

1975**Cables between the Brazilian Embassy in
Washington and the Brazilian Foreign Ministry on
the Transfer of Nuclear Material****Citation:**

"Cables between the Brazilian Embassy in Washington and the Brazilian Foreign Ministry on the Transfer of Nuclear Material", 1975, Wilson Center Digital Archive, Centro de Pesquisa e Documentação de História Contemporânea do Brasil (CPDOC), Fundação Getúlio Vargas (FGV), Azeredo da Silveira Archive, AAS mre d 1974.03.26 p.5116-5127. Obtained and translated by Fundação Getúlio Vargas.
<https://wilson-center-digital-archive.dvincitest.com/document/115173>

Summary:

A series of correspondence between Brazilian Foreign Ministry and Brazilian Ambassador to the US about the transfer of nuclear material from France to Brazil. Myron Kratzer, Acting Assistant Secretary for Scientific Affairs in the US, expressed his concern over the fact the nuclear material was of American origin.

Credits:

This document was made possible with support from Carnegie Corporation of New York (CCNY)

Original Language:

Portuguese

Contents:

Original Scan
Translation - English

REC

TELEGRAMA RECEBIDO

AAS 19740326
mud

Decreto nº 60.417/67 — Classificação alterada para
-Ostensivo -Reservado -Confidencial -Secreto
por ordem de _____

692.30 (P.J.)

DA EMBAIXADA EM WASHINGTON
O EN 29/11/75

RECIBO
SECRETARIA DE ESTADO

SECRETO-URGENTE
DPB/DCS/DE-1/DIE/
ENERGIA NUCLEAR. RETRANSFERENCIA DE
MATERIAL NUCLEAR ESPECIAL DE ORIGEM
AMERICANA DA FRANCA PARA O BRASIL.
AUDIENCIA NO DEPARTAMENTO DE ESTADO.

166656

?
4782 - SABADO, 913,30 HS - RESPOSTA DESPACHO-TELEGRAFICO 1754. PEDI HORA NO DEPARTAMENTO DE ESTADO PARA ENTREVISTAR-ME COM O SENHOR MYRON KRATZER, QUE EH O "ASSISTANT SECRETARY OF STATE" INTERINO PARA ASSUNOS CIENTIFICOS, O QUAL DEVERAH RECEBER-ME NO FIM DA TARDE DA PROXIMA SEGUNDA-FEIRA, PRIMEIRO DE DEZEMBRO. PROCURAREI OBTER DE KRATZER OS ESCLARECIMENTOS SOLICITADOS PELO DESPTEL 1754, ISTEH, A PALAVRA OFICIAL DO GOVERNO AMERICANO BOBRE A ORDEN DE SUSKPENSAO INDEFINIDA NO EMBARQUE DA FRANCA PARA O BRASIL, ATRAVES DA EURATOM, DE MATERIAL NUCLEAR ESPECIAL DE ORIGEM AMERICANA.

JOAO AUGUSTO DE ARAUJO CASTRO

CÓPIA ESPECIAL PARA
(DPB)

X11-40A9

TELEGRAMA RECEBIDO

PAS 1974.03.26
mme/d

Decreto nº 60.417/67. — Classificação alterada para

Ostensivo Reservado Confidencial Secreto

por ordem de _____

692.30 (P/B)

FEITO
SUBSTITUIÇÃO

DA EMBAIXADA EM WASHINGTON
EM 1/12/75

SECRETO - URGENTE

167234

DPB/DCS/DIE/DE-I-/

ENERGIA NUCLEAR. RETRANSFERENCIA
DE MATERIAL NUCLEAR ESPECIAL DA
FRANCA PARA O BRASIL. AUDIENCIA
NO DEPARTAMENTO DE ESTADO.

4806 - SEGUNDA-FEIRA - 22,00 HORAS - ADITEL 4782. ACABO DE RE-
GRESSAR DO DEPARTAMENTO DE ESTADO ONDE ESTIVE POR QUASE UMA HO-
RA COM MYRON KRATZER, SECRETARIO DE ESTADO ASSISTENTE INTERINO
PARA ASSUNTOS CIENTIFICOS, E A QUEM EXPUS O CASO DO ADIAMENTO
NO EMBARQUE DA FRANCA PARA O BRASIL DE MATERIAL NUCLEAR ESPE-
CIAL ESTRATEGICO DE ORIGEM AMERICANA, SOLICITANDO EM SEGUIDA A
PALAVRA OFICIAL DO GOVERNO AMERICANO SOBRE O EPISODIO.

2. RESPONDEU-ME KRATZER, EM PRIMEIRO LUGAR, COM A SE-
GUINTE "CORRECAO" AO QUE LHE DISSERA: O PAIS DE ONDE SERIA
RETRANSFERIDO O URANIO PARA O BRASIL NAO SERIA A FRANCA, E SIM
O REINO UNIDO. AO CONFIRMAR-LHE SER A FRANCA ESSE PAIS, KRAT-
ZER ESCLARECEU QUE O DEPARTAMENTO DE ESTADO, EMBORA NUNCA TIVE-
SSE RECEBIDO COMUNICACAO A RESPEITO DA EMBAIXADA DA FRANCA OU
DA REPRESENTACAO DA EURATOM EM WASHINGTON, RECEBERA SIM CONSUL-
TA DO TIPO POR MIM INDICADO DA EMBAIXADA BRITANICA, EM JULHO
ULTIMO, TENDO SIDO RESPONDIDA EM AGOSTO. A CONSULTA INGLESA
PRENDIA-SE AA POSSIBILIDADE DE SEREM RETRANSFERIDOS PARA O BRA-
SIL "DEZ A QUINZE QUILOS" DE URANIO ALTAMENTE ENRIQUECIDO DE
ORIGEM AMERICANA, PARA SER USADO EM REATOR DE PESQUISA DO TIPO
RAPIDO, E A RESPOSTA DADA, SEGUNDO KRATZER, FOI NO SENTIDO DE
QUE TAL TIPO DE RETRANSFERENCIA NAO CONTARIA COM MUITA PROBABI-
LIDADE DE APROVACAO PELOS ESTADOS UNIDOS. NADA CONSTAVA NO DE-
PARTAMENTO DE ESTADO ALEM DISSO, FRISOU KRATZER, E NADA SOBRE
UM EVENTUAL PEDIDO DE RETRANSFERENCIA DA FRANCA.

