

FOIA MARKER

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Folder Title:

North Korea Framework [2]

Staff Office-Individual:

Nonproliferation and Export Controls-Aoki, Steven

Original OA/ID Number:

711

Row:	Section:	Shelf:	Position:	Stack:
41	5	6	3	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. fax	cover, Gary Samore to Steve Aoki et al (1 page)	11/23/1994	P3/b(3)
001b. talking points	re Supply Agreement (16 pages)	11/23/1994	P1/b(1)
002a. note	Steve Aoki to Tony Lake and Sandy Berger re message (1 page)	11/00/1994	P1/b(1)
002b. letter	Minister Kang to Ambassador Gallucci re statements (2 pages)	11/00/1994	P1/b(1)
003. talking points	re POTUS phone call to Sen Nunn (3 pages)	10/00/1994	P1/b(1)
004. report	re agreement implementation (6 pages)	11/08/1994	P1/b(1)
005. paper	re KEDO concept (5 pages)	11/00/1994	P1/b(1)
006a. paper	re lifting sanctions (4 pages)	10/21/1994	P1/b(1)
006b. paper	re timeline (3 pages)	10/21/1994	P1/b(1)
007. letter	POTUS to President Kim (ROK) (2 pages)	09/16/1994	P1/b(1)
008a. letter	Prime Minister Murayama to POTUS (Japanese) (1 page)	09/21/1994	P1/b(1)
008b. letter	Prime Minister Murayama to POTUS (English) (2 pages)	09/21/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

FOLDER TITLE:

North Korea - Framework [2]

2009-0528-F

kc1589

RESTRICTION CODES

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

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

P1 National Security Classified Information [(a)(1) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. cable	re IAEA and Foreign Policy (23 pages)	07/26/1994	P1/b(1)

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[001a]

WASHFAX RECEIPT
DEPARTMENT OF STATE

'94 MAY 23 P6

BB

S/S #

C

MESSAGE NO. 014208 CLASSIFICATION ~~Confidential~~ No. Pages 17
FROM: G Samore S/AL 7-1829 6313
(Officer name) (Office symbol) (Extension) (Room number)
MESSAGE DESCRIPTION Final Interagency Cleared Beijing Pts

O: (Agency)	DELIVER TO:	Extension	Room No.
<u>NSC</u>	<u>Steve Aoki</u>	<u>456-9181</u>	<u>382</u>
<u>OSD</u>	<u>Cpt. Loeffler / Deborah Rosenblum</u>	<u>695-6565</u>	<u>4E817</u>
<u>JCS</u>	<u>Lt. Col Sandkuler</u>	<u>614-6632</u>	<u>2E1008</u>
<u>DoE</u>	<u>William Farnley</u>	<u>301-903-3456</u>	<u>NE-451</u>
<u>FBIIS</u> <u>A</u>	<u>(b)(3)</u>		

OR: CLEARANCE ☐ INFORMATION ☒ PER REQUEST ☐ COMMENT ☐

REMARKS: Send any last minute comments / changes to Venetia
NBT 2:00pm -- or take them to Beijing with the team.

AJT

S/S Officer: _____

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS
Initials: AM Date: 08/18/15

2009-0528-F



United States Department of State

Washington, D.C. 20520

1/17

November 23, 1994

~~CONFIDENTIAL~~
DECL:OADR

TO: SSK Distribution
FROM: S/AL - Gary Samore *GS*
SUBJECT: Beijing Talking Points

Attached are interagency cleared talking points for use at the U.S.-DPRK expert-level talks in Beijing November 30 - December 2. Please send any last minute comments or changes to Venetia Carotenuto (647-1868) no later than 2:00 pm Friday, November 25.

Attachment: As stated

DECLASSIFIED E.O. 13526
Department of State Guidelines,
September 11, 2006

By *@* NARA, Date *08/18/15*
2009-0528-F

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001b. talking points	re Supply Agreement (16 pages)	11/23/1994	P1/b(1)

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National Security Council
Steven Aoki (Nonproliferation and Export Controls)
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002a. note	Steve Aoki to Tony Lake and Sandy Berger re message (1 page)	11/00/1994	P1/b(1)
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002b. letter	Minister Kang to Ambassador Gallucci re statements (2 pages)	11/00/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
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OA/Box Number: 711

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Democratic People's Republic of Korea
Permanent Mission to the United Nations
515 East 72nd Street, 38F, New York, N.Y. 10021
Tel. (212) 772-0712 (0725) FAX (212) 772-0735

FAX COVER

TO: Mr. Lynn Turk

FAX NO: (202) 647-7388

FROM: Han Song Y Ryol

FAX NO: (212) 772-0735 (Telephone 772-0712)

PAGES INCLUDING COVER: 3

DATE: Nov 28

NOTE:

The letter from Mr. Kang Sok Ju, the Head of DPRK delegation to
Mr. Robert L. Gullucci

November 30, 1994

**SUBJECT: DEPARTMENT OF ENERGY NORTH KOREAN SPENT FUEL
ACTIVITIES**

This memorandum outlines activities related to the approximately 8,000 spent fuel rods from the 5 MW reactor in North Korea to ensure that it is not reprocessed in that country.

Activities

● The Department of Energy will manage the activities associated with spent fuel pool water treatment and wet/moist canning of the fuel rods. The specific activities to be carried out for these purposes have been somewhat clarified by the U.S. delegation visit to North Korea on spent fuel issues.

