

FOIA Marker

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Counselor's Office

Gillespie, Edward (Ed) - Confidential Files

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:	NARA Number:	OA Number:
V	6	4	3	4	39235	1000008949	851	CF 0841

Folder Title:

[Presidential Determination on the US-Turkey Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy, 12/27/2007, 0708077]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
002	Memorandum	Presidential Determination on the US-Turkey Agreement... - To: POTUS - From: Steve Hadley, et al.	3	12/27/2007	P1/b1; P5;
004	Declaration	[Agreement for Cooperation...]	3	N.D.	P5;
005	Memorandum	Memorandum of Justification for Presidential Determination...	1	N.D.	P5;
006	Memorandum	Agreement for Cooperation... - To: POTUS - From: Condoleezza Rice, at al.	4	11/15/2007	P5;
010	Letter	Side Letter	4	07/26/2000	P1/b1; P5;
012	Report	[Report]	9	06/2000	P1/b1; P5;

COLLECTION TITLE:

Counselor's Office

SERIES:

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FOLDER TITLE:

[Presidential Determination on the US-Turkey Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy, 12/27/200

FRC ID:

39235

RESTRICTION CODES

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
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Freedom of Information Act - [5 U.S.C. 552(b)]

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
013	Letter	[US-Turkey Section 123 Agreement] - To: POTUS - From: Dale Klein	1	11/21/2007	P5;
014	Report	Classified Annex	14	N.D.	P1/b1; P5;
015	Talking Points	Talking Points for the Public Message	1	N.D.	P1/b1; P5;

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~~SECRET~~ WHITE HOUSE STAFFING MEMORANDUM ~~SECRET~~

Date: 1/11/08 1:30 P.M.

ACTION / CONCURRENCE / COMMENT DUE BY: 1/14/08 12:00 P.M.

PD ON THE US – TURKEY AGREEMENT FOR COOPERATION CONCERNING
 Subject: PEACEFUL USES OF NUCLEAR ENERGY

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	MCGURN	☐	☐
BOLTEN	☐	☒	MEYER	☐	☒
CONNAUGHTON	☐	☐	NUSSLE	☒	☐
FIELDING	☒	☐	PERINO	☐	☒
GILLESPIE	☒	☐	SULLIVAN →	☒	☐
GREGOR	☐	☐	HSC	☒	☐
HADLEY	☐	☒	YANES	☒	☐
HAGIN	☐	☐	ZINSMEISTER	☐	☐
HENNESSEY	☒	☐	CLERK	☒	☐
JACKSON	☒	☐	<u>USTR</u>	☒	☐
KAPLAN	☒	☐	_____	☐	☐
LAZEAR	☐	☐	_____	☐	☐
MARBURGER	☒	☐	_____	☐	☐
MCBRIDE	☐	☐	_____	☐	☐

REMARKS:

PLEASE HAND DELIVER COMMENTS DIRECTLY TO MARY ALICE HAYWARD (EEOB 361), BY
 MONDAY, JANUARY 14, 2008, AT 12:00 P.M., WITH A COPY TO THE STAFF SECRETARY.
 THANK YOU.

RESPONSE:

~~SECRET~~

DECLASSIFIED
 White House Guidelines

E.O. 13526, SEC 3.4(B), Sept. 11, 2006
 By GR NARA, Date 03/12/2014

Assistant to the President
 and Staff Secretary
 Ext. 62702
 FAX Ext. 62215

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Presidential Determination on the US-Turkey Agreement... - To: POTUS - From: Steve Hadley, et al.	3	12/27/2007	P1/b1; P5;

**This marker identifies the original location of the withdrawn item listed above.
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COLLECTION:
Counselor's Office

SERIES:
Gillespie, Edward (Ed) - Confidential Files

FOLDER TITLE:

[Presidential Determination on the US-Turkey Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy, 12/27/2

FRC ID:
39235

FOIA IDs and Segments:

2014-0301-F

OA Num.:
CF 0841
NARA Num.:
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3

THE WHITE HOUSE
WASHINGTON

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF ENERGY

SUBJECT: Determination on the Proposed Agreement for
for Cooperation Between the United States of
America and the Republic of Turkey Concerning
Peaceful Uses of Nuclear Energy

I have considered the proposed Agreement for Cooperation
Between the United States of America and the Republic
of Turkey Concerning Peaceful Uses of Nuclear Energy,
signed at Ankara on July 26, 2000, along with the views,
recommendations, and statements of interested agencies.

