

15/6

No. 6338

**UNITED STATES OF AMERICA
and
INTERNATIONAL ATOMIC ENERGY AGENCY**

**Agreement (with annexes) for the application of Agency
safeguards to four United States reactor facilities.
Signed at Washington, on 30 March 1962**

Official text: English.

Registered by the United States of America on 15 October 1962.

**ÉTATS-UNIS D'AMÉRIQUE
et
AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE**

**Accord (avec annexes) relatif à l'application des garanties
de l'Agence à quatre ensembles réacteurs aux États-
Unis. Signé à Washington, le 30 mars 1962**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 15 octobre 1962.

No. 6338. AGREEMENT¹ BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF AGENCY SAFEGUARDS TO FOUR UNITED STATES REACTOR FACILITIES. SIGNED AT WASHINGTON, ON 30 MARCH 1962

WHEREAS the Government of the United States of America (hereinafter called the "United States"), in order to lend its support to the safeguards programme of the International Atomic Energy Agency (hereinafter called the "Agency") and to assist in the development of the programme by providing it with a field laboratory, has invited the Agency to apply its safeguards to certain United States reactor facilities which were established without any assistance from the Agency ;

WHEREAS the Board of Governors of the Agency (hereinafter called the "Board"), on 28 February 1962, has accepted such invitation ;

NOW, THEREFORE, the Agency and the United States agree as follows :

Article I

USE OF REACTORS FOR PEACEFUL PURPOSES

Section 1. During the term of this Agreement the United States will not use in such a way as to further any military purpose :

- (a) The four reactor facilities specified in Annex A² to this Agreement (hereinafter called the "reactor facilities"), or
- (b) Any special fissionable material produced by the use of the reactor facilities during the term of this Agreement.

Section 2. In the context of this Agreement, the facilities and materials specified in Section 1 will be considered not to be used in furtherance of any military purpose, regardless of what organization sponsors or conducts such use, when such facilities or materials are used :

- (a) In a recognized area of basic research, or
- (b) In work directed towards a specified peaceful application the results of which are to be published in open literature or will, on request, be made available to the Agency for possible publication.

¹ Came into force on 1 June 1962, in accordance with the provisions of article IX, section 19.

² See p. 60 of this volume.

Article II

APPLICATION OF AGENCY SAFEGUARDS

Section 3. The Agency will apply safeguards, in accordance with the principles of Article XII of its Statute¹ and with the provisions of this Agreement, to :

- (a) The reactor facilities ;
- (b) Special fissionable material produced in any of the reactor facilities during the term of this Agreement ;
- (c) Nuclear material while it is being processed or used in any of the reactor facilities ; and
- (d) Nuclear material while it is intermixed with nuclear material to which Agency safeguards are hereby applied.

Section 4. The application of Agency safeguards will be terminated :

- (a) At the termination of this Agreement ; or
- (b) When there are no conditions as listed in Section 3 that require application of Agency safeguards.

Section 5. Agency safeguards applied to nuclear material pursuant to this Agreement will be suspended while such material is transferred solely for the purpose of processing, reprocessing or testing to any other Member State or to any group of States or to an international organization under an agreement between the parties concerned approved by the Agency, or, under an arrangement approved by the Agency, to a facility within the United States of America to which safeguards are not applied, provided that :

- (a) The United States places under Agency safeguards, before such transfer and suspension, an amount of nuclear material at least equal, with due allowance for processing losses, to such transferred material and not otherwise subject to safeguards ; or
- (b) The quantities of such transferred material are not at any time in excess of :
 - (i) In the case of natural uranium or depleted uranium with a uranium-235 content of 0.5 per cent or greater—10 metric tons ;
 - (ii) In the case of depleted uranium with a uranium-235 content of less than 0.5 per cent—20 metric tons ;
 - (iii) In the case of thorium—20 metric tons ;
 - (iv) In the case of special fissionable material—1000 grammes of plutonium, uranium-233 or fully enriched uranium or its equivalent (calculated in

¹ United Nations, *Treaty Series*, Vol. 276, p. 3 ; Vol. 293, p. 359 ; Vol. 312, p. 427 ; Vol. 316, p. 387 ; Vol. 356, p. 378 ; Vol. 394, p. 276 ; Vol. 407, p. 263, and Vol. 416, p. 342.

accordance with the Appendix to the safeguards document) in the case of partially enriched uranium.

Section 6. The application of Agency safeguards suspended pursuant to Section 5 will remain suspended as long as the equivalent material placed under Agency safeguards pursuant to Section 5 (a) remains subject to Agency safeguards ; such application will finally terminate upon termination of this Agreement with respect to such material.

Section 7. Nuclear material not used and not intended for use in the reactor facilities may be stored at such facilities without Agency safeguards being applied to it provided that such material is identified and is segregated from material to which Agency safeguards are applied.

Section 8. Special fissionable material to which Agency safeguards are applied pursuant to Section 3 (b) or 5 (a) shall not be removed from the reactor facilities unless such safeguards are suspended as provided for in Section 5, or if agreement is reached about applying Agency safeguards to additional facilities.

Section 9. The procedures for the application of Agency safeguards are specified in Annex B¹ to this Agreement.

Article III

AGENCY INSPECTORS

Section 10. The provisions concerning Agency inspectors performing functions pursuant to this Agreement shall be those set forth in paragraphs 1 through 7, and paragraphs 9, 10, 12 and 14 of the inspectors document. However, in view of the purposes and scope of this Agreement, the places referred to in paragraph 9 of the inspectors document shall be the four reactor facilities specified in Annex A.

Section 11. In addition to any relevant provisions of the Statute and of Agency regulations, Agency inspectors shall also be bound by paragraph 41 of the safeguards document.

Article IV

USE OF INFORMATION BY THE AGENCY

Section 12. The Agency shall not publish nor communicate to any State, organization or person not on its staff any information obtained by it under this Agreement, except with the consent of the United States.

¹ See p. 64 of this volume.

Article V

FINANCE

Section 13. All expenses incurred by either party in connection with the implementation of this Agreement shall be borne by that party, except that the United States shall not be required to bear any expense for equipment, accommodations, or transport furnished pursuant to paragraph 6 of the inspectors document.

Article VI

LIABILITY

Section 14. The Agency shall indemnify the United States, its officials, agents, employees, contractors and others claiming through it for any injury or damage caused by the Agency or its inspectors, provided, however, that nothing in this Section shall deprive the Agency or its inspectors of any rights under Section 170 of the United States Atomic Energy Act of 1954, as amended, it being understood that the reactor facilities are covered by indemnification agreements pursuant to that Act.

Article VII

AGENCY SAFEGUARDS SYSTEM AND DEFINITIONS

Section 15. This Agreement shall be interpreted in the light of Agency document INFCIRC/26 (in this Agreement called the "safeguards document") in so far as it relates to the application of safeguards. Should the Agency make any changes in such document, or in Agency document GC(V)/INF/39, Annex (in this Agreement called the "inspectors document"), the parties to this Agreement may agree to apply such changed document.

Section 16. Except as otherwise provided in this Agreement, the definitions of the terms "Statute", "Board", "nuclear material", "reactor", "diversion" and "application of safeguards" in the safeguards document apply to the use of those terms in this Agreement. The term "Agency safeguards" as used in this Agreement means the measures prescribed in this Agreement, including those incorporated by reference, to prevent diversion of the facilities and materials specified in Section 1.

Article VIII

SETTLEMENT OF DISPUTES

Section 17. Any dispute arising out of the interpretation or application of this Agreement, which is not settled by negotiation or as may otherwise be agreed,