3. INSISTI EM QUE SE TRATAVA DE RETRANSFERENCIA DA
FRANCA PARA O BRASIL, ATRAVES DA "EURATOM SUPPLY AGENCY", E
QUE AS INFORMACOES DE QUE DISPOMOS SAO DE QUE O GOVERNO AMERI-
CANO, SONDADO PELA EURATOM, ORDENOU A SUSPENSAO DEFINITIVA DO
EMBARQUE DO REFERIDO MATERIAL NUCLEAR ESPECIAL EM OUTUBRO ULTI-
MO, SOB A ALEGACAO DE QUE O BRASIL NAO CONCLUIRA COM OS ESTADOS
UNIDOS UM ACORDO SOBRE NORMAS DE PROTECAO FISICA ADEQUADAS.
KRATZER DISSSE QUE O DEPARTAMENTO DE ESTADO DESCONHECIA ESSA
"EVOLUCAO" DO ASSUNTO, E PROMETEU INDAGAR O QUE TERIA HAVIDO
JUNTO AA "ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION" E
JUNTO AA "NUCLEAR REGULATORY COMMISSION", PESQUISA CUJOS RE-
SULTADOS NOS FORNECERIA LOGO QUE OS TIVESSÉ. CONFESSEI QUE ME
PARECEU DIFICIL ADMITIR QUE A TRAMITACAO DE ASSUNTO DE TAL RELE-

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VANCIA PUDESSE PROCESSAR-SE INTEIRAMENTE AA REVELIA DO DEPARTAMENTO DE ESTADO, COMO QUER FAZER CRER SUA MAIOR AUTORIDADE EM ASSUNTOS CIENTIFICOS., MENOS CRIVEL AINDA EH QUE, MESMO POST FACTO, KRATZER NAO TENHA SIDO INFORMADO DA DECISAO TOMADA.

4. COMO QUER QUE SEJA, MYRON KRATZER DEU-ME A IMPRESSAO DE CONSIDERAR IRRELEVANTE E ACADEMICA A QUESTAO DE PRECISAR INTEIRAMENTE O QUE OCORRERA, JA QUE ESTAMOS DIANTE DE UMA "POLICY" AMERICANA, QUE SE APLICARIA EM QUALQUER CASO. EM PRIMEIRO LUGAR, OS ESTADOS UNIDOS NUNCA AUTORIZAM A RETRANSFERENCIA DE URANIO ALTAMENTE ENRIQUECIDO DE ORIGEM AMERICANA SEM UM PREVIO ENTENDIMENTO SOBRE AS CHAMADAS "PHYSICAL SECURITY MEASURES"., EM SEGUNDO LUGAR, O PRESENTE ACORDO DE COOPERACAO NUCLEAR BRASIL-ESTADOS UNIDOS PODERIA "PERMITIR" ESSE TIPO DE TRANSFERENCIA MAS NUNCA PODERIA SER INTERPRETADO DE MANEIRA A TRANSFORMA-LO EM "EXIGIVEL" OU "OBRIGATORIO"., EM TERCEIRO LUGAR, KRATZER NAO DESEJAVA ESCONDER-ME PREVALECEREM AGORA CRITERIOS BASTANTES RESTRITIVOS NO TOCANTE AA COOPERACAO NUCLEAR INTERNACIONAL E, EM PARTICULAR, A ESSE TIPO DE TRANSFERENCIA DE MATERIAL NUCLEAR ESPECIAL CONSIDERADO ESTRATEGICO. EM NENHUM MOMENTO DE NOSSA CONVERSA, TEVE KRATZER UMA PALAVRA DE ENCORAJAMENTO QUANTO AA POSSIBILIDADE DE UMA AUTORIZACAO AMERICANA NESSE PARTICULAR, EMBORA SEMPRE SE ABSTIVESSE DE EMITIR UMA NEGATIVA PEREMPTORIA E TAXATIVA.

5. CREIO QUE DEVEREMOS ESPERAR ALGUNS DIAS ATEH QUE MYRON KRATZER ME FORNECA OS PROMETIDOS ELEMENTOS ADICIONAIS DE INFORMACAO, MAS NAO ESCONDEREI A VOSSA EXCELENCIA QUE O SECRETARIO DE ESTADO ASSISTENTE ME PARECEU DUBIO E EVASIVO, RAZAO PELA QUAL SERIA EU FAVORAVEL AO ENVIO DE UMA NOTA ASSINADA AO DEPARTAMENTO DE ESTADO, O QUE TALVEZ VENHA A SER INEVITAVEL SE DESEJAMOS OBTER PALAVRA OFICIAL DO GOVERNO AMERICANO SOBRE UM EPISODIO QUE NAO ESTAH INTEIRAMENTE CLARO EM MEU ESPIRITO. ESTIMARIA CONHECER A REACAO DE VOSSA EXCELENCIA EM RELACAO A ESSE CURSO DE ACAO, BEM COMO, CASO A REACAO AOSSE AFIRMATIVA, RECEBER OS DADOS E ESCLARECIMENTOS COMPLEMENTARES SOBRE OS PARTICULARES DA QUESTAO. NECES-SITARIA Desses DADOS E ELEMENTOS PARA INSTRUIR A EVENTUAL NOTA AO DEPARTAMENTO DE ESTADO.

JOAO AUGUSTO DE ARAUJO CASTRO

167815

AAS 1974 03-26
muel
Brasemb Washington

Caráter: secreto

DFB/DCS/DE-I

Índice: Energia nuclear. Retransferência de material nuclear dspecial da França para o Brasil.

Classificação: 692.30 (343)

Numero: 1.372


Data: 2-12-75

CÓPIA DE TELEGRAMA

3-1900h
A


FEITO SUBSTITUTO

Com referência ao parágrafo 5 do telegrama 4806. Vossa Excelência está autorizado a preparar a nota assinada ao Departamento de Estado e entregá-la no momento que lhe parecer mais oportuno.

Autorizo: 

EXTERIORES

Expedido em ... 02 XII 75
Canal de Gravado


MD

XIII-40A11
PARA
(DFE)

Vertical stamp on the left margin containing the letters 'RE' and several circular marks.

TELEGRAMA RECEBIDO

AAS 1974.03.26
mufd

Decreto nº 60.417/67 — Classificação alterada para

- Ostensivo - Reservado - Confidencial - Secreto

por ordem de _____

692.30 (BJS)

FLETO SUBSTITUTO

DA EMBAIXADA EM WASHINGTON EM 3/12/1975

SECRETO - URGENTISSIMO
DPB/DCS/DIE/DE-1/
ENERGIA NUCLEAR. RETRANSFERENCIA DE MATERIAL
NUCLEAR ESPECIAL DE ORIGEM AMERICANA PARA O
BRASIL. NOTA AO DEPARTAMENTO DE ESTADO.

168603

4855 - QUARTA-FEIRA - 19:30 HORAS - REFERENCIA AO DES-
PACHO-TELEGRAFICO N. 1774. CASO NAO RECEBA, DENTRO DE DOIS DIAS,
OS ESCLARECIMENTOS PROMETIDOS POR MYRON KRATZER, EH MINHA INTEN-
CAO PASSAR NOTA AO DEPARTAMENTO DE ESTADO, CUJA PARTE SUBSTANTI-
VA SUBMETO A SEGUIR AA APROVACAO DE VOSSA EXCELENCIA:

1. THE BRAZILIAN EMBASSY RECEIVED FROM THE DELEGATION OF THE
COMMISSION OF THE EUROPEAN COMMUNITIES IN WASHINGTON A LETTER
DATED OCTOBER 24, 1975, TRANSMITTING A SET OF MB-10 FORMS
CONCERNING THE APPROVAL FOR RETRANSFER OF SPECIAL NUCLEAR
MATERIAL OF UNITED STATES ORIGIN FROM FRANCE TO BRAZIL. THE
FORMS HAD BEEN SIGNED BY THE DIRECTOR GENERAL OF THE EURATOM
SUPPLY AGENCY, IN BEHALF OF THE FRENCH ATOMIC ENERGY COMMISSION,
ON THE DATE OF OCTOBER 17, 1975.

