

**Department of Energy**

Washington, DC 20585

October 15, 1996

Mr. E. Bevere, Head of Division
Directorate General XVII
Energy
EURATOM Safeguards
Accounting and Auditing
European Commission
EURATOM, Luxembourg, XVII E 3

Dear Mr. Bevere:

Thank you for your October 4, 1996, response to our letter of September 27, requesting assurances for export license XNSM02904/01. We understand your interpretation of the Agreement for Cooperation that no further action is required by EURATOM regarding reconfirmation of assurances that the material will be subject to the new Agreement. However, as stated in a July 23, 1996, letter to you from Mr. McGoldrick of the U.S. Department of State, under the new arrangement, U.S. export law and regulations require confirmation that all consignees are duly authorized to receive the material. For your convenience, I am enclosing the July 23, 1996, letter. Therefore, we are interpreting your facsimile response of September 8 as an authorization that the listed consignees are duly authorized under the U.S./EURATOM Agreement to receive the material specified on the license application.

If you have any questions, please contact Mr. Anatoli Welihozkiy of my staff on (202) 586-2155.

Sincerely,

Trisha Dedik

Director

Nuclear Transfer and Supplier Policy Division
Office of Arms Control and Nonproliferation

Enclosure

cc: Ms. Betty Wright, Nuclear Regulatory Commission
Mr. Robin Delabarre, Office of Nuclear Energy Affairs, U.S. Department of State

Recip: DIA/NEMR

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PDR XPORT

XNSM-2904

FDR

Art-1 Export, Import



United States Department of State

Washington, D.C. 20520

July 23, 1996

Mr. E. Bevere
Head of Division
Euratom, Luxembourg XVII E-3

Dear Mr. Bevere:

I refer to your letter of June 14, 1996 explaining how Euratom views the implementation of the U.S.-Euratom Nuclear Cooperation Agreement with respect to U.S. requests for confirmation that facilities listed in Annex I-A notifications of proposed nuclear exports are authorized to receive and possess the specified nuclear material.

We have carefully considered your explanation of Euratom views regarding mention of facilities in acknowledgments of notifications of exports of nuclear material subject to the Agreement. U.S. export law and regulation requires approval of all consignees party to an export transaction on the basis of recipient government confirmation that the specified consignees are authorized by that government to receive and possess the material proposed for export. Under the previous Agreement, which treated all of Euratom as a single entity, Euratom authorities consistently provided the U.S. such confirmations for all listed consignees regarding authorization to receive and possess the specified nuclear material proposed for export.

To resolve this question of implementation, we would propose for cases involving exports of natural and low enriched uranium for reload of commercial power reactors in Euratom, to continue listing all facilities, intermediate and ultimate consignees in our assurance request notifications. We will interpret your responses as confirming authority to receive and possess for all such consignees, unless you inform us otherwise with respect to a particular consignee. In cases of particular sensitivity, such as exports of kilogram quantities of highly enriched uranium or plutonium, we will continue to require specific confirmation regarding authority to receive and possess for all consignees.

Fred McGoldrick

Acting Director
Nuclear Energy Affairs

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