

No. 7117

**UNITED STATES OF AMERICA
and
INDIA**

**Agreement for co-operation concerning the civil uses of
atomic energy (with annexure). Signed at Washington,
on 8 August 1963**

Official text: English.

Registered by the United States of America on 7 February 1964.

**ÉTATS-UNIS D'AMÉRIQUE
et
INDE**

**Accord de coopération concernant l'utilisation de l'énergie
atomique à des fins civiles (avec annexe). Signé à
Washington, le 8 août 1963**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 7 février 1964.

No. 7117. AGREEMENT¹ FOR CO-OPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF INDIA CONCERNING THE CIVIL USES OF ATOMIC ENERGY. SIGNED AT WASHINGTON, ON 8 AUGUST 1963

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

Whereas the Government of India has decided to construct and operate a civil atomic power station near Tarapur in Maharashtra State as hereinafter specified ;

Whereas the Government of the United States of America and the Government of India desire to cooperate with respect to the construction and operation of the aforesaid civil atomic power station ;

Now therefore the Parties hereto agree as follows :

Article I

Unclassified information shall be exchanged between the Parties hereto with respect to the development, design, construction, operation, and use of the Tarapur Atomic Power Station, including research and development related thereto and problems of health and safety connected therewith.

Article II

A. During the period of this Agreement the United States Commission will sell to the Government of India and the Government of India will purchase from the United States Commission, as needed, all requirements of the Government of India for enriched uranium for use as fuel at the Tarapur Atomic Power Station, it being understood that the Tarapur Atomic Power Station shall be operated on no other special nuclear material than that made available by the United States Commission and special nuclear material produced therefrom. The enriched uranium, which shall contain no more than twenty per cent (20 %) U-235, will be made available in accordance with the terms, conditions and delivery schedules set forth in a contract to be made between the Parties ; provided, however, that the net amount of U-235 contained in the enriched uranium sold hereunder shall not exceed 14,500 kilograms.

¹ Came into force on 25 October 1963, the date on which both Governments notified each other of compliance with all statutory and constitutional requirements for the entry into force of the Agreement, in accordance with article X.

The net amount of U-235 shall be the gross quantity of U-235 contained in the enriched uranium sold to the Government of India hereunder less the quantity of U-235 contained in recoverable uranium resold or otherwise returned to the Government of the United States of America or transferred to any other nation or group of nations or international organization with the approval of the Government of the United States of America.

B. The net amount of U-235 contained in the enriched uranium to be sold pursuant to Paragraph A of this Article has been agreed upon by the Parties on the basis of estimated requirements for fueling the Tarapur Atomic Power Station. If the construction of the Tarapur Atomic Power Station is not begun by June 30, 1965, the United States shall not be required, unless it is otherwise agreed, to sell enriched uranium for fueling the Tarapur Station under this Agreement.

C. Within the limitations contained in Paragraph A of this Article the quantity of enriched uranium sold by the United States Commission under this Article and held by the Government of India pursuant to this Agreement shall not at any time be in excess of the quantity necessary for the full loading of the Tarapur Atomic Power Station, plus such additional quantity as, in the opinion of the Parties, is necessary to permit the efficient and continuous operation of the Station.

D. The Government of India will retain title to any enriched uranium purchased from the United States Commission.

E. It is agreed that when any special nuclear material utilized in the Tarapur Atomic Power Station requires reprocessing, and recourse is not taken by the Government of India to the provisions of Article VI C of this Agreement, such reprocessing may be performed in Indian facilities upon a joint determination of the Parties that the provisions of Article VI of this Agreement may be effectively applied, or in such other facilities as may be mutually agreed. It is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements removed from the reactors shall not be altered before delivery to any such reprocessing facility.

