

No. 26978

**UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY**

Exchange of letters constituting an agreement concerning the listing of reactors supplied by the Federal Republic of Germany to the Taiwan Power Company on the inventory of the International Atomic Energy Agency Safeguards Agreement of 6 December 1971. Washington, 5 November 1981

Authentic text: English.

Registered by the United States of America on 19 December 1989.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Échange de lettres constituant un accord relatif à l'inscription de réacteurs fournis par la République fédérale d'Allemagne à la « Taiwan Power Company » à l'inventaire de l'Accord avec l'Agence internationale de l'énergie atomique pour l'application de garanties du 6 décembre 1971. Washington, 5 novembre 1981

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 19 décembre 1989.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE LISTING OF REACTORS SUPPLIED BY THE FEDERAL REPUBLIC OF GERMANY TO THE TAIWAN POWER COMPANY ON THE INVENTORY OF THE INTERNATIONAL ATOMIC ENERGY AGENCY SAFEGUARDS AGREEMENT OF 6 DECEMBER 1971²

I

THE AMBASSADOR
OF THE FEDERAL REPUBLIC OF GERMANY

Washington, November 5, 1981

Dear Mr. Kennedy,

My Government has taken note that upon its request the Government of the United States of America is prepared to bring materials and equipment which may be supplied by Kraftwerk Union AG (KWU) for the Taiwan Power Company's nuclear reactor units 7 and 8, including the required fuel assemblies for these units and a fuel fabrication facility, within the scope of the U.S.-Taiwan Bilateral Agreement signed at Washington, D.C., on April 4, 1972, as amended March 15, 1974,³ thereby adding them to the inventory of the U.S.-Taiwan-IAEA Trilateral Agreement done at Vienna on December 6, 1971, provided that the following conditions are met, and in view of the separate agreement of our two Governments on conditions relating to financing of such supply:

¹ Came into force on 5 November 1981 by the exchange of the said letters.

² United Nations, *Treaty Series*, vol. 850, p. 47.

³ *Ibid.*, vol. 952, p. 287.

I.1. Fallback safeguards:

KWU, together with Kernforschungszentrum Karlsruhe GmbH (KFK), will establish under German law a private corporation (the Entity), the mandate of which shall be as defined in this letter. KWU must prove to the Government of the Federal Republic of Germany in a legally binding form that in case the International Atomic Energy Agency (IAEA) for any reason is not or will not be applying safeguards in accordance with the existing safeguards agreements the Entity shall have the following legal rights with respect to material or equipment supplied by KWU or special nuclear material produced through such supply:

- a) to review in a timely fashion the design of any such equipment, or of any facility which is to use, fabricate, process, or store any such material or equipment;
- b) to require the maintenance and production of records and of relevant reports for the purpose of assisting in ensuring accountability for such material and any source material or special nuclear material used in or produced through the use of any such material or equipment; and
- c) to designate personnel who shall have access to all places and data necessary to account for the material referred to in subparagraph (b), to inspect any equipment or facility referred to in subparagraph (a), and to install any devices and make such independent measurements as may be deemed necessary to account for such material.