

No. 17407

**UNITED STATES OF AMERICA
and
ROMANIA**

**Exchange of notes constituting an agreement relating to
atomic energy: uranium supply for a TRIGA reactor.
Washington, 13 February 1978**

Authentic text: English.

Registered by the United States of America on 14 December 1978.

**ÉTATS-UNIS D'AMÉRIQUE
et
ROUMANIE**

**Échange de notes constituant un accord relatif à l'énergie
atomique : fourniture d'uranium destiné à un réacteur
TRIGA. Washington, 13 février 1978**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 14 décembre 1978.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ROMANIA RELATING TO ATOMIC ENERGY: URANIUM SUPPLY FOR A TRIGA REACTOR

I

The Secretary of State presents his compliments to His Excellency the Ambassador of the Socialist Republic of Romania and has the honor to refer to the supply of enriched uranium fuel by the United States for the TRIGA reactor being constructed in Romania under a Project Agreement entered into between the International Atomic Energy Agency (IAEA) and the Government of the Socialist Republic of Romania on March 30, 1973² (INFCIRC/206), which has been the subject of recent discussions between the Governments. The Government of the United States of America reaffirms its support for the timely and successful operation of this TRIGA reactor.

This Project Agreement is supplemented by supply agreements between the IAEA and the Governments of the Socialist Republic of Romania and of the United States of America which contemplate the supply by the United States of certain quantities of enriched uranium to be utilized as fuel for the TRIGA reactor. Prior to taking the necessary actions for the transfer of such enriched uranium from the United States to Romania, the Government of the United States of America wishes to clarify certain understandings related to the supply of this enriched uranium:

1. As a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT),³ the Government of the Socialist Republic of Romania has, among other things, undertaken not to utilize special nuclear material transferred to it or derived from such material for the manufacture of nuclear weapons or other nuclear explosive devices. It is the understanding of the United States Government that this undertaking by the Romanian Government is an enduring one which is not exclusively dependent upon the Romanian Government's adherence to the NPT.

2. The Governments of the Socialist Republic of Romania and of the United States of America recognize the need for the establishment and maintenance of physical security measures for nuclear materials and facilities which will provide adequate assurance against the diversion of such material or the sabotage of such facilities. To this end, it is the understanding of the Government of the United States of America that the Governments will consult to assure that adequate physical security measures are applied to the nuclear material being supplied by the United States or any special nuclear material derived therefrom or which has been used or produced in this TRIGA reactor. These measures shall, as a minimum, meet the standards set forth in IAEA document INFCIRC 225/Rev. 1, entitled "The physical protection of nuclear material", as it may be updated. In addition, there will be agreements on the facilities for the storage of such materials.

3. It is the understanding of the Government of the United States of America that the Government of the Socialist Republic of Romania shall retain in Romania

¹ Came into force on 13 February 1978 by the exchange of the said notes.

² United Nations, *Treaty Series*, vol. 963, p. 283.

³ *Ibid.*, vol. 729, p. 161.

the nuclear material supplied by the United States or any special material derived therefrom from the time of its receipt until its irradiation has been completed. Thereafter, following an appropriate period of radioactive cooling, the Government of the Socialist Republic of Romania shall return such nuclear material to the United States under a chemical processing contract with the Department of Energy (DOE). Currently, under such contract the Government of the Socialist Republic of Romania would be credited with the value of the recoverable enriched uranium contained in such irradiated fuel in accordance with the DOE pricing schedule in effect for enriched uranium at the time of spent fuel delivery, less the reprocessing and other related charges. Any deviation from these understandings will require the mutual agreement of both Governments.

4. It is the understanding of the Government of the United States of America that should either the Government of the Socialist Republic of Romania or the Government of the United States of America become aware that the IAEA is no longer able to apply the safeguards contemplated by the Project Agreement, the Governments will act promptly to develop mutually acceptable alternative arrangements for the application of safeguards of equivalent effectiveness.

Department of State

Washington, February 13, 1978

II

EMBASSY OF THE SOCIALIST REPUBLIC OF ROMANIA WASHINGTON, D.C.

No. 202

The Ambassador of the Socialist Republic of Romania presents his compliments to the Secretary of State and has the honor to refer to his Note on February 13, 1978, which reads as follows:

[See note I]

The Ambassador of the Socialist Republic of Romania confirms that the content of the Note of the Government of the United States of America is acceptable to the Government of the Socialist Republic of Romania and this reply constitutes an agreement between these two Governments.

The Ambassador of the Socialist Republic of Romania avails himself of this opportunity to renew to the Secretary of State the assurances of his highest consideration.

Washington, D.C., February 13, 1978