

*Administration of Barack H. Obama, 2010*

**Memorandum on Certifications Pursuant to the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act**  
*February 3, 2010*

Presidential Determination No. 2010-04

*Memorandum for the Secretary of State*

*Subject:* Certifications Pursuant to Section 104 of the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act Regarding the Safeguards Agreement Between India and the International Atomic Energy Agency

Pursuant to section 104 of the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act (Public Law 110-369), I hereby determine and certify that:

1. The Agreement between the Government of India and the International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities, as approved by the Board of Governors of the International Atomic Energy Agency on August 1, 2008 (the "Safeguards Agreement"), has entered into force; and
2. The Government of India has filed a declaration of facilities pursuant to paragraph 13 of the Safeguards Agreement that is not materially inconsistent with the facilities and schedule described in paragraph 14 of the Separation Plan presented in the national parliament of India on May 11, 2006, taking into account the later initiation of safeguards than was anticipated in the Separation Plan.

You are authorized and directed to publish this determination in the *Federal Register*.

BARACK OBAMA

[Filed with the Office of the Federal Register, 8:45 a.m., February 18, 2010]

NOTE: This memorandum was published in the *Federal Register* on February 19.

*Categories:* Communications to Federal Agencies : United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act, memorandum on certifications.

*Subjects:* Arms and munitions : Nuclear weapons and material :: Nonproliferation efforts; Energy : Nuclear energy; India : Nuclear energy, cooperation with U.S.

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