



International Atomic Energy Agency

INFORMATION CIRCULAR

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THE TEXTS OF THE INSTRUMENTS CONCERNING THE AGENCY'S ASSISTANCE TO ROMANIA FOR THE ESTABLISHMENT OF A RESEARCH REACTOR PROJECT

A Third Supply Agreement

1. As a sequel to the assistance which the Agency has provided to the Government of Romania in connection with a research reactor project^{1/}, the Agency and the Governments of Romania and the United States of America, on 15 June 1990, signed a letter constituting the Third Supply Agreement.
2. The text of that letter, which was approved by the Board of Governors on 15 June 1990, is reproduced herein for the information of all Members.^{2/}

^{1/} Pursuant to the agreements reproduced in documents INFCIRC/206, INFCIRC/206/Add.1 and INFCIRC/206/Mod.2.

^{2/} The footnote to the text has been added in the present information circular.

LETTER CONSTITUTING A THIRD SUPPLY AGREEMENT
AMONG THE AGENCY, ROMANIA
AND THE UNITED STATES OF AMERICA

Sir,

I have the honour to refer to recent discussions regarding the proposed transfer of a further quantity of enriched uranium by the Government of the United States of America, through the International Atomic Energy Agency, to the Government of Romania, for use in a research reactor in Romania.

Pursuant to the authorization given by the Board of Governors on 15 June 1990 for the further transfer by the Government of the United States of America to the Government of Romania, through the International Atomic Energy Agency, of approximately 37,200 grams of uranium with an enrichment of under 20 per cent in the isotope uranium-235, contained in fuel elements for use in the dual core TRIGA Mark III research reactor at the Institute of Nuclear Technology at Pitesti, Romania, I am pleased to propose that the text of the Second Supply Agreement set forth in document INFCIRC/206/Add.1, amended as set out below, shall apply to the present transfer:

- (a) in the first preambular paragraph replace the words "the Government of the Socialist Republic of Romania" by the words "the Government of Romania".
- (b) replace the third preambular paragraph by the following two paragraphs:

"WHEREAS the Agency and Romania on 15 July 1975 concluded the Second Supply Agreement relating to an additional supply of enriched uranium from the United States for fabrication into spare fuel elements and fission counters for the reactor;

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Resident Representative
of Romania to the IAEA
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1040 Vienna

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1190 Vienna

WHEREAS Romania has requested the assistance of the Agency in securing from the United States a further supply of enriched uranium for fabrication into fuel elements for use in the reactor;"

- (c) in the sixth preambular paragraph delete the date "11 June 1975" and replace it by "15 June 1990";
- (d) in the seventh preambular paragraph delete the words "and fission counters";
- (e) replace paragraph 1 of Article I by the following:

"The Agency, pursuant to Article IV of the Agreement for Co-operation between the United States of America and the Agency of May 11, 1959, as amended,^{*/} shall request the United States to permit the transfer and export to Romania of approximately 37,200 grams of uranium enriched to approximately 20 per cent by weight in the isotope uranium-235 (hereinafter called the "supplied material")

- (f) in paragraph 2 of Article I, replace the words "fuel material and the indicator material" by the words "supplied material" and replace the word "Administration" by the words "United States";
- (g) add the following sentences to paragraph 2 of Article I:

All arrangements for the export of the supplied material from the United States shall be the responsibility of Romania and the manufacturer. Prior to the export of any part of such material, Romania shall notify the Agency of the amount thereof and of the date, place and method of shipment";

- (h) add the following as paragraphs 3, 4 and 5 of Article I:

3. The supplied material and any special fissionable material produced through its use, including subsequent generations of produced special fissionable material, shall be used exclusively by and remain at the Institute of Nuclear Technology, Pitesti, unless the Parties hereto otherwise agree.

4. The supplied material and any special fissionable material produced through its use, including subsequent generations of produced special fissionable material, shall be stored or reprocessed or otherwise altered in form or content only under conditions and in facilities acceptable to the Parties hereto. Such materials shall not be further enriched unless the Parties hereto otherwise agree.

5. Romania and the United States shall take all appropriate measures to ensure the safe transport, handling and use of the supplied material. Neither the United States nor the Agency warrants the suitability or fitness of the supplied material for any particular use or application or shall at any time bear any responsibility towards Romania or any person for any claims arising out of the transport, handling and use of the supplied material.

^{*/} INFCIRC/5, Part III and INFCIRC/5/Mods. 1 and 2.

- (i) in paragraph 1 of Article II, replace the words "fuel material" by the words "supplied material";
- (j) delete paragraph 2 of Article II;
- (k) re-number paragraph 3 of Article II as paragraph 2 of that Article and replace the words "fuel material and the indicator material" by the words "supplied material";
- (l) in Article III, replace the words "fuel material and the indicator material" by the words "supplied material";
- (m) in Article IV, replace the words "fuel material and the indicator material" by the words "supplied material";
- (n) delete Article V and the signature block that follows it.

If the above proposal is acceptable, I would further propose that this letter in triplicate be counter-signed on behalf of the Government of Romania and the Government of the United States of America as well as by a representative of the International Atomic Energy Agency as is indicated below. This letter, as fully signed on behalf of the Governments of Romania and the United States of America and of the International Atomic Energy Agency, shall thereupon constitute the Third Supply Agreement for the transfer of enriched uranium from the United States for a research reactor in Romania.

Accept, Sir, the assurances of my highest consideration.

For the INTERNATIONAL ATOMIC ENERGY AGENCY:

Hans Blix
(Signature)

15 June 1990, Vienna
(Date) (Place)

For the GOVERNMENT OF ROMANIA:

Stefan Alexandru Olariu
(Signature)

15 June 1990, Vienna
(Date) (Place)

For the GOVERNMENT OF THE UNITED STATES OF AMERICA:

Michael H. Newlin
(Signature)

15 June 1990, Vienna
(Date) (Place)