The spent fuel activities will occur in the following order:

- Spent fuel pool clarification and treatment.
- Placing the spent fuel in sealed containers which can be stored in the spent fuel basin pending ultimate disposition.

The timetable for the spent fuel activities is not completely certain at this time. However, short-term steps related to spent fuel pool clarification and treatment have been identified. Those activities that can be completed before December 31, 1994, include:

- Provide an instrumentation system to measure and record the pH, temperature, radioactivity of the fission products, concentrations of chloride, and sulfate ions in the water basin. This system will also allow remote viewing of the spent fuel before the water is clarified.
- Complete a preliminary design of the water clarification system with anticipation that a system would be installed in February 1995.
- If it is determined to be necessary, provide a portable building heater to keep the spent fuel pool from freezing in the winter weather and facilitate U.S. work in the building where the spent fuel is located.

Funding

●Funding for the specific spent fuel activities is not confirmed at this point. Preliminary estimates are being developed for the cost of the spent fuel pool clarification, treatment and canning. The costs for the activities that can be completed by December 31, 1994, is estimated to be approximately \$200,000. All cost estimates are currently under examination and firmer figures will be available in the near future.

●It is the position of the Department of Energy that given the high priority of beginning the process of placing the North Korean spent fuel in a status that will ensure that it is not reprocessed, it can provide the funds for the spent fuel pool activities that can be completed before December 31, 1994, without seeking Congressional approval. The amounts required for these activities are within the amounts approved by the Congress as part of the FY95 Department of Energy budget for de-nuclearization of the Korean peninsula.

●The Department of Energy has determined that, for spent fuel related activities that will be carried out after January 1, 1995, the Department needs to adhere to its customary reprogramming practice to confirm the Departments' authority to utilize FY95 unobligated funds or other monies to cover the costs of such activities.

●The Department of Energy believes that it has authority to carry out the spent fuel related activities under authorities contained in Sections 3, 122 and 161 of the Atomic Energy Act.

U.S. DEPARTMENT OF ENERGY
Office of Arms Control and Nonproliferation
1000 Independence Avenue, S.W.
Washington, D.C. 20585
NN-40

FAX NO. (202) 586-4452

VERIFY NO. (202) 586-2102

PAGES: 3
(Including Cover Sheet)

DATE: 11/30/94

TO: DAN Peneman PHONE: _____

COMPANY: _____

FAX NO: _____

VERIFY NO: _____

FROM: KEN Lungo PHONE: _____

NOTES: Don - FYI.
Here is a copy of what we
provided to Gallucci.

~~CONFIDENTIAL~~

9488

ASA

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
PATRICK GRIFFIN

SUBJECT: Telephone Call to Senator Nunn

Talking points for your use in your telephone call with Senator Nunn are attached. We have provided points on Bosnia, GATT and North Korea.

Attachment
Tab A Talking points

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By mu NARA, Date 08/18/15

2009-0528-F

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Declassify on: OADR

cc: Vice President
Chief of Staff

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003. talking points	re POTUS phone call to Sen Nunn (3 pages)	10/00/1994	P1/b(1)
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NORTH KOREA

What is at stake? What is the U.S. interest?

- o Our primary goal in addressing the North Korean nuclear issue has been to ensure a peaceful, stable, non-nuclear Korean peninsula and a strong international non-proliferation regime.
- o The North Korean nuclear issue did not just threaten regional security in Northeast Asia; North Korea challenged the international non-proliferation regime by non-compliance with IAEA safeguards, violation of the NPT, and defiance of UN Security Council directives.

What are we doing?

- On October 21, 1994, after sixteen months of negotiations, the United States and North Korea signed an Agreed Framework that will bring the DPRK into full compliance with its non-proliferation obligations under the Non-Proliferation Treaty (NPT). The DPRK affirms its NPT member status and commits to complying with its IAEA safeguards agreement. This will help to end the threat of nuclear proliferation on the Korean Peninsula and provide the basis for more normal relations between North Korea and the rest of the world.
- This Agreed Framework not only serves the interests of the United States, but also those of our allies, South Korea and Japan. It will bring greater security to the Northeast Asian region and contribute to our efforts to end nuclear proliferation globally.

What exactly does the Agreed Framework accomplish with respect to the present, future and past nuclear program of the DPRK?

- Broadly, the Agreed Framework guarantees a non-nuclear Korean peninsula because it completely freezes and over time terminates the existing North Korean nuclear program. In addition, it commits the DPRK to IAEA inspections and eventual shipment of its spent nuclear fuel out of the country.

With respect to the present, the North's current nuclear program is frozen: the 5 MW reactor will not restart, the reprocessing facility will be sealed and not operated again and the two countries will cooperate in safely storing the spent fuel.

With respect to the future, the construction of the 50MW(e) and 200 MW(e) gas graphite reactors will be frozen and they will eventually be dismantled. The DPRK has agreed not to build any other graphite-moderated reactors or related facilities in the future. In addition, the DPRK is committed to ship the spent nuclear fuel in the pond out of the country when significant nuclear components begin to be delivered for the first Light Water Reactor.

With respect to the past, the DPRK will accept whatever steps are deemed necessary by the IAEA to resolve questions about past activities. In other words, before any nuclear components are delivered for the first LWR, the question of North Korea's past activities and its full compliance with its IAEA safeguards obligations will be resolved.

In effect then, hasn't the US bribed North Korea to end its nuclear program?