I approve the proposed Agreement and have determined the
performance of the Agreement will promote, and will not
constitute an unreasonable risk to, the common defense
and security.

The Secretary of State is authorized to publish this
determination in the *Federal Register*.

X

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Declaration	[Agreement for Cooperation...]	3	N.D.	P5;

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1

Draft Transmittal Letter

TO THE CONGRESS OF THE UNITED STATES:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153 (b), (d)) ("the Act"), the text of a proposed Agreement for Cooperation between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy ("the proposed Agreement").

The proposed Agreement was originally approved and its execution authorized by President Clinton, who determined in writing that the performance of the proposed Agreement would promote, and would not constitute an unreasonable risk to, the common defense and security. A copy of President Clinton's written approval, authorization and determination (P.D. 2000-26) and a copy of the unclassified Nuclear Proliferation Assessment Statement (NPAS) prepared for him by the Secretary of State concerning the proposed Agreement are also enclosed.

The proposed Agreement was signed at Ankara on July 26, 2000. The terms of the proposed Agreement condition its entry into force on each Party notifying the other of the completion of its respective legal requirements for entry into force. Before the proposed Agreement was submitted to Congress in 2000, the Executive Branch received information that called into question the conclusions that had been drawn in the NPAS and the classified annex thereto -- legally-mandated documents that President Clinton had relied on in deciding to approve the proposed Agreement and authorize its execution and in making the written determination. Accordingly, the proposed Agreement was not submitted to Congress at that time, and it has not been brought into force.

The specific information leading to the delay in submitting the proposed Agreement to Congress is set forth in a new classified annex to the original NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, which summarizes and evaluates this and other relevant classified information. The Secretary of State will submit this new classified annex to the Congress in appropriate secure channels.

The classified annex prepared by the Secretary of State, taking account of all available information, classified and unclassified, confirms that the conclusions reached in the original unclassified NPAS remain valid, i.e. that (a) implementation of the proposed Agreement is consistent with all requirements of the Act, and (b) the safeguards and other control mechanisms and the peaceful-use assurances contained in the proposed Agreement are adequate to ensure that any assistance furnished under it will not be used to further any military or nuclear explosive purpose.

The information leading to the delay in submitting the proposed Agreement to Congress can be summarized on an unclassified basis as follows. Turkish persons working for private firms associated with the so-called A.Q. Khan network knowingly arranged for the transfer of components for uranium-enrichment centrifuge cascades and related technology to Libya for use in an unsafeguarded nuclear program. The components are especially designed or prepared for use in uranium-enrichment centrifuges. This information was compartmented and highly classified when first obtained by U.S. agencies, and the United States was unable for a number of years to discuss it with Turkish authorities. Over the past several years it became possible to do so, particularly after public disclosure of the existence of the Khan network. Following these discussions, the Government of Turkey investigated the individuals and is currently prosecuting them as well as monitoring the companies.

Accordingly, the Secretary of State, the Secretary of Energy, and the members of the Nuclear Regulatory Commission have confirmed that the findings of their respective predecessors in 2000 are still valid and have recommended that I submit the proposed Agreement to Congress for review. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the NRC stating the views of the Commission are enclosed.

Based on their recommendations, and taking into account both the original 2000 NPAS and the new classified annex thereto, I have concluded that President Clinton's approval of the proposed Agreement, his authorization of its execution and implementation and his Determination that performance of the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security, remains valid. Given the lapse of time since P.D. 2000-26, and the

additional information included in the new classified annex to the NPAS, however, I have also issued a new Determination to that effect.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Turkey based on a mutual commitment to nuclear non-proliferation. It has an initial term of 15 years, with provision for automatic renewal in increments of five years each unless either party decides to terminate it. It permits the transfer of technology, material, equipment (including reactors) and components for nuclear research and nuclear power production. It does not permit transfers of any sensitive nuclear technology, Restricted Data, or sensitive nuclear facilities or major critical components of such facilities. In the event of termination, key non-proliferation conditions and controls continue with respect to material and equipment subject to the Agreement.

