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Morocco Concerning Peaceful Uses of Nuclear Energy signed at Washington on May 30, 1980 ("the Agreement"). This memorandum recommends that you sign the determination, approval and authorization at Attachment 1, which, pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended ("the Act"), sets forth: (1) your approval of the proposed Protocol; (2) your determination that performance of the proposed Protocol will promote, and will not constitute an unreasonable risk to, the common defense and security; and (3) your authorization for execution of the Protocol.

If you authorize execution of the Protocol, it will be signed by representatives of the United States and Morocco. Afterward, in accordance with section 123 b. and d. of the Act, it will be submitted to both Houses of Congress. A draft letter of transmittal to the Congress is at Attachment 2 for your signature. (This letter will be held until after the Protocol is signed.) The Protocol must lie before Congress for 90 days of continuous session. Unless a joint resolution of disapproval is enacted, the Protocol may thereafter be brought into force.

The text of the proposed Protocol is at Attachment 3. It amends the Agreement in two respects:

1. It extends the Agreement, which would otherwise expire by its terms on May 16, 2001, for an additional period of 20 years, with a provision for automatic extensions thereafter in increments of five years each unless either Party gives timely notice to terminate the Agreement; and

2. It updates certain provisions of the Agreement relating to the physical protection of nuclear material subject to the Agreement.

As amended by the proposed Protocol, the Agreement will continue to meet all requirements of U.S. law.

In accordance with the provisions of section 123 of the Act, the proposed Protocol was negotiated by the Department of State, with the technical assistance and concurrence of the Department of Energy. The proposed Protocol has also been reviewed by the members of the Nuclear Regulatory Commission. Their views are at Attachment 4.

Morocco is in the early stages of developing a nuclear research program, with support from the United States and the International Atomic Energy Agency. The U.S. firm General Atomics is currently building the country's first reactor, a small (2 megawatt) TRIGA Mark II research reactor that will use low enriched uranium fuel. Extension of the Agreement is a U.S. legal prerequisite for completion of the project.

Morocco is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has an agreement with the IAEA for the application of full-scope safeguards to its nuclear program. It is a signatory to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the storage and transport of nuclear material. A more detailed discussion of Morocco's nuclear non-proliferation policies is provided in the Nuclear Proliferation Assessment Statement (NPAS) at Attachment 5, and in a classified Annex to the NPAS submitted to you separately.

In our judgment, continued U.S. cooperation with Morocco in the peaceful uses of nuclear energy under a long-term extension of the Agreement will be supportive of U.S. non-proliferation, foreign policy and commercial interests. We recommend, therefore, that you determine, pursuant to section 123 b. of the Act, that performance of the Protocol will promote, and will not constitute an unreasonable risk to, the common defense and security; and that you approve the Protocol and authorize its execution.

RECOMMENDATION

That you sign the determination, approval and authorization at Attachment 1 and the transmittal to Congress at Attachment 2. (The transmittal will be held until the Protocol itself is signed.)

ATTACHMENTS

1. Draft Determination, Approval and Authorization
2. Draft Transmittal to the Congress (To be held until after the Protocol is signed)
3. Proposed Protocol Amending the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Morocco Concerning Peaceful Uses of Nuclear Energy
4. Views of the Members of the Nuclear Regulatory Commission
5. Unclassified Nuclear Proliferation Assessment Statement
6. Text of the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Morocco Concerning Peaceful Uses of Nuclear Energy, signed at Washington May 30, 1980