- The Agreed Framework shuts down North Korea's plutonium production immediately and, over time, ships out all spent fuel in country and dismantles the graphite-moderated system. This goes far beyond the North Korean obligations as an adherent to the NPT. The incentives provided by the U.S. and the international community to the DPRK are in return for these actions.
- For example, because North Korea agreed to terminate and dismantle its indigenous nuclear effort, we agreed, with the cooperation of other concerned countries, to help it meet a consequential shortfall in energy production. This quid pro quo is provided through the construction of two proliferation resistant light water reactors (LWR) and, during the decade it will take to build them, supplies of heavy fuel oil equivalent to the nuclear power that North Korea is giving up.

Was the North-South dialogue addressed by the negotiators?

- In the Agreed Framework North Korea commits itself to dialogue between North and South Korea and to implement of the "Joint Declaration of the Denuclearization of the Korean Peninsula" signed by North and South Korea in 1992. North-South dialogue is the key to permanent resolution of questions of peace and security on the Korean peninsula.

A FACT SHEET DETAILING THE PROVISIONS OF THE AGREED FRAMEWORK IS ATTACHED, AS IS A COPY OF THE AGREED FRAMEWORK.

Did South Korea agree with the U.S. negotiating strategy?

- o The U.S. and South Korea share the goals of peace on the Korean peninsula, a non-nuclear Korean peninsula and a strong international nonproliferation regime. We also share the goal of establishing the transparency of North Korea's nuclear program: past, present and future. We have maintained the closest possible cooperation in the effort to bring North Korea into compliance with its international non-proliferation obligations. The Agreed Framework includes a commitment by North Korea to engage in inter-Korean dialogue.
- o No actions were taken by the U.S. without full consultation with the South Korean government. There was constant contact at the working level, daily contact in Geneva between Ambassador Gallucci and a special team of the ROK Foreign Ministry, several trips to Korea by Ambassador Gallucci and to the U.S. by ROK Foreign Minister Han Sung Joo. There were telephone conversations between President Clinton and President Kim Young Sam.
- o Our alliance with the Republic of Korea is fundamental; our commitment to South Korea's security and our capability to meet our obligations in that respect are undiminished.

Is Kim Jong Il in charge?

- o As far as we can tell, yes. But North Korea is a closed society and our information is limited.

Drafted: EAP/K:LTurk
SEGEN 806 10/21/94 x77718
1500 version
Cleared: S/AL:JPierce
EAP/PA:JOhta
EAP/K:DBrown
T:JBarker
S/P:GMattox
P:BHall

United States Department of State

Washington, D. C. 20520

**OFFICE OF AMBASSADOR AT-LARGE
ROBERT L. GALLUCCI**

(S/AL)

**2201 "C" STREET, N.W., ROOM 6313
WASHINGTON, DC.C. 20520**

UNCLASSIFIED

Date Sent: 11/9/94

Pages transmitted (including cover): 8

TO: Dan Poneman NSC
(Name) **(Office)**

FAX #: (202) 456-9180

TEL #: (202) 456-9181

FROM: Gary Samore

FAX #: (202) 647-1838

TEL#: (202) 657-1829

SUBJECT: As requested.

REVISED DRAFT 11/7
(uamb 251)

DRAFT RESOLUTION

The Board of Governors,

(a) Recalling General Conference Resolution GC (XXXVIII)/31 of 21 September 1994 and Board of Governors' resolutions GOV/2636 of 25 February 1993, GOV/2639 of 18 March 1993, GOV/2645 of 1 April 1993, GOV/2692 of 23 September 1993, GOV/2711 of 21 March 1994 and GOV/2742 of 10 June 1994;

(b) Recalling further resolution 825 (1993) adopted by the Security Council of the United Nations on 11 May 1993 and the 31 March 1994 and 30 May 1994 statements by the President of the Security Council;

(c) Taking into account particularly the 4 November 1994 statement by the President of the Security Council, which reaffirms that the IAEA-DPRK safeguards agreement remains binding and in force and which notes with satisfaction the "Agreed Framework between the United States of America and the Democratic People's Republic of Korea (DPRK)" of 21 October 1994;

(d) Welcoming the decision of the DPRK in the Agreed Framework to come into full compliance with the IAEA-DPRK safeguards agreement and, as a voluntary measure, to freeze its existing nuclear facilities under IAEA verification;

(e) Noting that IAEA monitoring of such voluntary measures falls within the scope of the IAEA-DPRK safeguards agreement;

(f) Acknowledging the United Nations Security Council request that the IAEA take those steps it deems necessary to monitor the freeze and verify DPRK compliance with its safeguards obligations, and that the IAEA report to the United Nations Security Council thereon;

Requests the Director General to take all appropriate steps to fulfill the requests of the United Nations Security Council and to report to the Board as he deems appropriate.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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004. report	re agreement implementation (6 pages)	11/08/1994	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

FOLDER TITLE:

North Korea - Framework [2]

2009-0528-F
kc1589

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
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**UNITED
NATIONS****S****Security Council****Distr.
GENERAL****S/PRST/1994/64
4 November 1994****ORIGINAL: ENGLISH**

STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL

At the 3451st meeting of the Security Council, held on 4 November 1994, in connection with the Council's consideration of the item entitled "Agreed Framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council recalls the statements made by the President of the Council on 8 April 1993 (S/45562), 31 March 1994 (S/PRST/1994/13) and 30 May 1994 (S/PRST/1994/28) and its relevant resolution.

