

Communication of 10 January 2008 received from the Permanent Mission of the United Kingdom regarding the Export of Nuclear Material and of Certain Categories of Equipment and Other Material

1. The Director General has received a *note verbale* from the Permanent Mission of the United Kingdom, dated 10 January 2008, in which it requests that the Agency circulate to all Member States a letter of 12 December 2006 from the Chairman of the Zangger Committee, Mr Pavel Klucký, to the Director General, on behalf of the Governments of Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Republic of Korea, Luxemburg, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, concerning the export of nuclear material and of certain categories of equipment and other material.

2. In the light of the wish expressed in the above-mentioned *note verbale*, the text of the *note verbale*, as well as the letter and attachments thereto, are hereby reproduced for the information of all Member States.

Note No 002/08

The Permanent Mission of the United Kingdom to the International Atomic Energy Agency and to the Preparatory Commission for the CTBTO presents its compliments to the Agency and has the honour to forward a letter, dated 12 December 2006, from Pavel Klucky, Chairman of the Zangger Committee, regarding clarifications agreed by the Committee to INFCIRC 209, to be conveyed to the Director General of the International Atomic Energy Agency, Dr Mohamed ELBARADEI.

The Permanent Mission of the United Kingdom has the honour to request that the above mentioned clarifications to INFCIRC 209 be circulated amongst the Member States of the IAEA.

The Permanent Mission of United Kingdom to the International Atomic Energy Agency and to the Preparatory Commission for the CTBTO avails itself of this opportunity to renew to the Agency the assurances of its highest consideration.

UNITED KINGDOM MISSION

VIENNA

10 January 2008

International Atomic Energy Agency



CHAIRMAN OF THE ZANGGER COMMITTEE

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Dear Director General,

I, on behalf of the Czech Republic and all other Zangger Committee Members, which are Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Croatia, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Republic of Korea, Luxemburg, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States of America, have the honour to refer to relevant previous communications from the Resident Representatives of the Governments of all Member States of the Zangger Committee to the International Atomic Energy Agency.

In the years since the procedures described in INFCIRC/209 were formulated for the export of certain categories of equipment and material especially designed or prepared for the processing, use or production of special fissionable material, developments in nuclear technology have brought about the need to clarify parts of the Trigger List originally incorporated in Memorandum B of INFCIRC/209. Such clarifications have been covered in the INFCIRC/209/Mods. 1, 2, 3 and 4/Corr.1 (consolidated in INFCIRC/209/Rev.1), INFCIRC/209/Rev.1/Mods. 1, 2, 3 and 4/Corr.1 and INFCIRC/209/Rev.2.

The Governments of the above referenced States have decided in accordance with their respective national legislation to clarify the Trigger List. Therefore, I wish to inform you that the approved Trigger List clarifications should be made in Memorandum B paragraph 2.5 and Annex to the Trigger List, Section 5, and Annex to the Trigger List paragraph 5.2. as set out in the attached enclosures.

As hitherto, each of these Governments reserves to itself the right to exercise discretion with regard to the implementation and interpretation of the procedures set out in the above mentioned documents and the right to control, if it wishes, the export of relevant items other than those specified in the aforementioned attachment.

Insofar as trade within the European Union is concerned, the Governments of the European Union Member States will implement these procedures in the light of their commitments as Member States of that Union.

His Excellency
Dr. Mohamed ElBaradei
Director General
International Atomic Energy Agency
Vienna

I should be grateful if you would circulate the text of this letter and the amended Memorandum B referred to above to all International Atomic Energy Agency Member States for their information.

Accept, Director General, the assurances of my highest consideration.

Vienna, 12 December 2006

A handwritten signature in black ink, appearing to read 'P. Kluciký', written in a cursive style.

Pavel Kluciký
Chairman of the Zangger Committee

Memorandum B

2.5. Plants for the separation of isotopes of natural uranium, depleted uranium or special fissionable material and equipment, other than analytical instruments, especially designed or prepared therefor (see Annex, section 5)

EXPLANATORY NOTE

The Government recognizes the close relationship for certain isotope separation processes between plants and equipment for uranium enrichment and that for the separation of stable isotopes for research, medical and other non-nuclear industrial purposes. In that regard, the Government should carefully review its legal measures, including export licensing regulations and security practices, for stable isotope separation activities to ensure the implementation of appropriate protection measures as warranted. The Government recognizes that, in particular cases, appropriate protection measures for stable isotope separation activities will be essentially the same as those for uranium enrichment. (See Introductory Note in Section 5 of the Annex to the Trigger List.)

Annex to the Trigger List, Section 5, Introductory Note:

5. Plants for the separation of isotopes of natural uranium, depleted uranium or special fissionable material and equipment, other than analytical instruments, especially designed or prepared therefor

INTRODUCTORY NOTE

Plants and equipment for the separation of uranium isotopes have, in many instances, a close relationship to plants and equipment for the separation of stable isotopes. In particular cases, the controls under Section 5 also apply accordingly to plants and equipment that are intended for the separation of stable isotopes. These controls of plants and equipment for the separation of stable isotopes are complementary to controls on plants and equipment especially designed or prepared for the processing, use or production of special fissionable material covered by the Trigger List. These complementary Section 5 controls for stable isotope uses do not apply to the equipment using the electromagnetic isotope separation process.

Processes for which the controls in Section 5 over plants and equipment equally apply whether the intended use is uranium isotope separation or stable isotope separation are: gas centrifuge, gaseous diffusion, the plasma separation process, and aerodynamic processes.

For some processes, the relationship to uranium isotope separation depends on the element (stable isotope) being separated. These processes are: laser-based processes (e.g., molecular laser isotope separation and atomic vapor laser isotope separation), chemical exchange, and ion exchange. Governments must

therefore evaluate these processes on a case-by-case basis to apply Section 5 controls for stable isotope uses accordingly.

Items of equipment that are considered to fall within the meaning of the phrase "equipment, other than analytical instruments, especially designed or prepared" for the separation of isotopes of uranium include:

5.2. Especially designed or prepared auxiliary systems, equipment and components for gas centrifuge enrichment plants

INTRODUCTORY NOTE

[unchanged]

5.2.1. Feed systems; product and tails withdrawal systems

[unchanged]

5.2.2. Machine header piping systems

[unchanged]

5.2.3. Special shut-off and control valves

Especially designed or prepared bellows-sealed valves, manual or automated, shut-off or control, made of or protected by materials resistant to corrosion by UF₆, with a diameter of 10 to 160 mm, for use in main or auxiliary systems of gas centrifuge enrichment plants.

5.2.4. UF₆ mass spectrometers/ion sources

[unchanged]

5.2.5. Frequency changers

[unchanged]