

No. 5242

**UNITED STATES OF AMERICA
and
AUSTRIA**

**Agreement for co-operation concerning civil uses of atomic
energy. Signed at Washington, on 22 July 1959**

Official text: English.

Registered by the United States of America on 13 July 1960.

**ÉTATS-UNIS D'AMÉRIQUE
et
AUTRICHE**

**Accord de coopération concernant l'utilisation de l'énergie
atomique à des fins civiles. Signé à Washington, le
22 juillet 1959**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 13 juillet 1960.

No. 5242. AGREEMENT¹ FOR CO-OPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA CONCERNING CIVIL USES OF ATOMIC ENERGY. SIGNED AT WASHINGTON, ON 22 JULY 1959

Whereas the peaceful uses of atomic energy hold great promise for all mankind; and

Whereas the Government of the United States of America and the Government of the Republic of Austria desire to cooperate with each other in the development of such peaceful uses of atomic energy; and

Whereas the design and development of several types of research reactors are well advanced; and

Whereas research reactors are useful in the production of research quantities of radioisotopes, in medical therapy, and in numerous other research activities and at the same time are a means of affording valuable training and experience in nuclear science and engineering useful in the development of other peaceful uses of atomic energy including civilian nuclear power; and

Whereas the Government of the Republic of Austria desires to pursue a research and development program looking toward the realization of the peaceful and humanitarian uses of atomic energy and desires to obtain assistance from the Government of the United States of America and United States industry with respect to this program; and

Whereas the Government of the United States of America, acting through the United States Atomic Energy Commission, desires to assist the Government of the Republic of Austria in such a program; and

Whereas the Parties desire this Agreement to supersede the Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Austria Concerning Civil Uses of Atomic Energy, signed at Washington on June 8, 1956;²

The Parties agree as follows :

¹ Came into force on 25 January 1960, the date on which each Government received from the other Government written notification that it had complied with all statutory and constitutional requirements for the entry into force of the Agreement, in accordance with article XII.

² United Nations, *Treaty Series*, Vol. 253, p. 139.

Article I

For the purposes of this Agreement :

(a) " Commission " means the United States Atomic Energy Commission or its duly authorized representatives.

(b) " Equipment and devices " means any instrument or apparatus and includes research reactors, as defined herein, and their component parts.

(c) " Research reactor " means a reactor which is designed for the production of neutrons and other radiations for general research and development purposes, medical therapy, or training in nuclear science and engineering. The term does not cover power reactors, power demonstration reactors, or reactors designed primarily for the production of special nuclear materials.

(d) " Restricted Data " means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

(e) " Special nuclear material " means : (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, or any other material which the Commission or the Government of the Republic of Austria determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing.

(f) " Atomic weapon " means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(g) " Under its jurisdiction " as used in Articles II, VIII, IX and XI means subject to the laws of; and as used in Articles IV, V, VI and VII means within the territory and subject to the laws of. " Beyond the jurisdiction of " as used in Article IX means not within the territory and not subject to the laws of.

Article II

Restricted Data shall not be communicated under this Agreement, and no materials or equipment and devices shall be transferred and no services shall be furnished under this Agreement to the Republic of Austria or authorized persons under its jurisdiction if the transfer of any such materials or equipment and

devices or the furnishing of any such services involves the communication of Restricted Data.

Article III

A. Subject to the provisions of Article II, the Parties hereto will exchange information in the following fields :

1. Design, construction, and operation of research reactors and their use as research, development, and engineering tools and in medical therapy.
2. Health and safety problems related to the operation and use of research reactors.
3. The use of radioactive isotopes in physical and biological research, medical therapy, agriculture, and industry.

B. The application or use of any information or data of any kind whatsoever, including design drawings and specifications, shall be the responsibility of the Party which receives and uses such information or data, and it is understood that the other Party does not warrant the accuracy, completeness, or suitability of such information or data for any particular use or application.

Article IV

A. The Commission will sell or lease, as may be agreed, to the Government of the Republic of Austria, uranium enriched up to twenty per cent (20%) in the isotope U-235, except as otherwise provided in paragraph C of this Article, in such quantities as may be agreed in accordance with the terms, conditions, and delivery schedules set forth in contracts for fueling defined research and materials testing reactors which the Government of the Republic of Austria, in consultation with the Commission, decides to construct or authorize private organizations to construct and which are constructed in Austria; provided, however, that the net amount of any uranium which shall have been sold or leased under this Article during the period of this Agreement shall not at any time exceed fifty (50) kilograms of contained U-235. This net amount shall be the gross quantity of such contained U-235 in uranium less the quantity of contained U-235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this Agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America.

B. Within the limitations contained in paragraph A of this Article, the quantity of uranium enriched in the isotope U-235 transferred by the Commission under this Article and in the custody of the Government of the Republic of Austria shall not at any time be in excess of the quantity necessary for the full loading of each defined reactor project which the Government of the Republic of Austria or persons under its jurisdiction construct and fuel with uranium received from the United States of America, as provided herein, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of such reactor or reactors while replaced fuel is radioactively cooling, is in transit, or, subject to the provisions of paragraph E of this Article, is being reprocessed in Austria, it being the intent of the Commission to make possible the maximum usefulness of the material so transferred.

C. The Commission may, upon request and in its discretion, make a portion of the foregoing special nuclear material available as uranium enriched up to ninety per cent (90%) in the isotope U-235 for use in research or materials testing reactors each capable of operating with a fuel load not to exceed eight (8) kilograms of contained U-235 in uranium.

D. It is understood and agreed that although the Government of the Republic of Austria may distribute uranium enriched in the isotope U-235 to authorized users in Austria, the Government of the Republic of Austria will retain title to any uranium enriched in the isotope U-235 which is purchased from the Commission at least until such time as private users in the United States of America are permitted to acquire title in the United States of America to uranium enriched in the isotope U-235.

E. It is agreed that when any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities or facilities acceptable to the Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel shall not be altered after its removal from the reactor and prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

F. With respect to any special nuclear material not subject to the option referred to in paragraph G of this Article and produced in reactors fueled with materials received from the United States of America which is in excess of the need of the Republic of Austria for such material in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted (a) a first option to purchase such material at prices