"The Security Council reaffirms the critical importance of International Atomic Energy Agency (IAEA) safeguards in the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons (the Treaty) and the contribution which progress in non-proliferation makes to the maintenance of international peace and security.

"The Security Council notes with satisfaction the 'Agreed Framework between the United States of America and the Democratic People's Republic of Korea (DPRK)' (Agreed Framework) of 21 October 1994 as a positive step in the direction of denuclearizing the Korean Peninsula and maintaining peace and security in the region.

"The Security Council notes that the parties to the Agreed Framework decided to (1) cooperate in replacing the DPRK's graphite-moderated reactors and related facilities with light-water reactor power plants, (2) move towards full normalization of political and economic relations, (3) work together for peace and security on a nuclear-free Korean peninsula, and (4) work together to strengthen the international nuclear non-proliferation regime.

"The Security Council takes note of the decision of the DPRK in the Agreed Framework to remain a party to the Treaty on the Non-Proliferation of Nuclear Weapons. It notes also the DPRK's decision to come into full compliance with the IAEA-DPRK Safeguards Agreement (INFCIRC/403) under the Treaty.

S/PRST/1994/64

English

Page 2

"The Security Council underlines that the Safeguards Agreement remains binding and in force and looks to the DPRK to act thereon. The Council requests the IAEA to take all steps it may deem necessary, following consultations between the IAEA and DPRK with regard to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK, to verify full DPRK compliance with the IAEA-DPRK Safeguards Agreement.

"The Security Council notes with approval the DPRK decision in the Agreed Framework to freeze its graphite-moderated reactors and related facilities, which is a voluntary measure beyond what is required by the Treaty and the IAEA-DPRK Safeguards Agreement.

"The Security Council, having received an oral report from the Director General of the IAEA, notes further that IAEA monitoring activities with respect to such a voluntary measure are within the scope of verification activities under the IAEA-DPRK Safeguards Agreement.

"The Security Council requests the IAEA to take all steps it may deem necessary as a consequence of the Agreed Framework to monitor the freeze.

"The Security Council also requests the IAEA to continue to report to it on implementation of the Safeguards Agreement until the DPRK has come into full compliance with the Agreement and to report to the Council on its activities related to monitoring the freeze of the specified facilities.

"The Security Council reaffirms the importance of the Joint Declaration by the DPRK and the Republic of Korea on the Denuclearization of the Korean Peninsula, and welcomes the decision of the DPRK to take steps consistently to implement that Declaration and to engage in dialogue with the Republic of Korea, as the Agreed Framework will help create an atmosphere that promotes such dialogue.

"The Security Council will remain seized of the matter."

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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005. paper	re KEDO concept (5 pages)	11/00/1994	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

FOLDER TITLE:

North Korea - Framework [2]

2009-0528-F
kc1589

RESTRICTION CODES

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

P1 National Security Classified Information [(a)(1) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

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SUGGESTIONS FROM THE TEAM OF EXPERTS OF
THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK)
CONCERNING THE EXPERT-LEVEL DISCUSSIONS IN BEIJING
FOR THE CONCLUSION OF A CONTRACT FOR THE
PROVISION OF LIGHT-WATER REACTOR (LWR) POWER PLANTS

The DPRK team of expert-level discussions hopes that the DPRK U.S. expert-level discussions, due to begin in Beijing on November 30, 1994, will be working-level technical consultations devoted to the matters related to the contract for the provision of LWR power plants to the DPRK, and looks forward to a productive progress at the discussions.

From this perspective and also with a view to facilitating a smooth conclusion, within the scheduled period of time, of the contract for the LWR project as specified in Article 1 under Section 1 of the DPRK-U.S. Agreed Framework of October 21, 1994, the DPRK team of experts has decided to present its suggestions to its U.S. counterpart in advance in respect to the major agenda of the discussions, the phases and duration of the discussions, and the specific agenda for each phase of these discussions.

With the belief that these suggestions will contribute to facilitating our bilateral expert-level discussions in Beijing, the DPRK team hopes that both sides will reach an agreement of views in principle on these points as early as possible, before the beginning of the expert-level discussions in Beijing.

I. Principal Agenda, Phases and Duration of the Discussions,
and Specific Agenda for Each Phase of Discussions

1) Principal Agenda: Conclusion of the Contract for provision of
Light-Water Reactor Power Plants

2) Duration of Discussions: Expert-Level Discussions should end
by April 20, 1995.

3) Phases of Discussions:

- First Phase

0 Objective: Establish a framework for the conclusion within
six months of the contract for supplying the LWR Power
Plants.

0 Duration: Until December 15, 1994

0 Points of Discussions:

- o Type and technical specifications of the LWRs to be
provided by the U.S.
- o Format and text of the LWR contract, including phases
and duration for delivery of LWRs
- o Phases and duration of the site survey
- o Selection of principal designer company, and stages and
period of design completion
- o Arrangements for construction contracts
- o Training of the construction and operation personnel
- o Provision of ultra high voltage electricity
transmission and supply equipment, and delivery of
electric transmission lines
- o Technical requirements necessary for the documentation
of the equipment and components of the LWR power
project
- o Other matters which U.S. side may raise

0 Venue: Beijing

- Second Phase

0 Objective: Site Survey and Preparation of equipment lists

0 Duration: Until January 20, 1995

0 Points of Discussion:

- o Site survey, discussion of the result of site survey, and preparation of documents
- o Identification of further points, if any, that might need further confirmation in the course of preparation of the equipment lists
- o Completion and presentation of the lists and other required papers