2. THE BRAZILIAN EMBASSY RECEIVED A SECOND LETTER FROM THE
DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES IN
WASHINGTON DATED NOVEMBER 13, 1975, WHEREBY IT IS INDICATED
THAT THE SAID RETRANSFER OF SPECIAL NUCLEAR MATERIAL HAD BEEN
POSTPONED FOR ONE YEAR BY THE FRENCH ATOMIC ENERGY COMMISSION,
WITHOUT SPECIFYING THE REASONS FOR SUCH A DELAY.

3. SUBSEQUENTLY, THE BRAZILIAN EMBASSY IN PARIS INQUIRED OF
THE FRENCH GOVERNMENT ON THE MOTIVES THAT HAD CAUSED THE ONE-
YEAR POSTPONEMENT, AND LEARNED FROM THE AUTHORITIES IN FRANCE
THAT THE EURATOM SUPPLY AGENCY HAD CONSULTED WITH THE UNITED
STATES GOVERNMENT ON THE MATTER PRIOR TO ANY RETRANSFER COULD
TAKE PLACE, IN THE TERMS OF A BILATERAL EURATOM - UNITED STATES
AGREEMENT ON THE CONTROL OF HIGHLY ENRICHED NUCLEAR FUELS.
THE RESPONSE OF THE UNITED STATES GOVERNMENT WAS THAT THE
RETRANSFER COLD NOT BE AUTHORIZED BECAUSE BRAZIL HAD NOT
COMPLIED WITH ALL THE NECESSARY REQUIREMENTS, I.E., THAT THE
BRAZILIAN GOVERNMENT HAD NOT PREVIOUSLY ENTERED INTO AN AGREE-
MENT WITH THE UNITED STATES GOVERNMENT ON THE CONTROL OF
HIGHLY ENRICHED NUCLEAR FUELS, SIMILAR TO THE ONE WHICH HAD
BEEN SIGNED BY EURATOM.

4. AS TO DATE, THERE HAS BEEN NO COMMUNICATION FROM THE
UNITED STATES GOVERNMENT TO BRASILIAN AUTHORITIES RELATIVE
TO THIS CASE. IT IS THEREFORE IN THE BEST INTEREST OF BOTH THE
UNITED STATES AND BRAZIL AND THE INTENSIFICATION OF THE NUCLEAR
COOPERATION BETWEEN THE TWO COUNTRIES THAT THIS MATTER BE PROPER-
LY ELUCIDATED AND THAT THE BRAZILIAN GOVERNMENT RECEIVE THE
OFFICIAL CLARIFICATIONS FROM THE UNITED STATES GOVERNMENT
ON THE ACTION TAKEN WITH REGARD TO THE REQUEST BY EURATOM.

5. A COPY OF THE TWO LETTERS FROM THE DELEGATION OF THE
COMMISSION OF THE EUROPEAN COMMUNITIES IN WASHINGTON ARE
ENCLOSED FOR PURPOSES OF INFORMATION AS WELL AS A COPY OF THE

CÓPIA ESPECIAL PARA

(DPB)
XIII-40A12

RE

TELEGRAMA RECEBIDO

Decreto nº 60.417/67. —

Classificação alterada para

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por ordem de _____

MB-10 FORMS.

6. ALSO ENCLOSED IS A NOTE ON THE COBRA CRITICAL EXPERIMENT, FOR WHICH THE SPECIAL NUCLEAR MATERIAL IS DESTINED, AS PUBLISHED IN THE JULY-AUGUST 1975 ISSUE OF THE BULLETIN OF THE FRENCH ATOMIC ENERGY COMMISSION".

2. O TEXTO DO BOLETIM DO "COMISSARIAT A L'ENERGIE ATOMIQUE" ALUDIDO NO SEXTO PARAGRAFO DO PROJETO DE NOTA EH O SEGUINTE:

"UN REACTEUR EXPERIMENTAL FRANCAIS POUR LE BRESIL - M. NOGUEIRA BATISTA, PRESIDENT DE LA SOCIETE EMPRESAS NUCLEARES BRASILEIRAS S.A. (NUCLEBRAS), ORGANISME PUBLIC A VOCATION INDUSTRIELLE CHARGE DE LA MISE EN OEUVRE DU PROGRAMME NUCLEAIRE BRESILIEN, ET M. REMY CARLE, PRESIDENT DE LA SOCIETE TECHNIQUE POUR L'ENERGIE ATOMIQUE (TECHNICATOME) ONT SIGNE A PARIS, LE 4 JUILLET 1975, UN CONTRAT POUR LA REALISATION AU BRESIL D'UN REACTEUR EXPERIMENTAL DENOMME COBRA. CE REACTEUR DERIVE DU REACTEUR FRANCAIS MINERVE EN FONCTIONNEMENT AU CENTRE D'ETUDES NUCLEAIRES DE FONTENAY-AUX-ROSES EST DANS LA LIGNE DES REACTEURS DE LA FILIERE A NEUTRONS RAPIDES QUI ONT CONDUIT EN FRANCE A RAPSODIE PUIS A PHENIX. LE PROJET COBRA PERMETTRA NOTAMMENT L'ETUDE DES COEURS DES REACTEURS SURREGENERATEURS QUI CONSTITUERONT DANS UN PROCHE AVENIR LA NOUVELLE GENERATION DES CENTRALES NUCLEAIRES. IL SERA IMPLANTE A RIO DE JANEIRO."

3. AGUARDO INSTRUCOES.

JOAO AUGUSTO DE ARAUJO CASTRO

169400

Brasemb Washington ^{AAS mvd 1974 03 26}

urgente

secreto

Distribuição DFB/DCS/DE-I

Índice: Energia nuclear. Retransferência de material nuclear de origem americana da França para o Brasil.

MINUTA DE TELEGRAMA

Classificação 692.30 (L'3)

Número 1.784

Data 4/12/75


FENIX INSTITUTO

Referência ao telegrama 4855. De acordo com o curso de ação proposto por Vossa Excelência.

EXTERIORES

Autorizo 

Expedido em 05/12/74 às 10:30 via Brasil por J


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COPIA ESPECIAL PARA

DFB
XIII-40A13

REC

TELEGRAMA RECEBIDO

AAS 1974.03.26
mud

Decreto nº 60.417/67 — Classificação alterada para
 Ostensivo Reservado Confidencial Secreto
por ordem de _____

692.30 (B13)
D

DA EMBAIXADA EM WASHINGTON EM 5/12/1975

SECRETO
DPB/DCS/DE-1/
ENERGIA NUCLEAR. RETRANSFERENCIA DE
MATERIAL NUCLEAR DE ORIGEM AMERICANA
DA FRANÇA PARA O BRASIL.

