

No. 7122

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

**Agreement (with annexes) for the application of safeguards
by the Agency to the Bilateral Agreement between those
Governments concerning civil uses of atomic energy.
Signed at Vienna, on 23 September 1963**

Official text: English.

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

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

**Accord (avec annexes) pour l'application de garanties par
l'Agence à l'Accord bilatéral entre ces Gouvernements
concernant l'utilisation de l'énergie atomique à des
fins civiles. Signé à Vienne, le 23 septembre 1963**

Texte officiel anglais.

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

No. 7122. AGREEMENT¹ BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN FOR THE APPLICATION OF SAFEGUARDS BY THE AGENCY TO THE BILATERAL AGREEMENT BETWEEN THOSE GOVERNMENTS CONCERNING CIVIL USES OF ATOMIC ENERGY.² SIGNED AT VIENNA, ON 23 SEPTEMBER 1963

WHEREAS the Government of the United States of America (hereinafter called the "United States") and the Government of Japan (hereinafter called "Japan") have been co-operating on the civil uses of atomic energy under their Agreement for Cooperation of 16 June 1958, as amended³ (hereinafter called the "Agreement for Cooperation"), which requires that equipment, devices and materials made available to Japan by the United States be used solely for peaceful purposes and establishes a system of safeguards to that end ; and

WHEREAS the Agreement for Cooperation reflects the mutual recognition by the two Governments of the desirability of arranging for the International Atomic Energy Agency (hereinafter called the "Agency") to administer such safeguards as soon as practicable ; and

WHEREAS the Agency is, pursuant to its Statute³ and the action of its Board of Governors, now in a position to apply safeguards to certain equipment, devices and materials covered by an existing agreement between Member States in accordance with the Agency's safeguards procedures set forth in Agency document INFCIRC/26, approved by the Board on 31 January 1961 (hereinafter called the "Safeguards Document") ; and

WHEREAS the two Governments have reaffirmed their desire that equipment, devices and materials supplied by the United States under the Agreement for Cooperation or produced by the use of such equipment, devices and materials or otherwise subject to that Agreement shall not be used for any military purpose and, accordingly, have requested the Agency to apply the Agency's safeguards to such equipment, devices and materials as hereinafter set forth insofar as the Agency has appropriate provisions to do so ; and

¹ Came into force on 1 November 1963, in accordance with the provisions of article VIII, Section 25.

² United Nations, *Treaty Series*, Vol. 325, p. 143, and Vol. 340, p. 414.

³ See footnote 1, p. 32 of this volume.

WHEREAS the Board of Governors of the Agency has acted favourably upon that request ;

NOW, THEREFORE, the two Governments and the Agency agree as follows :

Article I

USE OF EQUIPMENT, DEVICES AND MATERIALS FOR PEACEFUL PURPOSES

Section 1. Japan hereby undertakes that, during the term of this Agreement, it will not use in such a way as to further any military purpose, any equipment, devices or materials which are subject to the Agreement for Cooperation and for which the Agency has established safeguards procedures. The equipment, devices and materials are to be listed in the inventory provided for in Annex A.¹

Section 2. The United States hereby undertakes that, during the term of this Agreement, it will not use in such a way as to further any military purpose, any special fissionable material which is produced in or by the use of the equipment, devices or materials referred to in Section 1, which has been received by the United States and which, accordingly, is listed in the inventory provided for in Annex A.

Section 3. The Agency hereby undertakes, in order to ascertain whether the undertakings of each Government are being fulfilled, to apply Agency safeguards during the term of and in accordance with the provisions of this Agreement, to equipment, devices and materials for which the Agency has established safeguards procedures, and during the time they are listed in the inventory provided for in Annex A in accordance with Section 1 and 2, provided that there need be no application of safeguards to :

(a) Nuclear materials unless the quantity of PN material of that type in the State, including that listed in the inventory provided for in Annex A, is 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 : plutonium, uranium-233 or fully enriched uranium or its equivalent in the case of partially enriched uranium*—200 grams ;

(b) Reactors specified by Japan and determined by the Agency to have a maximum calculated power for continuous operation of less than three megawatts, provided

* Equivalent amounts can be determined from the equation in the Appendix to the Safeguards Document. The equivalent amounts of plutonium and uranium-233 are the same as for fully enriched uranium.