- Third Phase

0 Objective: Reach an agreement of technical details

0 Duration: Until February 20, 1995

0 Points of Discussion:

- o Complete sets of LWRs
- o Complete sets of turbines and generators
- o Complete sets of electricity equipment
- o Complete sets of equipment for automation, control and communications
- o structures to be built, and construction equipment
- o fuel rod fabrication equipment

- Fourth Phase

0 Objective: Sign the overall supply contract

0 Duration: Until March 20, 1995

0 Points of Discussion:

Technical and commercial contracts for the delivery of complete sets of LWR power plants

- Fifth Phase

0 Objective: Sign the construction contract

0 Duration: Until April 20, 1995

0 Point of Discussion:

Overall construction contracts

The teams of experts from both sides will discuss all these matters and record the result of each phase of their discussions in the form of a document.

II. List of the DPRK's Documents to be handed over to the U.S. Team at the Beijing Discussion

- o Preliminary technical requirements of the LWR power plants
- o Information on the site survey
- o Information on electric power supply system

III. Suggestions on the procedures for the first round of expert-level discussions in Beijing

The DPRK experts hope to discuss the points of discussion for the first phase of the expert-level discussions at the first round of Beijing meeting opening on November 30, if the two sides reach a substantial agreement of views, in advance, on the above-listed matters.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006a. paper	re lifting sanctions (4 pages)	10/21/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

FOLDER TITLE:

North Korea - Framework [2]

2009-0528-F
kc1589

RESTRICTION CODES

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RR. Document will be reviewed upon request.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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006b. paper	re timeline (3 pages)	10/21/1994	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

FOLDER TITLE:

North Korea - Framework [2]

2009-0528-F
kc1589

RESTRICTION CODES

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

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RR. Document will be reviewed upon request.

~~CONFIDENTIAL~~

November 14, 1994

TO: SSK Principals
FROM: S/AL - Gary Samore *GS*
SUBJECT: Paper on Elements of LWR Contract
Schedule for next SSK Meeting

Attached is an interagency cleared nonpaper on the proposed elements of the LWR contract between the DPRK and KEDO. We plan to share this nonpaper with the ROK and Japan on November 15, as a basis for experts discussions during the U.S.-ROK-Japan trilaterals in Washington on November 18.

Ambassador Gallucci will chair an SSK meeting on Wednesday, November 16 at 9:00 am, in room 6210 at the State Department. Main agenda item: KEDO structure and financing.

DECLASSIFIED E.O. 13526
Department of State Guidelines,
September 11, 2006

By *MM* NARA, Date *08/18/15*
2009-0528-F

~~CONFIDENTIAL~~
DECL:OADR

NONPAPER: ELEMENTS OF DPRK CONTRACT

- o The Agreed Framework of October 21, 1994, calls for conclusion of a supply contract within six months for the provision of light-water reactors (LWR) to the DPRK.
- o At the outset, the supply contract with the DPRK will be negotiated by the U.S., acting on behalf of the multilateral consortium -- the Korean Energy Development Organization (KEDO).
- o Once KEDO is in operation, negotiation of the contract can be transferred to it. KEDO will be the actual contracting party with the DPRK.
- o Contract talks between the U.S. and DPRK will begin in late November. The U.S. will consult closely with the ROK and Japan throughout the process.

Contract Format

- o The KEDO-DPRK supply contract will not be the kind of contract that an electrical utility would typically conclude for the construction of a nuclear power plant -- i.e., a contract with highly detailed specifications, drawings, schedules, payment terms, etc.
- o Rather, the supply contract will describe the project in more general terms. It will be legally binding, but it will not put the DPRK in [the] position of demanding strict adherence to detailed plans and schedules.

-- Since the DPRK will not be "purchasing" the project in a meaningful sense, it will not be in a position to insist that the supplier conform to every detail of the specifications.

- o KEDO will enter into a highly detailed contract, ^{including all necessary} ~~complete~~ with specifications and schedules, with the ~~prime contractor or program manager~~ reactor vendor

Key Elements of the Contract

1. Project Description:

- o The supply contract should specify that the LWR project will consist of two "Korean standard" LWRs of approximately 1000 MW(e) each.

The contract will need to contain a number of assurances by the North Korean government related to nonproliferation, nuclear safety regulation, liability and the status of KEDO ~~personnel~~ ^{personnel & contractors} in DPRK.

-- Alternatively, the contract could simply give KEDO full authority to select the type of reactor, since the KEDO charter will specify that Korean reactors will be built.

- o The supply contract will not contain precise specifications, but it could specify general tasks ^{and phases} that will comprise the project -- e.g., program management, studies and assessments, site-specific designs, equipment and materials procurement, construction, testing, etc.
- o The supply contract should provide generally that the reactors will be constructed consistent with a specified set of codes and standards, including those relating to safety and environmental protection.
- o The contract should describe, at least generally, where the LWR project will be constructed and what infrastructure improvements may be needed (roads, power supply, water, and other amenities).

-- A key task will be to identify these needs and determine whether the DPRK should be responsible for them (either under subcontract or with its own funding).

-- The contract should also provide that the land needed for the LWR project, including infrastructure improvements, will be provided by the DPRK at no cost.

- o The supply contract will not include precise delivery schedules. Indeed, it may not even be possible in this contract to provide specific completion dates for the two LWR units.
- o The DPRK will likely insist on target dates and may seek penalty provisions for late delivery. We may want to demand flexibility in this area in exchange for flexibility by KEDO on repayment terms (described below).