169901

4890 - SEXTA-FEIRA - 19:15 HORAS - REFERENCIA AO DES-
PACHO-TELEGRAFICO N. 1784. FOI ENTREGUE HOJE A NOTA AO DEPARTA-
MENTO DE ESTADO, DE ACORDO COM AS INSTRUcoes DE VOSSA EXCELENCIA.

JOAO AUGUSTO DE ARAUJO CASTRO

Cópia Especial Para

DPB/

XIII-40A14

RE

TELEGRAMA RECEBIDO

AAS 1974.03.26

Decreto nº 60.417/67 — Classificação alterada para
 - Ostensivo - Reservado - Confidencial - Secreto
por ordem de _____

692.30 (B13)

DA EMBAIXADA EM WASHINGTON
EM 15/12/75

SECRETO - URGENTE

182771

DPB/DCS/DIE/DE-1/

ENERGIA NUCLEAR. RETRANSFERENCIA
DE MATERIAL NUCLEAR ESPECIAL DE
ORIGEM AMERICANA DA FRANÇA PARA
O BRASIL.

4994 - SEGUNDA-FEIRA - 18,30 HORAS - ADITEL 4890 E DEMAIS COMUNI-
CACOES SOBRE O ASSUNTO. A EMBAIXADA RECEBEU HOJE, 15 DE DEZEMBRO,
A SEGUINTE CARTA DA DELEGACAO DA COMISSAO DAS COMUNIDADES EUROPEI-
AS EM WASHINGTON, DATADA DE 12 DE DEZEMBRO, A PROPOSITO DA RETRANS-
FERENCIA DA FRANÇA PARA O BRASIL DE MATERIAL NUCLEAR ESPECIAL DE
ORIGEM AMERICANA:

"SUBJECT: TRANSFER OF 11.42 KG OF URANIUM 93 O/O ENRICHED FROM
FRANCE TO BRAZIL (OUR REF: AG/1068)

WITH REFERENCE TO RECENT TELEPHONE CONVERSATIONS YOU HAD WITH
JOSEPH MARCHAL OF THIS OFFICE, WE WISH TO CLARIFY THE MISUNDERSTAN-
DING WHICH OCCURRED IN THE PROCESS OF ESTABLISHING ABOVE
RETRANSFER DOCUMENTS.

ON OCTOBER 23, 1975, WE RECEIVED FROM THE EURATOM SUPPLY AGENCY
A SET OF MB-10 FORMS COVERING ABOVE RETRANSFER AND INDICATING
THAT SHIPMENT OF MATERIAL INVOLVED WAS SCHEDULED TO TAKE PLACE
BY THE END OF OCTOBER 1975. WE TRANSMITTED THESE FORMS TO YOU
FOR COUNTERSIGNATURE BY BRAZILIAN AUTHORITIES, ON OCTOBER 24,
1975.

ON OCTOBER 31, 1975, DURING AN INFORMAL CONVERSATION WE HAD WITH
AN ERDA INTERNATIONAL SECURITY AFFAIRS OFFICIAL, WE LEARNED THAT
PRESENTLY BRAZIL DOES NOT HAVE THE U.S. ERDA CLEARANCE FOR "PHY-
SICAL PROTECTION" THAT ALL OVERSEAS CONSIGNEES NEED TO HAVE PRIOR
TO RECEIVE RELATIVELY IMPORTANT QUANTITIES OF HIGHLY ENRICHED URA-
NIUM OR PLUTONIUM OF U.S. ORIGIN.
WE ALSO UNDERSTOOD DURING THIS CONVERSATION THAT ERDA WAS NOT PLA-
NNING ITS "FAMILIARIZATION VISIT" TO BRAZIL UNTIL THE END OF CUR-
RENT CALENDAR YEAR.

IN VIEW OF THIS SITUATION, WE INFORMED THE CEA (THROUGH THE EU-
RATOM SUPPLY AGENCY) THAT TRANSFER SCHEDULED FOR OCTOBER 1975
WOULD NECESSARILY HAVE TO BE POSTPONED.

ON NOVEMBER 11, 1975, WE RECEIVED FROM CEA (THROUGH EURATOM SUP-
PLY AGENCY) NOTIFICATION TO THE EFFECT THAT ABOVE SHIPMENT WOULD
TAKE PLACE IN OCTOBER 1976. IT APPEARED THAT OCTOBER 1975 TRANS-
FER DATE INDICATED IN THE MB-10 FORM WAS ERRONEOUS.

ON NOVEMBER 13, 1975, WE INFORMED YOU OF NEW TRANSFER SCHEDULE
AND SUGGESTED THAT THE MB-10 FORMS BE DISREGARDED FOR THE TIME
BEING SINCE ERDA'S APPROVAL FOR RETRANSFER IS ONLY VALID FOR A
6-MONTH PERIOD.

IT IS TO BE UNDERLINED THAT, IN ABOVE PROCESS, U.S. AUTHORITIES
DID NOT RECEIVE FROM EURATOM A FORMAL REQUEST FOR RETRANSFER".
(CONTINUA NA SEGUNDA PARTE E FINAL)

COPIA ESPECIAL PARA

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TELEGRAMA RECEBIDO

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2. A CARTA CUJO TEXTO TRANSMITIR ACIMA FOI DIRIGIDA AO DIPLOMATA RESPONSÁVEL PELO ASSUNTO NESTA MISSÃO, E É ASSINADA PELO SENHOR C. HEIDENREICH, VICE-DIRETOR DA DELEGACÃO DA COMISSÃO DAS COMUNIDADES EUROPEIAS. COPIAS DA MESMA FORAM ENVIADAS POR HEIDENREICH AAS SEGUINTESS AUTORIDADES: F. OBOUSSIER, DIRETOR-GERAL DA "EURATOM SUPPLY AGENCY", MICHEL CHAUVIN, ADJUNTO DO ADIDO AA EMBAIXADA DA FRANÇA EM WASHINGTON PARA ASSUNTOS DE ENERGIA NUCLEAR, DIXON HOYLE, ASSESSOR DE MYRON KRATZER NO DEPARTAMENTO DE ESTADO, JAMES A. GARRET, JR., CHEFE DO "MATERIALS SUPPLY BRANCH", NO ESCRITÓRIO DE IMPLEMENTAÇÃO DE PROGRAMAS INTERNACIONAIS DA "ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION" (ERDA), E VANCE H. HUDGINS, DIRETOR DA DIVISÃO DE ASSUNTOS DE SEGURANÇA INTERNACIONAL DA ERDA.