The Turkish government is giving increasing attention to carrying out its nuclear non-proliferation responsibilities. Turkey is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has an agreement with the IAEA for the application of full-scope IAEA safeguards to its nuclear program. It became a member of the Zangger (NPT Exporters) Committee in October 1999. The Zangger Committee Guidelines harmonize supplier implementation of the NPT requirement for the application of IAEA safeguards on nuclear exports to Non-Nuclear Weapon States. Turkey is also a member of the Nuclear Suppliers Group (NSG), which establishes guidelines for the export of nuclear commodities for peaceful use to be followed by NSG members. Turkey is also a party to the 1979 Convention on the Physical Protection of Nuclear Material, thereby agreeing to apply international standards of physical protection to the storage and transport of nuclear material under its jurisdiction or control.

Turkey has become a key partner of the United States in the Proliferation Security Initiative (PSI), is an active participant in the Operational Experts Group, and worked very hard to host the PSI exercise Anatolian Sun in May 2006. The exercise consisted of a command post exercise (CPX) and live exercise phase. It was well organized, very well attended, and furthered the PSI goals of capacity building, improved interoperability, and outreach. This was the first PSI exercise for five of the 38 states attending, including the Gulf states of Oman, Bahrain, and Qatar. Turkey is also a founding member of the Global Initiative to

Combat Nuclear Terrorism (GICNT), and hosted the second International meeting of participating countries in February 2007.

Turkish research reactors are under IAEA safeguards. The IAEA safeguards inspection report for 2006, the latest available, found no discrepancies.

In my judgment, entry into force of the proposed Agreement will serve as a strong incentive for Turkey to continue its support for nonproliferation objectives and enact future sound nonproliferation policies and practices. It will also promote closer political and economic ties with a NATO ally, and provide the necessary legal framework for U.S. industry potentially to make significant nuclear exports to Turkey's planned civil nuclear energy sector.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the period of 30 days of continuous session provided for in section 123 b., the period of 60 days of continuous session provided for in section 123 d. shall commence.

THE WHITE HOUSE,

8

MEMORANDUM FOR: THE SECRETARY OF STATE
THE SECRETARY OF ENERGY

SUBJECT: Presidential Determination on the Proposed
Agreement for Cooperation Between the United
States of America and the Republic of Turkey
Concerning Peaceful Uses of Nuclear Energy

I have considered the proposed Agreement for Cooperation Between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy, signed at Ankara on July 26, 2000, along with the views, recommendations, and statements of the interested agencies.

I have determined that the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security.

George W. Bush

9

AGREEMENT FOR COOPERATION BETWEEN
THE UNITED STATES OF AMERICA
AND THE REPUBLIC OF TURKEY
CONCERNING PEACEFUL USES OF NUCLEAR ENERGY

The Government of the United States of America
and the Government of the Republic of Turkey;

Reaffirming their support for strengthening
nuclear non-proliferation measures worldwide;

Mindful of their respective obligations under the
Treaty on the Non-Proliferation of Nuclear
Weapons ("NPT") to which both the United States
of America and the Republic of Turkey are
parties;

Reaffirming their intention to work closely
together and with other states to urge universal
adherence to the NPT and full realization of the
purposes of the preamble and of all the
provisions of the Treaty;

Reaffirming their commitment to ensuring that the
international development and use of nuclear
energy for peaceful purposes are carried out
under arrangements which will to the maximum
possible extent further the objectives of the
NPT;

Recalling and reaffirming their obligation under
the NPT, when engaging in nuclear commerce with
non-nuclear weapon states, not to render
assistance to unsafeguarded activities in such
states;

Affirming their support of the objectives of the
International Atomic Energy Agency ("IAEA");

Recognizing the indispensable role of the
safeguards system of the IAEA in the maintenance
of an effective non-proliferation regime;

Confirming their commitment to the strengthening of IAEA safeguards, including their readiness to take such steps as are necessary to allow the Agency to apply safeguards effectively and efficiently and to attain its inspection goal at facilities in their respective jurisdictions;

Recognizing the importance of maintaining effective nuclear material control and accountancy and physical protection in accordance with international standards;