2. Terms of Payment by DPRK:

- o We may want to note in the supply contract that the cost of construction will be financed by KEDO.
- o More important, the contract must set forth in detail the terms of payment by the DPRK, including the rate of interest (if any), the length of time for payment, and appropriate penalties for nonpayment or late payment.
- o We should seek to specify the kinds of goods the DPRK intends to provide as barter. At a minimum, we must specify a method of valuing such goods (some measure of fair market value at the time the goods are delivered).

h

- o The contract probably will not specify how these goods will be converted into cash to repay the KEDO contributors. That issue will be decided within KEDO.

3. Conditions of LWR Delivery:

- o KEDO's legal obligation to provide the LWRs under the supply contract must be expressly conditioned on the DPRK's satisfaction of its pledges under the Agreed Framework.

-- The supply contract could link LWR construction activities to specific DPRK activities concerning implementation of fullscope safeguards, spent fuel shipment, and dismantlement.

-- For example, it might be necessary to define more precisely the terms of the Agreed Framework, such as what constitutes a "significant portion" of the LWR project.

-- The supply contract might also include conditions based on DPRK obligations under the North-South Denuclearization Declaration and the required U.S.-DPRK agreement for nuclear cooperation (e.g., no reprocessing or reprocessing facilities).

← The supply contract ^{will} ~~could~~ also include additional nonproliferation conditions, such as agreement to allow shipment of the spent fuel from the LWR.

- o Including these nonproliferation conditions, of course, will complicate the negotiation of the supply contract. -- Consent rights over spent fuel provided to or generated in the LWR

4. Design Study and Analytical Reports:

- o The supply contract should provide that KEDO will fund and conduct an LWR design study (perhaps funded by Japan). -- Non-explicit use assumption

-- The scope of this 12-18 month study will be determined by KEDO and will include any infrastructure requirements for fulfillment of this agreement. -- Physical security

- o The DPRK will be obligated to cooperate fully with the design study and any other necessary analytical studies, including, but not limited to, seismic, geology, hydrology, site survey, and environmental impact reports.

- o The DPRK will be required to provide all relevant technical analyses and reports previously completed with respect to its preferred site (e.g., the Russian studies).

△ Per Potemkin's death - "could"
This is not a "could"
Also, if we don't do it here, where do we cover
US consent rights, perpetuity of safeguards. I

- o The supply contract must address the issue of site selection.
 - KEDO should carefully evaluate the DPRK-designated site, and it must be protected in the event that this site proves ill-suited for the project. There must be a mechanism for selection of alternative sites, if necessary.
- o KEDO will share the results of all analytical reports with the DPRK.

5. Nuclear Regulatory Authority and Licensing:

- o The DPRK should agree to establish a nuclear regulatory authority and procedures of a kind comparable to those of the U.S. Nuclear Regulatory Commission.
- o KEDO could agree to cooperate in this endeavor at the earliest possible date to ensure safe LWR construction, operation, and maintenance by the DPRK.
 - Specific cooperative efforts should be arranged outside the LWR contract.
 - The U.S. Nuclear Regulatory Commission (NRC) and Department of Energy may be able to provide training and technical support (perhaps in concert with South Korean and Japanese agencies, the IAEA, or other interested states).
- o All relevant environmental statements and safety analyses should be of a scope similar to those in the U.S. and should be made available to the public.
- o Regardless of DPRK efforts in this regard, it may be necessary to obtain an independent agency to perform the nuclear regulatory functions required during and after construction. A third state may have to perform this function.

6. Licenses, Inspections, Access:

- o The DPRK must assure that all visas, licenses, permits, import and export licenses, and approvals necessary for completion of the LWR project will be provided expeditiously and free of charge.

Will NRC do this?
If not, who?

h

- o The DPRK must assure that contractors, subcontractors, KEDO representatives, and workers will have full, unimpeded access to the project site and to transportation routes to and from the project site.
- o The DPRK must assure that local labor, building materials, electrical power, and other amenities required by KEDO and its contractors will be available at prevailing rates (including a mutually agreed exchange rate where applicable).
- o The DPRK must agree to facilitate currency exchange and financial transactions and the establishment of local offices for KEDO and its contractors.
- o The DPRK must assure consular access to any project personnel detained by the DPRK.
- o The DPRK must agree generally to cooperate fully with KEDO representatives and contractors in matters related to the project.
- o For its part, KEDO should assure that the DPRK will have access to project plans and drawings and to the construction site in order to carry out inspection and licensing functions.

7. Fuel Supply:

- o We should consider whether the supply contract should address issues related to LWR fuel supply.

8. Liability:

- o The supply contract must apportion liability for third party claims arising from an LWR accident. Without adequate liability coverage, nuclear firms will be reluctant to take part in the project.
- o At a minimum, the DPRK must assure that it will bring no such claims on its own behalf or on behalf of others and that no claims against the LWR suppliers will be entertained in the DPRK's courts.
 - The DPRK would likely have to change its domestic law to provide such liability protection.
- o We could also require the DPRK to provide for the defense of third-party claims in any court and to indemnify the LWR suppliers for any judgments that might be assessed.

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- o However, since the DPRK may not be regarded as a credible guarantor for the large sums potentially involved, we will have to pursue back-up liability protection as well (e.g., other countries, insurance, etc.).

