

No. 021/09

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Poland and has the honor to acknowledge receipt of the Ministry's Note No. DPT-2269-7-2007/174 dated August 28, 2009, which reads in part as follows:

"The Ministry of Foreign Affairs has an honor to propose, on behalf of the Government of the Republic of Poland, the following agreement to facilitate the provision of any technical assistance that may be provided by the United States Government:

- "1. Such assistance may include assistance with: the transfer of fresh and spent research reactor nuclear fuel from the Republic of Poland to the Russian Federation, conversion of the MARIA research reactor at the Institute of Atomic Energy in Otwock-Swierk from the use of high-enriched uranium (HEU) fuel to low-enriched uranium (LEU) fuel, safety upgrade of the reactor system as part of its conversion from HEU fuel to LEU fuel, and security enhancement of the reactor site and nuclear materials stored at the site.
- "2. Any technical assistance provided by the United States of America pursuant to this agreement is subject to available funds.
- "3. In case the United States Government's Technical assistance is provided, the Government of the Republic of Poland agrees that all taxes (including value-added taxes), customs duties, or other charges imposed by Polish law on any part of technical assistance provided by the United States Government shall be financed fully and promptly by the

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Government of the Republic of Poland. In case those taxes, duties or other charges will be paid by the United States Government, the Government of the Republic of Poland shall provide prompt and Full reimbursement to the United States Government for those taxes, duties or other charges.

"4. The Government of the Republic of Poland shall be responsible for any liability arising out of technical assistance provided by the United States Government as set forth in paragraph 1 above, in accordance with the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963.

"5. Ministries and agencies of the two Governments will enter into implementing agreements and other arrangements to implement technical assistance provided by the United States Government pursuant to this agreement.

"If these proposals are acceptable to the United States Government, it is further proposed that the present note and the affirmative note in reply, confirming on behalf of the United States Government the foregoing arrangements, shall be regarded as constituting an agreement between the two Governments, which shall enter into force on the date of the Embassy's of the United States of America affirmative note in reply.

"The Ministry of the Foreign Affairs of the Republic of Poland avails itself of this occasion to renew to the Embassy of the United States of America the assurances of its highest consideration."

On behalf of the Government of the United States of America, the Embassy has the honor to accept the proposal set forth in paragraphs 1 through 5 of the Ministry's Note, and to confirm that this Note and the Ministry's Note in this regard shall constitute an agreement between the two Governments, which shall enter into force on the date of this Note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Poland the assurances of its highest consideration.



Embassy of the United States of America,
Warsaw, September 8, 2009.



TRANSLATION/COMPARISON

DPT-2269-72007/174

The Ministry of Foreign Affairs of the Republic of Poland presents its compliments to the Embassy of the United States of America and also has the honor to refer to note DPB 10-9-08 dated January 29, 2008, from the Ministry of Foreign Affairs of the Republic of Poland in reply to U.S. Embassy note 2007-005/ECON dated June 1, 2007, regarding the assistance that could be provided by the Government of the United States of America through the Department of State of the United States of America for the purpose of transferring fresh and spent research reactor nuclear fuel of Russian origin from the MARIA and EWA research reactors located in Owock-Swierk in the territory of the Russian Federation, where it will be stored and then converted, and the resultant radioactive waste will be appropriately neutralized.

[See U.S. Text]