Desiring to cooperate in the development, use and control of peaceful uses of nuclear energy; and

Mindful that peaceful nuclear activities must be undertaken with a view to protecting the environment from radioactive, chemical and thermal contamination;

Have agreed as follows:

ARTICLE 1 - DEFINITIONS

For the purposes of this Agreement:

(A) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(B) "Component" means a component part of equipment, or other item so designated by agreement of the Parties;

(C) "Conversion" means any of the normal operations in the nuclear fuel cycle, preceding fuel fabrication and excluding enrichment, by which uranium is transformed from one chemical form to another -- for example, from UF₆ to UO₂ or from uranium oxide to metal;

(D) "Decommissioning" means the actions taken at the end of a facility's useful life to retire the facility from service in a manner that provides adequate protection for the health and safety of the decommissioning workers and the general public, and for the environment. These actions can range from closing down the facility and a minimal removal of nuclear material coupled with continuing maintenance and surveillance, to a complete removal of residual radioactivity in excess of levels acceptable for unrestricted use of the facility and its site;

(E) "Equipment" means any reactor, other than one designed or used primarily for the formation of plutonium or uranium 233, or any other item so designated by agreement of the Parties;

(F) "High enriched uranium" means uranium enriched to twenty percent or greater in the isotope 235;

(G) "Low enriched uranium" means uranium enriched to less than twenty percent in the isotope 235;

(H) "Major critical component" means any part or group of parts essential to the operation of a sensitive nuclear facility;

(I) "Material" means source material, special nuclear material, byproduct material, radioisotopes other than byproduct material, moderator material, or any other such substance so designated by agreement of the Parties;

(J) "Moderator material" means heavy water or graphite or beryllium, of a purity suitable for use in a reactor to slow down high velocity neutrons and increase the likelihood of further fission, or any other such material so designated by agreement of the Parties;

(K) "Parties" means the Government of the United States of America and the Government of the Republic of Turkey;

(L) "Peaceful purposes" include the use of information, material, equipment and components in such fields as research, power generation, medicine, agriculture and industry but do not include use in, research on or development of any nuclear explosive device, or any military purpose;

(M) "Person" means any individual or any entity subject to the jurisdiction of either Party but does not include the Parties to this Agreement;

(N) "Reactor" means any apparatus, other than a nuclear weapon or other nuclear explosive device, in which a self-sustaining fission chain reaction is maintained by utilizing uranium, plutonium or thorium or any combination thereof;

(O) "Restricted Data" means all data concerning (1) design, manufacture or utilization of nuclear weapons, (2) the production of special nuclear material, or (3) the use of special nuclear material in the production of energy, but shall not include data of a Party which it has declassified or removed from the category of Restricted Data;

(P) "Sensitive nuclear facility" means any facility designed or used primarily for uranium enrichment, reprocessing of nuclear fuel, heavy water production, or fabrication of nuclear fuel containing plutonium;

(Q) "Sensitive nuclear technology" means any information (including information incorporated in equipment or an important component) which is not in the public domain and which is important to the design, construction, fabrication, operation or maintenance of any sensitive nuclear facility, or other such information which may be so designated by agreement of the Parties;

(R) "Source material" means (1) uranium, thorium, or any other material so designated by agreement of the Parties, or (2) ores containing one or more of the foregoing materials in such concentration as the Parties may agree from time to time;

(S) "Special nuclear material" means (1) plutonium, uranium 233, or uranium enriched in the isotope 235, or (2) any other material so designated by agreement of the Parties.

ARTICLE 2 - SCOPE OF COOPERATION

1. Cooperation between the Parties in the use of nuclear energy for peaceful purposes shall be subject to the provisions of this Agreement, and the applicable treaties, laws, regulations and license requirements in force in their respective countries.

2. Transfer of information, material, equipment and components under this Agreement may be undertaken directly between the Parties or through authorized persons. Such transfers shall be subject to this Agreement and to such additional terms and conditions as may be agreed by the Parties.

3. In particular, transfer of information concerning nuclear reactor and fuel technology, nuclear safety and other uses of nuclear energy for peaceful purposes may be undertaken directly between the Parties or through authorized persons. Such transfers shall, if the Parties agree, be subject to this Agreement and to such additional terms and conditions as may be agreed by the Parties. Such transfers may also be undertaken outside this Agreement, in a manner consistent with the Parties' respective laws, regulations and license requirements.