3. PARECE-ME PROVÁVEL QUE O DEPARTAMENTO DE ESTADO TENHA PRESSIONADO OS REPRESENTANTES DA EURATOM PARA QUE ALGUM "ESCLARECIMENTO" FOSSE PRESTADO AO GOVERNO BRASILEIRO SOBRE O EPISÓDIO DA ORDEM DE SUSPENSÃO DADA AA RETRANSFERÊNCIA DE MATERIAL NUCLEAR ESPECIAL DE ORIGEM AMERICANA DA FRANÇA PARA O BRASIL, SEM PRECISAR MUITO O QUE OCORREU. COM EFEITO, A CARTA HOJE RECEBIDA DEIXA O GOVERNO AMERICANO SEM O ONUS DA DECISÃO FORMAL SOBRE A MATÉRIA, INDICANDO APENAS QUE TERIA HAVIDO UMA "CONVERSA INFORMAL" COM UM FUNCIONÁRIO DA ERDA, NA DIVISÃO DE ASSUNTOS DE SEGURANÇA INTERNACIONAL, EM QUE O REFERIDO FUNCIONÁRIO TERIA INDICADO A IMPOSSIBILIDADE DA REALIZAÇÃO DE TAL RETRANSFERÊNCIA, NAS CONDIÇÕES ATUAIS. TERIA SIDO ENTÃO EXCLUSIVAMENTE COM BASE NUMA "CONVERSA INFORMAL" QUE O GOVERNO FRANCES, ATRAVÉS DA "EURATOM SUPPLY AGENCY", RESOLVERA ADIAR POR UM ANO A RETRANSFERÊNCIA. OU, COMO QUER FAZER CRER UM DOS TRECHOS DA CARTA, TERIA HAVIDO ENGANO (SEM IDENTIFICAÇÃO DE AUTORIA, CONTUDO) QUANTO AA DATA INICIAL DE OUTUBRO DE 1975: "IT APPEARED THAT OCTOBER 1975 TRANSFER DATE INDICATED IN THE MB-10 FORM WAS ERRONEOUS".

4. É IMPOSSÍVEL QUE O DEPARTAMENTO DE ESTADO, SILENCIOSO DESDE A GESTÃO DE PRIMEIRO DE DEZEMBRO E A NOTA ASSINADA DE 5 DE DEZEMBRO, VENHA AGORA A MANIFESTAR-SE, AO MENOS PARA REFERIR-NOS AA PRESENTE CARTA DA DELEGACÃO DA COMISSÃO DAS COMUNIDADES EUROPEIAS EM WASHINGTON, DE QUE RECEBEU COPIA. DE QUALQUER MODO, O QUE ME PARECE ESSENCIAL, A FIM DE EVITAR IMPRECISSÕES COMO A CITADA NO FINAL DO PARÁGRAFO TERCEIRO DESTES TELEGRAMA, É CONHECER A VERDADEIRA DATA ORIGINALMENTE PREVISTA PELO GOVERNO FRANCES, EM COOPERAÇÃO COM O GOVERNO BRASILEIRO, PARA A RETRANSFERÊNCIA DO MATERIAL: OUTUBRO DE 1975 OU OUTUBRO DE 1976. CONFORME SE PODE VERIFICAR PELO DESPACHO-TELEGRÁFICO 175A, OUTUBRO DE 1976 SERIA DATA QUE NÃO SE APLICARIA AO CASO, POR SER SUSPENSÃO INDEFINIDA, ATÉ QUE SE CHEGUE A UM ACORDO SOBRE AS NORMAS DE PROTEÇÃO FÍSICA. SUGIRO DAR CIÊNCIA DO CONTEÚDO NESTE TELEGRAMA AAS DENAIS AUTORIDADES BRASILEIRAS COM RESPONSABILIDADE PELO ASSUNTO.

CELSO STIIZ

AAS 1974.03.26

TELEGRAMA RECEBIDO

Decreto nº 60.417/67 — Classificação alterada para

Ostensivo Reservado Confidencial Secreto

por ordem de _____

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COPIA PARA O MAO

DA EMBAIXADA EM WASHINGTON EM 12/1/1976

SECRETO - URGENTCASSIMO

DPB/DIE/DCS/DE-1/

ENERGIA NUCLEAR. RETRANSFERENCIA DE MATERIAL NUCLEAR ESPECIAL DE ORIGEM AMERICANA DA FRANCA PARA O BRASIL. NOTA DO DEPARTAMENTO DE ESTADO.

122 - SEGUNDA-FEIRA - 16:00 HORAS - ADITAMENTO AO TELEGRAMA N. 4994, DE 15 DE DEZEMBRO ULTIMO. TRANSCREVO, A SEGUIR, O TEXTO DA NOTA DO DEPARTAMENTO DE ESTADO DATADA DE 8 DE JANEIRO, HOJE RECEBIDA NESTA MISSAO, EM RESPOSTA AA NOSSA NOTA DE 5 DE DEZEMBRO DE 1975:

"SIR:

I HAVE RECEIVED THE AMBASSADOR'S NOTE DATED DECEMBER 5, 1975, CONCERNING THE APPROVAL OF RETRANSFER OF SPECIAL NUCLEAR MATERIAL OF UNITED STATES ORIGIN FROM FRANCE TO BRAZIL.

THE DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES INFORMED THE DEPARTMENT OF STATE OF THE SEQUENCE OF EVENTS WHICH LED TO THE CANCELLATION OF THE MB-10 FORM TRANSMITTED VIA YOUR NOTE. THE DELEGATION CANCELLED THE MB-10 FORM WITHOUT OFFICIALLY SUBMITTING IT TO THE UNITED STATES GOVERNMENT AFTER IT LEARNED (A) THAT THE FRENCH ATOMIC ENERGY COMMISSION WOULD NOT BE READY FOR RETRANSFER OF THE MATERIAL UNTIL OCTOBER 1976 AND (B) THROUGH THE UNITED STATES ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION THAT THE GOVERNMENTS OF BRAZIL AND THE UNITED STATES HAD NOT YET COMPLETED THE REQUIRED PHYSICAL SECURITY CONSULTATIONS.

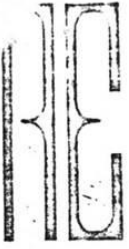
THE CONSULTATIONS REFERRED TO BY THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION ARE DESIGNED TO PROVIDE BOTH PARTIES TO OUR AGREEMENTS FOR COOPERATION WITH ASSURANCE THAT SPECIAL NUCLEAR MATERIAL OF STRATEGIC IMPORTANCE, INCLUDING HIGHLY ENRICHED URANIUM AND PLUTONIUM, TRANSFERRED UNDER OUR AGREEMENTS WILL BE ADEQUATELY PROTECTED AGAINST THEFT, SEIZURE, SABOTAGE OR OTHER UNAUTHORIZED USE. SUCH CONSULTATIONS ARE BEING HELD, AT MUTUALLY CONVENIENT TIMES, WITH PARTIES TO ALL OF OUR AGREEMENTS FOR COOPERATION WHO RECEIVE MATERIAL OF THIS TYPE. WE UNDERSTAND THAT THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION WILL BE IN CONTACT WITH THE EMBASSY OF BRAZIL IN THE NEAR FUTURE TO ARRANGE SUCH CONSULTATIONS WITH APPROPRIATE OFFICIALS AND ORGANIZATION OF THE GOVERNMENT OF BRAZIL.