9. Technical Assistance and Training:

- o The supply contract might provide for technical assistance and training for the DPRK during construction and after the beginning of operation, at least to the extent such assistance is typically provided by LWR suppliers.
- o However, the bulk of the training needed to operate the reactors safely should be handled outside the LWR contract by KEDO, the IAEA, and individual countries, as appropriate.

10. Intellectual Property:

- o The supply contract must provide for the protection of the intellectual property of the firms supplying the reactors.
- o The DPRK may have to ^{adopt} ~~pass~~ legislation to provide for the necessary protection.

11. Dispute Resolution and Applicable Law:

- o The supply contract must identify a mechanism for dispute resolution.
 - KEDO should seek the kind of provision usually included in international agreements -- negotiation followed by possible arbitration. The DPRK would probably prefer to identify a specific judicial system. However, the difficulty of reaching agreement on such a system might lead us to identify an arbitration mechanism.
- o The supply contract should specify that the laws of a particular country will apply to disputes arising under the contract.
 - The laws of the U.S. may be an option, but it may be necessary to pick an uninvolved country.

Would we want this option?

^

WASHFAX RECEIPT
DEPARTMENT OF STATE

B

S/S #

MESSAGE NO. _____ CLASSIFICATION Confidential No. Pages

FROM: G Samore S/AL 7-1829 6313
(Officer name) (Office symbol) (Extension) (Room number)

MESSAGE DESCRIPTION Nonpaper on elements of
LWR contract

<u>TO: (Agency)</u>	<u>DELIVER TO:</u>	<u>Extension</u>	<u>Room No.</u>
<u>NSC</u>	<u>Dan Poneman</u>	<u>456-9181</u>	
<u>DOO/OSD</u>	<u>Steve Loeffler</u>	<u>695-6565</u>	
<u>DOE</u>	<u>Charles Curtis</u>	<u>586-6479</u>	
<u>OMB</u>	<u>Gordon Adams</u>	<u>395-3859</u>	
<u>Treasury</u>	<u>Susan Levine</u>	<u>622-1983</u>	

FOR: CLEARANCE ☐ INFORMATION ☒ PER REQUEST ☐ COMMENT [

REMARKS: _____

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

Initials: MS Date: 08/18/15

2009-0528-F

S/S Officer: RS

11/10/94 19:19
11/10 '94 20:29

202 586 6828
ID:DOE/NN-1

U.S.D.O.E.

FAX:1-202-586-4452

PAGE 2

001

cc = Adly

DRAFT

November 10, 1994

MEMORANDUM TO : GORDON ADAMS
FROM: CHARLES B. CURTIS
SUBJECT: Funding for North Korean Spent Fuel Activities

At the request of the National Security Council, this memorandum confirms the details of the Department of Energy's commitments regarding funding for activities related to the approximately 8,000 spent fuel rods in North Korea.

- The Department of Energy will provide between \$5-10 million for the purpose of spent fuel pool water treatment and wet canning of the fuel rods. The specific activities to be carried out for this purpose are uncertain at this time and will be clarified by the U.S. delegation visiting North Korea on spent fuel issues this week. Additionally, the precise cost requirements for these activities can only be determined after the U.S. delegation reviews the North Korean site.
- The Department of Energy believes that it has authority to carry out the spent fuel related activities under authorities contained in sections 3, 122 and 161 of the Atomic Energy Act.
- The Department of Energy has determined that it has unobligated funds and would not be required by statute to reprogram funds for the purpose of carrying out the spent fuel related activities. However, as a matter of practice, the Department of Energy has traditionally sought congressional approval for the transfer of funds for newly identified purposes, such as the activities related to the North Korean spent fuel. Therefore, it is the view of the Department of Energy that since the funds for this purpose have not been explicitly approved by the Congress, the Department needs to adhere to its customary reprogramming practice if funds are to be used for North Korean spent fuel activities.

OPTIONAL FORM 98 (7-90)		<i>Please call Monday Am</i>	
FAX TRANSMITTAL		# of pages ▶	
To	DAN POMERAN	From	JEFF HUGHES
Dept./Agency	NSC	Phone #	586-6479
Fax #	456-9180	Fax #	586-6828
NSN 7640-01-317-7368		5099-101 GENERAL SERVICES ADMINISTRATION	

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. letter	POTUS to President Kim (ROK) (2 pages)	09/16/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

FOLDER TITLE:

North Korea - Framework [2]

2009-0528-F
kc1589

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]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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- 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]

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9407822
RECEIVED: 27 SEP 94 11

TO: PRESIDENT

FROM: MURAYAMA, TOMIICHI

DOC DATE: 21 SEP 94
SOURCE REF:

KEYWORDS: JAPAN
NON PROLIFERATION

KOREA NORTH
HS

PERSONS:

SUBJECT: LTR FM PM MURAYAMA OF JAPAN RE NORTH KOREA NUCLEAR WEAPONS
DEVELOPMENT ISSUE IS SERIOUS PROBLEM FOR INTEGRITY OF INTL

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 30 SEP 94 STATUS: S

STAFF OFFICER: ROTH

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

ROTH

FOR CONCURRENCE

AOKI
KRISTOFF
PONEMAN

FOR INFO

BAKER JANE
GRAY
SENS
SODERBERG
WOLIN

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND _____ W/ATTCH _____

OPENED BY: NSJDA

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED



United States Department of State

Washington, D.C. 20520

September 23, 1994

MEMORANDUM FOR: Mr. William Itoh
Executive Secretary
National Security Council Staff
The White House

SUBJECT: Alerting NSCS on Presidential
Correspondence

Enclosed is the original of a letter to President Clinton from Japanese Prime Minister Tomiichi Murayama which is transmitted for your information.