4. The Parties may cooperate in nuclear research and development for peaceful purposes. Such cooperation may include, but need not be limited to, training, exchange of personnel, meetings and participation in joint studies and projects.

ARTICLE 3 - TRANSFER OF TECHNOLOGY

1. Information concerning the use of nuclear energy for peaceful purposes may be transferred. Transfers of information may be accomplished through various means, including reports, data banks, computer programs, conferences, visits, participation in joint studies and projects, training and assignments of staff to facilities. Fields which may be covered include, but shall not be limited to, the following:

(A) Development, design, construction, commissioning, operation, maintenance and use of reactors, reactor fuel fabrication, reactor experiments, and decommissioning;

(B) The use of material in physical and biological research, medicine, agriculture and industry;

(C) Fuel cycle studies of ways to meet future world-wide civil nuclear needs, including multilateral approaches to guaranteeing nuclear fuel supply and appropriate techniques for management of nuclear wastes;

(D) Safeguards and physical protection of materials, equipment, and components;

(E) Health, safety and environmental considerations related to the foregoing; and

(F) Assessing the role nuclear power may play in national energy plans.

2. This Agreement does not require the transfer of any information which the Parties are not permitted under their respective treaties, national laws, and regulations to transfer.

3. Restricted Data shall not be transferred under this Agreement.

4. Sensitive nuclear technology shall not be transferred under this Agreement unless provided for by an amendment to this Agreement.

ARTICLE 4 - TRANSFER OF MATERIAL, EQUIPMENT AND COMPONENTS

1. Material, equipment and components may be transferred for applications consistent with this Agreement. Any special nuclear material transferred to the Republic of Turkey under this Agreement shall be low enriched uranium, except as provided in paragraph 4. Sensitive nuclear facilities and major critical components thereof shall not be transferred under this Agreement, unless provided for by an amendment to this Agreement.

2. Low enriched uranium may be transferred for use as fuel in reactor experiments and in reactors, for conversion or fabrication, or for such other purposes as may be agreed by the Parties.

3. The quantity of special nuclear material transferred under this Agreement shall not at any time be in excess of that quantity the Parties agree is necessary for any of the following purposes: use in reactors or reactor experiments, the economic, safe, efficient and continuous operation of reactors or conduct of such reactor experiments, and the accomplishment of other purposes as may be agreed by the Parties.

4. Small quantities of special nuclear material may be transferred for use as samples, standards, detectors, targets and for such other purposes as the Parties may agree. Transfers pursuant to this paragraph shall not be subject to the quantity limitations in paragraph 3.

5. The United States of America shall endeavor to take such actions as may be necessary and appropriate to ensure a reliable supply of nuclear fuel to the Republic of Turkey required for the economic, safe, efficient and continuous operation of reactors, including the export of nuclear material from sources in or outside the United States of America on a timely basis.

ARTICLE 5 - STORAGE AND RETRANSFERS

1. Plutonium and uranium 233 (except as contained in irradiated fuel elements) and high enriched uranium transferred pursuant to this Agreement or used in or produced through the use of material or equipment transferred pursuant to this Agreement shall only be stored in a facility to which the Parties agree.

2. Material, equipment and components transferred pursuant to this Agreement and any special nuclear material produced through the use of material or equipment transferred pursuant to this Agreement shall not be transferred to unauthorized persons or, unless the Parties agree, beyond the recipient Party's territorial jurisdiction.

ARTICLE 6 - REPROCESSING AND ENRICHMENT

1. Material transferred pursuant to this Agreement and material used in or produced through the use of material or equipment transferred pursuant to this Agreement shall not be reprocessed unless the Parties agree.

2. Plutonium, uranium 233, high enriched uranium and irradiated source or special nuclear material, transferred pursuant to this Agreement or used in or produced through the use of material or equipment transferred pursuant to this Agreement, shall not be altered in form or content, except by irradiation or further irradiation, unless the Parties agree.

3. Uranium transferred pursuant to this Agreement or used in any equipment transferred pursuant to this Agreement shall not be enriched after transfer unless the Parties agree.

