

Template OIP-09



United States Department of State

Washington, D.C. 20520

March 14, 2000

Mr. Ronald D. Hauber
Deputy Director
Office of International Programs
United States Nuclear Regulatory Commission
Rockville, Maryland

FOR
DCS/REG
NMSS
DOE/OR
NAC/NMSS

Dear Mr. Hauber:

I refer to your letter of February 28, 2000, requesting the assistance of the Department of State in obtaining assurances from the Government of Brazil to confirm that the following request for amendment of an export license meets with their approval.

Siemens Power Corporation has applied for an amendment to license XSNM02999 to change the end-use for the export to Brazil of 100,000 kilograms of uranium enriched to a maximum of 5 percent for the initial core and reload fuel for Angra 2, to authorize use of 2,000 kilograms of that material for reload fuel for Angra 1.

Enclosed is a copy of U.S. Embassy Brasilia telegram no. 776 dated March 8, 2000, reporting the receipt of Brazilian Government assurances, confirming that the exported nuclear material upon receipt in Brazil will be subject to the terms and conditions of the 1999 U.S.-Brazil Agreement for Cooperation and that Angra 1 is authorized to receive and possess the exported nuclear material. The authorization of Angra 2 to receive and possess the imported nuclear material was confirmed by the previous GOB assurances.

Sincerely,

Robin DeLaBarre
Office of Nuclear Energy Affairs

Enclosure: Brasilia 776

2000 MAR 16 AM 11:14

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FAXED NRC by
CK.

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BRASILIA 776

From: AMEMBASSY BRASILIA
Subject: BRAZIL: AMENDMENT OF END-USE
ASSURANCES FOR

MRN: 776
ICNbr: TED2638

Date/Time: 081530Z MAR 00
Precedence: PRIORITY

Cable Text:

TED2638
ACTION PM-00

INFO	LOG-00	NP-00	AID-00	AMAD-01	CIAE-00	COME-00	CTME-00
	DODE-00	DOEE-00	ITCE-00	WHA-01	EB-00	EXME-00	UTED-00
	VC-01	TEDE-00	INR-00	ITC-01	VCE-00	AC-01	NRC-01
	NSAE-00	OES-01	OMB-01	OPIC-01	ACE-00	STR-00	TRSE-00
	T-00	PMB-00	SAS-00	/009W			

-----3C999D 081615Z /38

P 081530Z MAR 00
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC PRIORITY 8973

UNCLAS BRASILIA 000776

STATE FOR PM/NE FOR ROBIN DELABARRE

E.O. 12958: N/A
TAGS:ENRG, KSTC, ETC, KSCA, KNNP, TRGY, BR
SUBJECT: BRAZIL: AMENDMENT OF END-USE ASSURANCES FOR

REF: A) STATE 53594, B) TELCON LABARRE/COHEN, FEB 16, 2000

1. (U) EMBASSY HAS RECEIVED FROM THE MINISTRY FOREIGN AFFAIRS A DIPLOMATIC NOTE CONVEYING THE AMENDMENT TO END-USE ASSURANCES REQUESTED REPTEL IN CONNECTION WITH U.S. AUTHORIZATION FOR SIEMENS POWER CORPORATION TO EXPORT TO BRAZIL LOW ENRICHED URANIUM FROM THE U.S. TO BRAZIL, FOR USE BY INDUSTRIAS NUCLEARES BRASILEIRAS (INB), (BRAZILIAN NUCLEAR INDUSTRIES) IN THE ANGRA 1 AND 2 NUCLEAR POWER PLANTS. EMBASSY NOTES THAT, SINCE THE GOB HAS TWICE PROVIDED END-USE ASSURANCES FOR THIS SAME MATERIAL TO BE USED AT ANGRA 1 AND 2, AS SUGGESTED BY THE DEPARTMENT IN TELCON, THE GOB HAS IN THIS INSTANCE PROVIDED ASSURANCES ONLY FROM THE FOREIGN MINISTRY, RATHER THAN THE CUSTOMARY

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CERTIFICATES AND STATEMENTS FROM THE MFA, THE MINISTRY OF SCIENCE AND TECHNOLOGY, THE INDUSTRIAS NUCLEARES DO BRASIL, S.A., AND THE BRAZILIAN NUCLEAR ENERGY COMMISSION.

2. (U) INFORMAL TRANSLATION OF MFA NOTE NUMBER DDS/16/PARD, DATED MARCH 2, 2000:

"THE MINISTRY OF FOREIGN AFFAIRS PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND, IN SUPPLEMENT TO THE DIPLOMATIC NOTE NUMBER 67, DATED SEPTEMBER 1998, AND WITH REFERENCE TO OTHER COMMUNICATIONS ABOUT THE SAME MATTER, HAS THE HONOR TO AMEND THE ASSURANCES OF THE BRAZILIAN GOVERNMENT WITH RESPECT TO THE EXPORT LICENSE NRC/XSNMO 2999, RENEWED IN SEPTEMBER 1998, IN ORDER TO PERMIT THE COMPANY INDUSTRIAS NUCLEARES DO BRASIL TO REDIRECT 2,000 KG OF URANIUM WITH LOWER ENRICHED URANIUM FROM ANGRA II TO ANGRA I.

2. IN RELATION TO THE ABOVE OPERATION, THE MINISTRY CONFIRMS THE FOLLOWING:

A) THAT THE MATERIAL ABOVE-REFERENCED MATERIAL WILL BE SUBJECT TO THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL CONCERNING PEACEFUL USES OF NUCLEAR MATERIAL, WHICH ENTERED INTO FORCE IN SEPTEMBER 15, 1999;

B) THAT THE MATERIAL IN QUESTION WILL NOT BE USED FOR MILITARY PURPOSES, IN CONFORMITY WITH THE STIPULATION OF ARTICLE VIII (2) OF THE REFERENCED AGREEMENT;

C) THAT THE END USER MENTIONED ABOVE (ANGRA 1) IS AUTHORIZED TO RECEIVE AND POSSESS THE REFERENCED MATERIAL."

BRASILIA, MARCH 02, 2000

/s/

END TEXT OF NOTE

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3. (U) EMBASSY WILL POUCH THE DEPARTMENT THE ORIGINAL NOTE
TO THE ATTENTION OF NP/NE - R. DELABARE.

HARRINGTON
NNNN

End Cable Text

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