AS WAS EXPLAINED DURING THE AMBASSADOR'S RECENT CALL ON THE ACTING ASSISTANT SECRETARY FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, THE SUPPLY OF HIGHLY ENRICHED URANIUM, UNDER OUR AGREEMENT FOR COOPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY IS DISCRETIONARY, IN VIEW OF THE SENSITIVE NATURE OF THIS MATERIAL. THE UNITED STATES GOVERNMENT IS PREPARED TO CONSIDER THE EXPORT OF THE MATERIAL REQUESTED BY THE GOVERNMENT OF BRAZIL FOR USE IN THE COBRA REACTOR, AND WILL BE IN COMMUNICATION WITH THE GOVERNMENT OF BRAZIL ON THIS SUBJECT AFTER OUR REVIEW PROCEEDS SOMEWHAT FURTHER.

ACCEPT, SIR, THE RENEWED ASSURANCES OF MY HIGH CONSIDERATION."

COPIA ESPECIAL PARA (DPB)

M. L. M.

	TELEGRAMA RECEBIDO	
	Decreto nº 60.417/67	Classificação alterada para
<input type="checkbox"/> - Ostensivo	<input type="checkbox"/> - Reservado	<input type="checkbox"/> - Confidencial <input type="checkbox"/> - Secreto
por ordem de _____		

2. A NOTA CUJO TEXTO TRANSMITTI ACIMA ME EH DIRIGIDA, E FOI ASSINADA, EM NOME DO SECRETARIO DE ESTADO, PELO SENHOR MYRON B. KRATZER, SECRETARIO DE ESTADO ASSISTENTE, INTERINO, PARA ASSUNTOS CIENTIFICOS.


3. AS INFORMACOES CONSTANTES DA NOTA AMERICANA POUCO ELABORAM SOBRE O QUE JAH SE CONHECIA A RESPEITO DO ASSUNTO, E CHEGAM ATEH A SER CONTRADITORIAS NO TOCANTE AA SEQUENCIA DE ACONTECIMENTOS QUANDO COMPARADA COM A CARTA AQUI RECEBIDA DOS REPRESENTANTES DA EURATOM EM 15 DE DEZEMBRO (V. TELEGRAMA DE REFERENCIA). SEGUNDO A CARTA DA EURATOM, EM 31 DE OUTUBRO TERIA HAVIDO UMA "CONVERSA INFORMAL" COM ELEMENTO DA "ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION" (ERDA), E EM 11 DE NOVEMBRO, APOS ESSA "CONVERSA INFORMAL" E COMO RESULTADO DE CONSULTA AO GOVERNO FRANCES QUE FORA GERADA PELA "CONVERSA INFORMAL", TERIA VINDO O ADIAMENTO, POR UM ANO, DA RETRANSFERENCIA. A NOTA DO DEPARTAMENTO DE ESTADO, AO CONTRARIO, FAZER GERER QUE O ADIAMENTO PELO GOVERNO FRANCES TERIA PRECEDIDO A CONSULTA AA ERDA, E QUE ESSE ADIAMENTO SE DEVERIA NAO AA NEGATIVA DA ERDA - FORMAL OU INFORMAL, OFICIAL OU NAO-OFFICIAL, A NOTA NAO FAZ QUESTAO DE PRECISAR - MAS A ALGUM PROBLEMA INTERNO DO "COMISSARIAT AA L'ENERGIE ATOMIQUE". EM SUMA, O ONUS PELO ADIAMENTO RECAIRIA EXCLUSIVAMENTE NO "COMISSARIAT".

4. QUANTO AAS AFIRMACOES DE QUE REPRESENTANTES DA ERDA ENTRARIAM EM CONTATO COM A EMBAIXADA, DEVO ESCLARECER NAO TER SIDO PROCURADA ESTA MISSAO SOBRE O ASSUNTO DESDE JANEIRO DE 1975, AINDA PELA EXTINTA COMISSAO DE ENERGIA ATOMICA DOS ESTADOS UNIDOS (USAEC), SOBRE O TEMA GERAL DAS NORMAS DE PROTECAO FISICA. ESTIMARIA, CONTUDO, PODER CONTAR COM ELEMENTOS DE INFORMACAO CASO TAIS CONTATOS VENHAM A CONCRETIZAR-SE EM FUTURO BREVE.

5. DE TODO ESTE EPISODIO, NO ENTANTO, FICOU CLARO QUE A COOPERACAO NUCLEAR INTERNACIONAL COM OS ESTADOS UNIDOS ASSUME PROPORCOES CADA VEZ MAIS RESTRITIVAS, OU NO DIZER DA PROPRIA NOTA DO DEPARTAMENTO DE ESTADO, "DISCRICIONARIAS".

CEL SO DINIZ

NOTA DA DTI: DADO CONHECIMENTO AO SECRETARIO DE PLANTAO. EM 12/1/76.



Imp-Mod-411/P74

Cable no. 4782 dated 11/28/75 from Ambassador Araújo Castro to the State Secretariat*#, Brasilia

SECRET-URGENT

DPB/DCS/DE-I/DIE

Nuclear energy. Re-transfer of special nuclear material of American origin from France to Brazil. Visit to the State Department.

4782 - Saturday 29, 13:30 hs. Reply to your cable 1754. I requested an appointment at the Department of State to visit M. Myron Kratzer, Acting Assistant Secretary of State for Scientific Affairs, who will receive me in the late afternoon of the coming Monday, December 1. I shall try to obtain from Mr. Kratzer the clarification requested by telegram 1754, that is, official word from the American government about the order for indefinite suspension of the shipment from France to Brazil, through EURATOM, of special nuclear material of American origin.

João Augusto de Araújo Castro

Cable no. 4806 dated 12/1/75 from Ambassador Araújo Castro to the State Secretariat, Brasilia.

SECRET-URGENT

DPB/DCS/DIE/DE-I

Nuclear energy. Re-transfer of special nuclear material of American origin from France to Brazil. Visit to the Department of State.

4806 - Monday 1, 22:00 hs. Suite to cable 4782. I have just come back from the Department of State where I spent about one hour with Myron Kratzer, Acting Assistant Secretary for Scientific Affairs, whom I apprised of the case of the postponement of the shipping from France to Brazil of special strategic nuclear material of American origin. Immediately after I requested official word from the American government about the incident.

2. [sic] Kratzer answered preliminarily with the following "correction": the country from where the uranium would be transferred to Brazil was not France, but the United Kingdom. When I confirmed to him that the country was France, Kratzer clarified that although the Department of State had never received any communication on the subject from the French Embassy, nor from the Euratom representative in Washington, it had indeed received a consultation of the kind I indicated from the British Embassy last July, which had been answered in August. The English consultation dealt with the possibility of transfer to Brazil "ten to fifteen kilograms" of highly enriched uranium of American origin, to be used in a research reactor of the fast kind, and the answer given, according to Kratzer, was to the effect that such a transfer would not have much chance of approval by the United States. Kratzer stressed that nothing else was known in the Department of State about this and nothing either about any request for re-transference from France.