ARTICLE 7 - PHYSICAL PROTECTION

1. Adequate physical protection shall be maintained with respect to source or special nuclear material and equipment transferred pursuant to this Agreement and special nuclear material used in or produced through the use of material or equipment transferred pursuant to this Agreement.

2. To fulfill the requirement in paragraph 1, each Party shall apply measures in accordance with levels of physical protection at least equivalent to the recommendations published in IAEA document INFCIRC/225/Rev.4 entitled "The Physical Protection of Nuclear Material and Nuclear Facilities," and subsequent revisions of that document as agreed by the Parties.

3. The adequacy of physical protection measures maintained pursuant to this article shall be subject to review and consultations by the Parties from time to time and whenever either Party is of the view that revised measures may be required to maintain adequate physical protection.

4. The Parties will keep each other informed through diplomatic channels of those agencies or authorities having responsibility for ensuring that levels of physical protection for nuclear material in their territory or under their jurisdiction or control are adequately met and having responsibility for coordinating response and recovery operations in the event of unauthorized use or handling of material subject to this article. The Parties will inform each other through diplomatic channels, as well, of the designated points of contact within their national authorities to cooperate on matters of out-of-country transportation and other matters of mutual concern.

5. The provisions of this article shall be implemented in such a manner as to avoid hampering, unnecessary delay or undue interference in the Parties' nuclear activities and so as to be consistent with prudent management practices required for the economic and safe conduct of their nuclear programs.

ARTICLE 8 - NO EXPLOSIVE OR MILITARY APPLICATION

Material, equipment and components transferred pursuant to this Agreement and material used in or produced through the use of any material, equipment or components transferred pursuant to this Agreement shall not be used for any nuclear explosive device, for research on or development of any nuclear explosive device, or for any military purpose.

ARTICLE 9 - SAFEGUARDS

1. Cooperation under this Agreement shall require the application of IAEA safeguards with respect to all nuclear activities within the territory of the Republic of Turkey, under its jurisdiction or carried out under its control anywhere. Implementation of a Safeguards Agreement pursuant to Article III (4) of the NPT shall be considered to fulfill this requirement.
2. Source or special nuclear material transferred to the Republic of Turkey pursuant to this Agreement and any source or special nuclear material used in or produced through the use of material, equipment or components transferred pursuant to this Agreement shall be subject to safeguards in accordance with the agreement between the Republic of Turkey and the IAEA for the application of safeguards in connection with the NPT, signed on June 30, 1981 and entered into force on September 1, 1981.
3. Source or special nuclear material transferred to the United States of America pursuant to this Agreement and any source or special nuclear material used in or produced through the use of any material, equipment or components transferred pursuant to this Agreement shall be subject to the agreement between the United States of America and the IAEA for the application of safeguards in the United States of America, signed on November 18, 1977 and entered into force on December 9, 1980.

4. If either Party becomes aware of circumstances which demonstrate that the IAEA for any reason is not or will not be applying safeguards in accordance with the agreement as provided for in paragraph 2 or paragraph 3, to ensure effective continuity of safeguards the Parties shall consult and immediately enter into arrangements with the IAEA or between themselves which conform with IAEA safeguards principles and procedures, which provide assurance equivalent to that intended to be secured by the system they replace, and which conform with the coverage required by paragraph 2 or paragraph 3.

5. Each Party shall take such measures as are necessary to maintain and facilitate the application of safeguards provided for under this article.

6. Each Party shall establish and maintain a system of accounting for and control of source and special nuclear material transferred pursuant to this Agreement and source and special nuclear material used in or produced through the use of any material, equipment or components transferred pursuant to this Agreement. The procedures for this system shall be comparable to those set forth in IAEA document INFCIRC/153 (Corrected), or in any revision of that document agreed to by the Parties.

7. Upon the request of either Party, the other Party shall report or permit the IAEA to report to the requesting Party on the status of all inventories of material subject to this Agreement.

8. The provisions of this article shall be implemented in such a manner as to avoid hampering, delay or undue interference in the Parties' nuclear activities and so as to be consistent with prudent management practices required for the economic and safe conduct of their nuclear programs.