F. With respect to any special nuclear material produced in the Tarapur Atomic Power Station which is in excess of the need of the Government of India for such material in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have the first option to purchase such special nuclear material at the fuel value price of the United States Commission which may be in effect domestically at such time as it may exercise its option. If such option is not exercised, the Government of India may with the approval of the Government of the United States of America transfer such excess special nuclear material to any other nation or group of nations or international organization.

G. Some atomic energy materials which the Government of India may request the United States Commission to provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of India, the Government of India shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials.

Article III

Materials needed for use at or in connection with the Tarapur Atomic Power Station, other than source materials or the special nuclear materials required for fueling the reactors, will, when such materials are not available commercially, be transferred by the Government of the United States of America to the Government of India on such terms and conditions and in such amounts as may be mutually agreed ; provided, however, that special nuclear material transfers will be confined to limited quantities.

Article IV

The application or use of any information (including design drawings and specifications) and any material, equipment and devices, exchanged or transferred under this Agreement, shall be the responsibility of the Party receiving it, and the other Party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, materials, equipment and devices for any particular use or application.

Article V

It is agreed that the Government of the United States of America will permit persons under its jurisdiction to transfer and export materials, equipment and devices, other than source or special nuclear materials, to, and perform services for, the Government of India and such persons under its jurisdiction as are authorized by the Government of India to receive and possess such materials, equipment and devices, and utilize such services for the Tarapur Atomic Power Station, subject to applicable laws, regulations and license requirements of the Government of the United States of America and the Government of India.

Article VI

A. The Parties to this Agreement emphasize their common interest in assuring that any material, equipment or device made available to the Government of India for use in the Tarapur Atomic Power Station, or in connection therewith, pursuant to this Agreement shall be used solely for peaceful purposes. The Government of India emphasizes, in contrast to the position of the United States, that its agreement to the provisions of this Article in relation to equipment or devices transferred pursuant

to this Agreement has been accorded in consideration of the fact that, as provided in this Agreement, the Tarapur Atomic Power Station will be operated on no other special nuclear material than that furnished by the Government of the United States of America and special nuclear material produced therefrom, in consequence of which the provisions of this Article in relation to equipment or devices in any case ensue from the safeguards on fuel.

B. The following arrangements shall be applicable between the Parties :

1. The Parties have reviewed the design of the Tarapur Atomic Power Station and may review any significant modification in this design for the sole purpose of determining that the arrangements provided in this Article can be effectively applied. For the same purpose, the Parties may review the design of other facilities which will use, fabricate or process any special nuclear material made available pursuant to this Agreement or produced in the Tarapur Atomic Power Station. Such a review of the design of these other facilities will not be required if the Government of India, pursuant to mutually acceptable measurement arrangements, has placed an agreed equivalent amount of the same type of special nuclear material under the scope of this Agreement.
2. The Parties have agreed that a system of records and reports shall be established to assure the complete accountability of any special nuclear material which is made available to the Government of India pursuant to this Agreement or which is produced in the Tarapur Atomic Power Station. This system of records and reports shall be as described in the schedule annexed hereto and marked Annexure "A".¹
3. Any special nuclear material made available pursuant to this Agreement or produced in the Tarapur Atomic Power Station, which is surplus to the current needs of the fuel cycle for the Tarapur Atomic Power Station and which is not transferred by the Government of India pursuant to this Agreement, shall, unless otherwise mutually agreed, be stored at the Tarapur Atomic Power Station.
4. There will be consultations and periodic exchanges of visits between the Parties to give assurance that the objectives set forth in paragraph A of this Article and the provisions of this Agreement concerning transfers are being observed. To the extent relevant to the accomplishment thereof, personnel designated by the Government of the United States of America, following consultation with the Government of India, upon request of the Government of the United States of America, and personnel designated by the Government of India shall have full access to the Tarapur Atomic Power Station and to conversion, fabrication and chemical processing facilities in India at such time as special nuclear material transferred to the Government of India for, or received from, the Tarapur Atomic Power Station is located at such facilities, and at such other times as may be

¹ See p. 36 of this volume.