¹ See p. 116 of this volume.

that the total such power of the reactors thus specified may not exceed 6 thermal megawatts ;

(c) Mines, mining equipment or ore-processing plants.

Such inventory shall be kept current in accordance with the agreements of the parties with respect thereto and the procedures specified hereinafter.

Section 4. Japan and the United States undertake to facilitate the application of such safeguards and to co-operate with the Agency and each other to that end.

Section 5. The United States agrees that the rights provided to it by Article IX of the Agreement for Cooperation will be suspended with respect to any equipment, devices and materials while they are listed in the inventory provided for in Annex A.

Article II

APPLICATION OF AGENCY SAFEGUARDS

Section 6. Japan and the United States shall jointly notify the Agency of :

(a) Any transfer from the United States to Japan of any equipment, devices or materials to be included in the inventory provided for in Annex A ; and

(b) Any transfer from Japan to the United States of any material to be included in the inventory provided for in Annex A.

Such equipment, devices and materials shall be listed in that inventory unless within thirty days of receipt of such notification the Agency notifies the two Governments that it is unable to apply safeguards thereto, for unforeseeable reasons that may emerge.

Section 7. The notification by the two Governments provided for in Section 6 shall normally be sent to the Agency not more than two weeks after the equipment, devices or materials have arrived in the recipient country, except that shipments of natural uranium, depleted uranium or thorium in quantities not exceeding one ton shall not be subject to the two week notification requirement but shall be notified to the Agency at quarterly intervals. Such notification shall include the type, form and quantity of the material or the type and capacity of the equipment and devices involved, the date of shipment and the date of receipt, an identification of the recipient, and any other relevant information.

Section 8. Japan shall notify the Agency, by means of the routine reports required by Annex B,¹ of any special fissionable material it produces, during the period covered by the report, in or by the use of any of the equipment, devices or materials listed in the inventory provided for in Annex A. Upon receipt by the Agency of the notification, such materials shall be so listed, provided that any material so produced shall be deemed to be subject to the Agency's safeguards provided for by this Agreement from the time it is produced. The Agency may verify the calculations of the amounts of such materials ; appropriate adjustment in the inventory provided for in Annex A will be made by agreement of the Parties concerned.

¹ See p. 116 of this volume.

Section 9. Japan and the United States shall jointly notify the Agency of the return to the United States of any equipment, devices or materials listed in the inventory provided for in Annex A other than materials covered by Section 8. When the United States notifies the Agency of its receipt thereof, such equipment, devices and materials will be deleted from such inventory.

Section 10. Japan and the United States shall jointly notify the Agency of any equipment, devices or materials listed in the inventory provided for in Annex A which Japan and the United States have authorized to be transferred beyond the jurisdiction of Japan and the United States. Upon such notification and transfer, the equipment, devices or materials will be deleted from such inventory, provided that :

(a) Agency safeguards continue to apply to such equipment, devices or materials ; or

(b) Such transfer of equipment, devices or materials takes place under other safeguards, generally consistent with Agency safeguards, acceptable to Japan and the United States.

Section 11. Agency safeguards applied to nuclear material pursuant to this Agreement will be suspended while such material is transferred to any other State or group of States or to an international organization, solely for the purpose of processing, reprocessing or testing, under an agreement between the parties concerned, approved by the Agency, and within the scope of the Agreement for Cooperation, or to a facility within the United States to which safeguards are not applied under an arrangement approved by the Agency, provided that :

(a) The agreement or the arrangement requires that a party thereto place under Agency safeguards, at a time to be agreed and with due allowance for processing losses, an amount of nuclear material at least equal 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 : plutonium, uranium-233 or fully enriched uranium or its equivalent in the case of partially enriched uranium* —1,000 grams.

* See footnote *, p. 102 of this volume.