ARTICLE 10 - MULTIPLE SUPPLIER CONTROLS

If any agreement between either Party and another state or group of states provides such other state or group of states rights equivalent to any or all of those set forth under Article 5 or 6 with respect to material, equipment or components subject to this Agreement,

the Parties may, upon request of either of them, agree that the implementation of any such rights will be accomplished by such other state or group of states.

ARTICLE 11 - CESSATION OF COOPERATION

1. If either Party at any time following entry into force of this Agreement:

(A) does not comply with the provisions of Article 5, 6, 7, 8, or 9; or

(B) terminates, abrogates or materially violates a safeguards agreement with the IAEA;

the other Party shall have the rights to cease further cooperation under this Agreement and to require the return of any material, equipment and components transferred under this Agreement and any special nuclear material produced through their use.

2. If the Republic of Turkey at any time following entry into force of this Agreement detonates a nuclear explosive device, the United States of America shall have the same rights as specified in paragraph 1.

3. If either Party exercises its right under this Article to require the return of any material, equipment or components, it shall, prior to the removal from the territory or from the control of the other Party, compensate promptly that Party for the fair market value thereof and for the costs incurred as a consequence of such removal. If the return of such nuclear items is to be required, the Parties shall determine jointly the relevant quantity of such items, taking account of the circumstances involved. The Parties shall further satisfy themselves that full safety, radiological and physical protection measures, in accordance with their existing obligations, are taken in relation to the return of the items, that no unreasonable risks are incurred and that the return of the items takes place in a manner consistent with all the relevant laws and regulations of the Parties.

ARTICLE 12 - CONSULTATIONS AND ENVIRONMENTAL PROTECTION

1. The Parties undertake to consult at the request of either Party regarding the implementation of this Agreement and the development of further cooperation in the field of peaceful uses of nuclear energy.

2. The Parties shall consult, with regard to activities under this Agreement, to identify the environmental implications arising from such activities and shall cooperate in protecting the environment from radioactive, chemical or thermal contamination arising from peaceful nuclear activities under this Agreement and in related matters of health and safety.

ARTICLE 13 - SETTLEMENT OF DISPUTES

1. The Parties shall seek in good faith and in a spirit of cooperation an early and equitable resolution to any dispute arising from the application or interpretation of this Agreement, and shall negotiate promptly in order to arrive at a settlement, acceptable to both, in the shortest possible time.

2. Any dispute arising out of the interpretation or application of this Agreement shall be settled by negotiation, mediation, conciliation or other similar procedure or, if both Parties agree, by submission to an arbitral tribunal that shall be composed of three arbitrators appointed in accordance with the provisions of this Article. Each Party shall designate one arbitrator and the two arbitrators so designated shall elect a third, a national of a country other than the United States of America or the Republic of Turkey, who shall be the Chairman. If, within thirty days of the request for arbitration, a Party has not designated an arbitrator, the other Party may request the President of the International Court of Justice to appoint an arbitrator. The same procedure shall apply if, within thirty days of the designation or appointment of the second arbitrator, the third arbitrator has not been elected, provided that the third arbitrator so appointed shall not be a national of the United States of America or the Republic of Turkey. All decisions shall require the concurrence of two arbitrators. The arbitral procedure shall be fixed by the tribunal. The decisions of the tribunal shall be binding on the Parties.

ARTICLE 14 - AMENDMENTS

This Agreement may be amended at any time by agreement of the Parties.

ARTICLE 15 - ENTRY INTO FORCE AND DURATION

1. This Agreement shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that they have completed all applicable requirements for its entry into force.

2. This Agreement shall remain in force for a period of 15 years, and shall continue in force thereafter for additional periods of five years each. Either Party may, by giving six months' written notice to the other Party, terminate this Agreement at the end of the initial 15-year period or at the end of any subsequent five-year period.

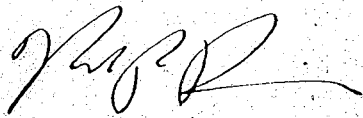
3. The provisions of this Agreement shall apply to material and equipment subject to the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of the Turkish Republic, signed June 10, 1955, as amended.