3. I insisted that the issue at hand was a re-transfer from France to Brazil, through the "Euratom Supply Agency" and the information available to us was that the American government, upon being sounded out by Euratom, had ordered last October the definitive suspension of the shipping of said special nuclear material under the assertion that Brazil had not concluded an agreement with the United States on appropriate norms of physical protection. Kratzer said that the Department of State was not aware of that "evolution" of the case and promised to inquire about what could have happened at the Energy Research and Development Administration and the Nuclear Regulatory Commission and to provide us with the results of this search as soon as he received them. I must say that it seemed difficult for me to admit that the treatment of a matter of such relevance could proceed entirely without the

knowledge of the Department of State, as its highest authority on scientific matters wanted to make me believe. It is even less credible that even post facto Kratzer had not been informed of the decision taken.

4. Whatever the case may be, Kratzer gave me the impression that he considered irrelevant and academic the question of determining exactly what had happened, since we were before an American "policy" that would apply in any case. In the first place, the United States would never authorize the re-transfer of highly enriched uranium of American origin without prior understanding about the so-called "physical security measures". Second, the existing agreement on nuclear cooperation between Brazil and the United States might "allow" this kind of transfer, but could never be interpreted in a way that transformed it into "compelling" or "compulsory". Third, Kratzer did not wish to conceal from me that at present very restrictive criteria regarding international nuclear cooperation were in force, particularly concerning the transfer of this kind of special nuclear material, considered as strategic. At no time during our conversation did Kratzer offer any encouraging word about the possibility of an American authorization in this case, while always abstaining from giving any peremptory or final negative reply.

5. I believe we should wait for a few days until Myron Kratzer provides me with the promised additional elements of information, but I will not keep from you that the Assistant Secretary of State seemed dubious and evasive to me, and for this reason I would favor sending a signed note to the Department of State, which may come to be inevitable if we want an official word from the American government about an episode that is not entirely clear in my mind. I would like to know your reaction to this course of action as well as, in the case such reaction is affirmative, to receive complementary data and clarification about the details of the issue. Such data and elements would be needed to draft an eventual note to the Department of State.

João Augusto de Araujo Castro

Cable no.1774, dated 12/2/75, from the State Secretariat, Brasilia, to the Brazilian Embassy in Washington.

Nuclear energy. Re-transfer of special nuclear material of American origin from France to Brazil.

SECRET
DPB/DCS/DE-I

Re paragraph 5 of your telegram 4806. You are authorized to prepare the signed note to the Department of State and to hand it over at the time you deem opportune.

Exteriores

Cable 4855, dated 12/3/75, from the Brazilian Embassy in Washington to the State Secretariat, Brasilia

SECRET-EXTREMELY URGENT
DPB/DCS/DIE/DE-I

4855 - Wednesday 3, 19:30 hs. Re your cable 1774. In case I do not receive, within two days, the clarification promised by Myron Kratzer, it is my intention to send a Note to the Department of State, with the following substantive section which I submit to your approval:

"The Brazilian Embassy received from the Delegation of the Commission of the European Communities in Washington a letter dated October 24 1975, transmitting a set of MB-10 forms concerning the approval for retransfer of special nuclear material of United States origin from France to Brazil. The forms had been signed by the Director General of the Euratom Supply Agency, in behalf of the French Atomic Energy Commission, on the date of October 17, 1975.

2. The Brazilian Embassy received a second letter from the Delegation of the Commission of the European Communities in Washington, dated November 13, 1975, whereby it is indicated that the said retransfer of special nuclear material had been postponed for a year by the French Atomic Energy Commission, without specifying the reasons for such a delay.

3. Subsequently, the Brazilian Embassy in Paris inquired of the French government on the motives that had caused the one-year postponement, and learned from the authorities in France that the Euratom Supply Agency had consulted with the United States government on the matter prior to any retransfer could take place, in the terms of a bilateral Euratom-United States agreement on the control of highly enriched uranium fuels. The response of the United States Government was that the retransfer could not be authorized because Brazil had not complied with all the necessary requirements, i.e., that the Brazilian government had not previously entered into an agreement with the United States government on the control of highly enriched uranium fuels, similar to the one which had been signed with Euratom.

4. As to-date, there has been no communication from the United States government to Brazilian authorities relative to this case. It is therefore in the best interest of both the United States and Brazil and the intensification of the nuclear cooperation between the two countries that this matter be properly elucidated and that the Brazilian government receive the official clarifications from the United States government on the action taken with regard to the request by Euratom.

5. A copy of the letters from the Delegation of the Commission of the European Communities in Washington are enclosed for purposes of information, as well as a copy of the MB-10 forms.

6. Also enclosed is a note on the Cobra critical experiment, for which the special nuclear material is destined, as published in the July-August 1975 issue of the bulletin of the French Atomic Energy Commission".

2. The text from the bulletin of the "Commissariat à l'Énergie Atomique" mentioned in the sixth paragraph of the draft note is the following: "Un réacteur expérimental français pour le Brésil. M. Nogueira Batista, Président de la Société Empresas Nucleares Brasileiras S.A. (Nuclebras), organisme publique à vocation industrielle chargé de la mise en oeuvre du programme nucléaire brésilien, et M. Rémy Carle, Président de la Société Technique pour l'Énergie Atomique (Technicatome) ont signé à Paris, le 4 juillet 1975, un contrat pour la réalisation au Brésil d'un réacteur expérimental denommé Cobra. Ce réacteur, dérivé du réacteur français Minerve en fonctionnement au Centre d'Études Nucléaires de Fontenay-aux-Roses est dans la ligne des réacteurs de la filière à neutrons rapides qui ont conduit en France à Rapsodie puis à Fênix. Le projet Cobra permettra notamment l'étude des coeurs des réacteurs suregénérateurs qui constitueront dans un proche avenir la nouvelle génération des centrales nucléaires. Il sera implanté à Rio de Janeiro".

3. I await instructions.

João Augusto de Araujo Castro

Cable no. 1784 dated 12/4/1975 from the State Secretariat to the Brazilian Embassy in Washington

SECRET

DPB/DCS/DE-I

Nuclear energy. Re-transfer of special nuclear material of American origin from France to Brazil.

Re your cable 4855. Agree with the course of action proposed by you.

Exteriores

Cable no. 4890 dated 12/5/75, from the Brazilian Embassy in Washington to the State Secretariat, Brasilia

SECRET

DPB/DCS/DE-I

Nuclear energy. Re-transfer of special nuclear material of American origin from France to Brazil.

Re your cable 1784. The note to the Department of State was delivered to-day, in accordance with your instructions.

João Augusto de Araujo Castro.

Cable no. 4994, dated 12/15/1975 from the Brazilian Embassy in Washington to the State Secretariat

SECRET - URGENT

DPB/DCS/DIE/DE-I

Nuclear energy. Re-transfer of special nuclear material of American origin from France to Brazil.

4994 - Monday, 18:30 hs. Suite to cable 4890 and further communications on the matter. The Embassy received to-day, December 15, the following letter from the Delegation of the Commission of European Communities in Washington, dated December 12, on the retransfer from France to Brazil of special nuclear material of American origin:

"Subject: Transfer of 11.42 kg of uranium 93% enriched from France to Brazil (our ref: AG/1096)

With reference to recent telephone conversations you had with Joseph Marchal of this office, we wish to clarify the misunderstanding which occurred in the process of establishing above retransfer documents.