This correspondence was received in the Information Resources Management Section of the Executive Secretariat on September 23 1994. A copy has been assigned to the appropriate bureau for action.

A handwritten signature in dark ink, appearing to read "S. Muel".

Chief, S/S-IRM/RMD
Information Resources Management Section
Records Management Division
Executive Secretariat
647-2991



EMBASSY OF JAPAN
WASHINGTON, D.C.

September 21, 1994

Dear Mr. President:

I have the honor to transmit to you, enclosed herewith, a copy of a letter from Mr. Tomiichi Murayama, Prime Minister of Japan.

Allow me to extend my warmest regards.

Respectfully yours,

Takakazu Kuriyama
Ambassador of Japan

The President
The White House
Washington, D.C. 20500

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008a. letter	Prime Minister Murayama to POTUS (Japanese) (1 page)	09/21/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

FOLDER TITLE:

North Korea - Framework [2]

2009-0528-F
kc1589

RESTRICTION CODES

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008b. letter	Prime Minister Murayama to POTUS (English) (2 pages)	09/21/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

FOLDER TITLE:

North Korea - Framework [2]

2009-0528-F
kc1589

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Talking Points: Assurances Against
Reprocessing LWR Spent Fuel

- o While the LWRs are being built, the freeze will specifically preclude DPRK reprocessing. By the time the LWRs are built, the DPRK's reprocessing facilities will have been dismantled.
- o In addition, while the LWRs are being built, the DPRK will have to "take steps" to implement the North-South Declaration on the Denuclearization of the Korean Peninsula (NSDD).
 - If, during this period, the NSDD founders or the DPRK takes actions inconsistent with the NSDD, the U.S. and KEDO will be able to suspend activities on the LWR project.
- o After the LWR project is completed (10-12 years from now), any efforts to build new reprocessing facilities will be detected by the U.S. and will be in violation of the NSDD.
- o Moreover, any effort to reprocess LWR spent fuel will violate the U.S.-DPRK agreement for nuclear cooperation, which is required by the Agreed Framework and the Confidential Minute.
 - South Korea cannot construct its standard reactor model without key components supplied by a U.S. manufacturer.
 - Under U.S. law, these components cannot be supplied without an agreement for nuclear cooperation. The agreement for cooperation, by law, must include a U.S. consent right over reprocessing. This reprocessing consent right covers spent fuel from any reactor constructed using key components exported from the U.S.
 - This consent right applies regardless of who builds the reactor, who supplies the fuel, and who owns the fuel.
- o Finally, we have on the negotiating record, in response to a statement of the U.S. view, a concurrence by the DPRK that "that is what the agreement says."
- o If specific language on reprocessing LWR spent fuel was essential, the delegation should have been so instructed.
- o If we now seek an specific language from the DPRK on this issue, the result could be contrary to our interests.
 - First, it could imply that we lack confidence in the sound arguments raised above.
 - Second, the DPRK might reject specific language due to the late stage of negotiations and its distaste for express restrictions on its "sovereignty." The negotiating record might then weaken our otherwise sound arguments.

- Third, the DPRK would unquestionably seek additional concessions or "clarifying statements" of its own in exchange. (For example, raising LWR spent fuel could prompt the DPRK to open the issue of LWR fuel supply, which we have been fortunate to avoid so far.)
- o The Agreed Framework and Confidential Minute are political documents that clearly establish the principle of no reprocessing in the DPRK. DPRK reprocessing of LWR spent fuel clearly would violate the spirit and the letter of the accord.
- o At this time, given the risk to the negotiations, the ample arguments available in the current text, and the political nature of these documents, the marginal utility of the language sought by DOD does not justify pursuing it in the text of the agreement.

Statement to the Press
by ROK Deputy Prime Minister Lee Hong-Koo
October 15, 1994

We expect and hope that the new regime in North Korea will be inaugurated in stability, because stability in North Korea will be conducive to stability on the Korean peninsula as a whole.

The new regime in North Korea should open an era of reconciliation and cooperation between South and North through coexistence and co-prosperity in a stable atmosphere.

We will accept positively the results of the U.S.-DPRK talks as long as our five principles for the resolution of the North Korean nuclear issue are maintained.*

The conclusion of an agreement between the U.S. and DPRK will be a major breakthrough for the improvement of Inter-Korean relations.

We hope that South and North will wash away the uncomfortable atmosphere which has lasted for several months. We also hope that we can return to the atmosphere or dialogue that prevailed in June, since that may eventually contribute to stability and peace on the Korean peninsula.

- - - - -

* South Korea's Five Principles are as follows:

1. A freeze on DPRK nuclear development.
2. Avoidance of war; resolution of problems through dialogue and negotiations,
3. The resumption of N-S dialogue (including implementation of the Denuclearization Declaration), based on the principle that the resolution of questions of the Korean peninsula should be made by the parties directly involved.
4. Securing the transparency of North Korea's past, present and future nuclear activities, according to the standards and the judgment of the IAEA.
5. There is no alternative to the ROK-type LWR.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. cable	re IAEA and Foreign Policy (23 pages)	07/26/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

FOLDER TITLE:

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2009-0528-F
kc1589

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