4. Notwithstanding the termination or expiration of this Agreement or any cessation of cooperation hereunder for any reason, Articles 5, 6, 7, 8, 9, and 11 shall continue to be in effect so long as any material, equipment or components subject to these articles remains in the territory of the Party concerned or under its jurisdiction or control anywhere, or until such time as the Parties agree that such material, equipment or components are no longer usable for any nuclear activity relevant from the point of view of safeguards.

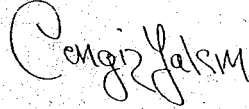
IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Agreement.

DONE at Ankara, this 26th day of July 2000, in duplicate, in the Turkish and English languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF
THE REPUBLIC OF TURKEY:



AGREED MINUTE

During the negotiation of the Agreement for Cooperation Between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy ("the Agreement") signed today, the following understandings, which shall be an integral part of the Agreement, were reached.

Coverage of Agreement

Material, equipment and components transferred from the territory of one Party to the territory of the other Party, whether directly or through a third country, will be regarded as having been transferred pursuant to the Agreement only upon confirmation, by the appropriate government authority of the recipient Party to the appropriate government authority of the supplier Party, that such material, equipment or components will be subject to the Agreement.

For the purposes of implementing the rights specified in Articles 5 and 6 with respect to special nuclear material produced through the use of nuclear material transferred pursuant to the Agreement and not used in or produced through the use of equipment transferred pursuant to the Agreement, such rights shall in practice be applied to that proportion of special nuclear material produced which represents the ratio of transferred material used in the production of the special nuclear material to the total amount of material so used, and similarly for subsequent generations.

Safeguards

If either Party becomes aware of circumstances referred to in paragraph 4 of Article 9, either Party shall have the rights listed below, which rights shall be suspended if both Parties agree that the need to exercise such rights is being satisfied by the application of IAEA safeguards under arrangements pursuant to paragraph 4 of Article 9:

(1) To review in a timely fashion the design of any equipment transferred pursuant to the Agreement, or of any facility which is to use, fabricate, process, or store any material transferred pursuant to the Agreement or any special nuclear material used in or produced through the use of material or equipment transferred pursuant to the Agreement;

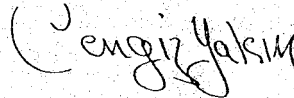
(2) To require the maintenance and production of records and of relevant reports for the purpose of assisting in ensuring accountability for material transferred pursuant to the Agreement and any source material or special nuclear material used in or produced through the use of any material, equipment or components transferred pursuant to the Agreement; and

(3) To designate personnel, in consultation with the other Party, who shall have access to all places and data necessary to account for the material in paragraph 2, to inspect any equipment or facility referred to in paragraph 1, and to install any devices and make such independent measurements as may be deemed necessary to account for such material. Such personnel shall, if either Party so requests, be accompanied by personnel designated by the other Party.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA



FOR THE GOVERNMENT OF
THE REPUBLIC OF TURKEY



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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	Side Letter	4	07/26/2000	P1/b1; P5;

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Gillespie, Edward (Ed) - Confidential Files

FOLDER TITLE:

[Presidential Determination on the US-Turkey Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy, 12/27/2

FRC ID:

39235

FOIA IDs and Segments:

2014-0301-F

OA Num.:

CF 0841

NARA Num.:

851

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Freedom of Information Act - [5 U.S.C. 552(b)]

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THE WHITE HOUSE
WASHINGTON

July 7, 2000

Presidential Determination
No. 2000-26

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF ENERGY

SUBJECT: Determination on the Proposed Agreement for
Cooperation Between the United States of America
and the Republic of Turkey Concerning Peaceful
Uses of Nuclear Energy

I have considered the proposed Agreement for Cooperation Between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy, along with the views, recommendations, and statements of the interested agencies.

I have determined that the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b)), I hereby approve the proposed Agreement and authorize you to arrange for its execution.

The Secretary of State is authorized to publish this determination in the Federal Register.

William J. Clinton

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	[Report]	9	06/2000	P1/b1; P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[US-Turkey Section 123 Agreement] - To: POTUS - From: Dale Klein	1	11/21/2007	P5;

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Report	Classified Annex	14	N.D.	P1/b1; P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Talking Points	Talking Points for the Public Message	1	N.D.	P1/b1; P5;

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- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]