On October 23, 1975, we received from the Euratom Supply Agency a set of MB-10 forms covering above retransfer and indicating that shipment of material involved was scheduled to take place by the end of October 1975. We transmitted these forms to you for countersignature by Brazilian authorities on October 24, 1975.

On October 31, 1975, during an informal conversation we had with an ERDA International Security Affairs official, we learned that presently Brazil does not have

the U.S. ERDA clearance for "physical protection" that all overseas consignees need to have prior to receive relatively important quantities of highly enriched uranium or plutonium of U.S. origin.

We also understood during this conversation that ERDA was not planning its "familiarization visit" to Brazil until the end of current calendar years.

In view of this situation, we informed the CEA (through the Euratom Supply Agency) that transfer to the effect schedules for October 1975 would necessarily have to be postponed.

On November 11, 1975, we received from CEA (through the Euratom Supply Agency) notification to the effect that above shipment would take place in October 1976. It appeared that October 1975 transfer date indicated in the MB-10 form was erroneous.

On November 13, 1975, we informed you of new transfer schedule and suggested that the MB-10 forms be disregarded for the time being since ERDA's approval for retransfer is only valid for a 6-month period.

It is to be underlined that, in the above process, U.S. authorities did not receive from Euratom a formal request for retransfer".

2. The letter whose text I transmitted above was addressed to the diplomat responsible for the matter in this Mission and is signed by Mr. C. Heidenreich, Vice-director of the Delegation of the Commission of European Communities. Copies of said letter were sent by Heidenreich to the following officials: F. Oboussier, Director-general of the "Euratom Supply Agency; Michel Chauvin, Assistant to the Attaché at the French Embassy in Washington for nuclear energy affairs; Dixon Hoyle, assistant to Myron Kratzer at the Department of State; James A. Garrett, Jr., Head of the Materials Supply Branch at the Office for Implementation of International Programs of the Energy Research and Development Administration (ERDA); and Vance H. Hudgins, Director of the International Security Affairs Division of ERDA.

3. It seems probable to me that the Department of State may have pressured the representatives of Euratom for some "clarification" to be provided to the Brazilian government about the episode of the suspension order applied to the retransfer of special nuclear material of American origin from France to Brazil, without much accuracy about what had happened. In fact, the letter received to-day releases the American government from the onus of the formal decision on the matter, by indicating only that an "informal conversation" might have taken place with an ERDA official at the International Security and Development Division and that said official might have indicated the impossibility of the realization of that transfer in the present conditions. Exclusively on the basis of an "informal conversation", then, the French government, through the EURATOM Supply Agency, would have decided to postpone the retransfer for one year. Or else, as one section of the letter would want us to believe, a mistake would have occurred (albeit without indication of its author) regarding the initial date of October 1975: "It appeared that October 1875 transfer date indicated in the MB-10 form was erroneous."

4. It is impossible that the Department of State, which remained silent since the December 1 demarche and the December 5 signed note, would now express itself, at least to refer us to the present letter of the Delegation of the Commission of European Communities in Washington, of which it received a copy. In any case, what seems to me essential, in order to avoid inaccuracies as the one mentioned at the end of third paragraph of this cable, is to ascertain the date originally set by the French government, in cooperation with the Brazilian government, for the retransfer

of the material: either October 1975 or October 1976. As can be seen from your cable 1754, the date of October 1976 would not apply in this case, since the suspension is indefinite until agreement is achieved on the norms of physical protection. I suggest that the contents of this cable be communicated to other Brazilian authorities responsible for this matter.

Celso Diniz

Cable no. 122, dated 1/12/1976, from the Brazilian Embassy in Washington to the State Secretariat

SECRET - EXTREMELY URGENT

DPB/DIE/DCS/DE-I

Nuclear energy. Retransfer of special nuclear material of American origin from France to Brazil. Note from the Department of State.

122 - Monday 16:00 - Suite to my cable 4994, of December 15 last. I transmit below the text of the Note from the Department of State, dated January 8, just received by this Mission, in reply to our Note dated December 5 1975:

"Sir:

I have received the Ambassador's Note dated December 5 1975, concerning the approval of retransfer of special nuclear material of United States origin from France to Brazil.

The Delegation of the Commission of the European Communities informed the Department of State of the sequence of events that led to the cancellation of the MB-10 form transmitted via your Note. The Delegation cancelled the MB-10 form without officially submitting it to the United States Government after it learned (a) that the French Atomic Energy Commission would not be ready for retransfer of the material until October 1976 and (b) through the United States Energy Research and Development Administration, that the Governments of Brazil and the United States had not yet completed the required physical protection consultations.

The consultations referred to by the Energy Research and Development Administration are designed to provide both parties to our agreements for cooperation with assurance that special nuclear material of strategic importance, including highly enriched uranium and plutonium, transferred under our agreements, will be adequately protect against theft, seizure, sabotage or other unauthorized use. Such consultations are being held, at mutually convenient times, with parties to all our agreements for cooperation who receive material of this type. We understand that the Energy Research and Development Administration will be in contact with the Embassy of Brazil in the near future to arrange such consultations with appropriate officials and organization of the Government of Brazil.

As was explained during the Ambassador's recent call on the Assistant Secretary for Oceans and International Environmental and Scientific Affairs, the supply of highly enriched uranium, under our agreement for cooperation in the peaceful uses of nuclear energy is discretionary, in view of the sensitive nature of this material. The United States government is prepared to consider the export of the material requested by the Government of Brazil for use in the Cobra reactor, and will be in communication with the Government of Brazil on this subject after our review proceeds somewhat further.

Accept, Sir, the renewed assurances of my high consideration".

2. The note whose text I have transmitted above was addressed to me and was signed, on behalf of the Secretary of State, by Mr. Myron B. Kratzer, Acting Assistant Secretary for Scientific Affairs.

3. The information included in the American note does not elaborate much on what was already known about the matter, and is even contradictory regarding the sequence of developments when compared to the letter received here from the representatives of Euratom on December 15 (see cable of reference). According to the Euratom letter, on October 31 an "informal conversation" allegedly took place with a member of the Energy Research and Development Administration (ERDA), and on November 11, after that "informal conversation" and as a result of consultation to the French Government generated by the "informal conversation" the postponement of the retransfer for one year is said to have happened. The note of the Department of State, on the contrary, intends to make us believe that the postponement by the French Government preceded the consultation to ERDA and that such postponement was due not to the negative by ERDA - whether formal or informal, official or non official, is something the note does not care to make clear - but instead to some internal problem at the "Commissariat à L'Énergie Atomique". In short, the onus for the postponement would be due exclusively to the "Commissariat".

4. Regarding the assertions that representatives of ERDA would contact the Embassy, I must clarify that since January 1975 this Mission has not been approached on this matter, even by the now extinct United States Atomic Energy Commission (USAEC), about the general question of physical protection norms. I would like, however, to be able to receive elements of information in case such contacts would be realized in the near future.

5. From the whole episode, however, it became clear that the nuclear cooperation with the United States takes an increasing restrictive or "discretionary" character, if I may use the words of the note from the Department of State itself.

Celso Diniz