→ RDLB - Healy

DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES

January 25, 1979

Mr. Louis V. Nosenzo
Deputy Assistant Secretary
Nuclear Energy & Energy Technology Affairs
Department of State
Washington, D.C. 20520

Dear Mr. Nosenzo:

I acknowledge receipt of your letter of January 25, 1979 regarding exports to the European Community of nuclear components specially designed or prepared for use in a nuclear facility, deuterium (including heavy water) and reactor grade graphite (as detailed in 10 CFR 110).

I can confirm that it is also the understanding of the Commission of the European Communities (a) that the above mentioned items fall within the category of "material, including equipment and devices" in Article XI of the Agreement for Cooperation between the United States and Euratom, signed at Brussels November 8, 1958, as amended; (b) that these items will be transferred under the U.S.-Euratom Cooperation Agreements and thus be subject to the guarantees in this article; and (c) that, therefore, the criteria set forth in section 109 b of the Atomic Energy Act and section 110.42(b) of the NRC regulations are met with respect to these items.

Sincerely yours,

F. Spaak
Head of Delegation

MG/ajs

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RK

EMBASSY OF SWITZERLAND
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Ref.: 461.51(1) - MR/ho

October 3, 1978

Mr. Dixon B. Hoyle
Acting Deputy Assistant Secretary
Bureau of Oceans and International
Environmental and Scientific
Affairs
U.S. Department of State
Washington, D.C. 20520

Dear Mr. Hoyle:

In answer to your letter of September 19, 1978, I hereby confirm that exports of nuclear components specially designed or prepared for use in a nuclear facility, deuterium (including heavy water) and reactor grade graphite (as detailed in Appendix A of 10 CFR 110) will fulfill the following criteria:

1) IAEA safeguards as required by Article III(2) of the NPT will be applied with respect to such equipment or material;

2) No such equipment or material will be used for any nuclear explosive device or for research on or development of any nuclear explosive device; and

3) No such equipment or material will be retransferred without the prior approval of the United States.

We fully appreciate your generic approach which certainly will be simpler than a case-by-case basis.

Furthermore it would be helpful for the control system in Switzerland if the U.S. Department of Commerce (or any other U.S. authority) would ask the Swiss consignee for an "International Import Certificate" as has been done in the past.

Sincerely yours,

R. E. Mueller

R.E. Mueller
Energy Counselor