

No. 7580

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

**Agreement for the application of safeguards to United
States reactor facilities. Signed at Vienna, on 15 June
1964**

Official text: English.

Registered by the International Atomic Energy Agency on 8 February 1965.

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

**Accord pour l'application de garanties à des ensembles
réacteurs aux États-Unis. Signé à Vienne, le 15 juin 1964**

Texte officiel anglais.

Enregistré par l'Agence internationale de l'énergie atomique le 8 février 1965.

No. 7580. AGREEMENT¹ BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS TO UNITED STATES REACTOR FACILITIES. SIGNED AT VIENNA, ON 15 JUNE 1964

WHEREAS the Government of the United States of America (hereinafter called the "United States"), desiring to lend its support to the expanded safeguards programme of the International Atomic Energy Agency (hereinafter called the "Agency") has invited the Agency to apply its safeguards to the Yankee Nuclear Power Station and to the Brookhaven Graphite, the Brookhaven Medical, and the Piqua Reactor Facilities, all of which have been established in the United States of America without any assistance from the Agency ;

WHEREAS the Board of Governors of the Agency (hereinafter called the "Board") has accepted such invitation on 11 June 1964.

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

Article I

USE OF REACTORS FOR PEACEFUL PURPOSES

Section 1. The United States hereby undertakes that, during the term of this Agreement, the following reactor facilities (hereinafter called the "reactor facilities") will not be used in such a way as to further any military purpose :

- (a) The Yankee Nuclear Power Station, located in the town of Rowe, Massachusetts, a nominal 600 thermal megawatt, pressurized light-water moderated and cooled, slightly enriched uranium fuelled reactor, owned and operated by the Yankee Atomic Electric Company ;
- (b) The Brookhaven Graphite Research Reactor Facility, located at Brookhaven National Laboratory, Upton, Suffolk County, Long Island, New York, a nominal 20 thermal megawatt, graphite moderated, air cooled, 90 per cent enriched uranium fuelled reactor, owned by the United States Atomic Energy Commission

¹ In accordance with the provisions of Section 23, the Agreement came into force on 1 August 1964, the date on which the Agency accepted the initial inventory provided for in Section 7.

(hereinafter called the "Commission") and operated by Associated Universities, Inc. ;

- (c) The Brookhaven Medical Research Reactor Facility, located at Brookhaven National Laboratory, Upton, Suffolk County, Long Island, New York, a nominal 3 thermal megawatt, light-water moderated and cooled, 90 per cent enriched uranium fuelled reactor, owned by the Commission and operated by Associated Universities, Inc. ;
- (d) The Piqua Organic Moderated Reactor Facility, located at Piqua, Miami County, Ohio, a nominal 45.5 thermal megawatt, organic cooled and moderated power reactor using slightly enriched uranium fuel, owned by the Commission and operated by the city of Piqua.

Section 2. The United States also undertakes that, during the term of this Agreement, the following will not be used in such a way as to further any military purpose :

- (a) Any special fissionable material produced during the term of this Agreement at the reactor facilities (hereinafter called "produced material"), or materials substituted therefor ;
- (b) Nuclear material while it is being processed or used in any of the reactor facilities ;
- (c) Nuclear material while it is intermixed with material to which Agency safeguards are applied under this Agreement.

Section 3. The Agency hereby agrees to apply safeguards, in accordance with the provision of this Agreement during the period specified in Section 24, to ensure that the reactor facilities and the materials specified in Sections 1 and 2 respectively will not be used in such a way as to further any military purpose.

Section 4. It is understood that there need be no application of safeguards to the materials specified in Section 2, except to the extent that the quantity of that type of PN material in the United States of America is in excess of :

- (a) In the case of natural uranium or depleted uranium with a uranium-235 content of 0.5 per cent or greater—10 metric tons ;
- (b) In the case of depleted uranium with a uranium-235 content of less than 0.5 per cent—20 metric tons ;
- (c) In the case of thorium—20 metric tons ; or
- (d) 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.

Section 5. The United States undertakes to facilitate the application of such safeguards and to co-operate with the Agency to that end.

Section 6. It is understood that the facilities and materials subject to Agency safeguards under this Agreement will be considered not to be used in furtherance of any military purpose, regardless of what organization sponsors or conducts such use when :

- (a) Such facilities or materials are used in a recognized area of basic research, or
- (b) The specific application or applications toward which the work is directed are peaceful,

the results of which are to be published in open literature or will, on request, be made available to the Agency for possible publication.

Article II

APPLICATION OF AGENCY SAFEGUARDS

Section 7. An initial inventory of the facilities and materials to be placed under Agency safeguards in accordance with Section 3 shall be submitted by the United States to the Agency. The Agency shall commence applying safeguards under this Agreement upon its entry into force.

Section 8. The United States shall notify the Agency by means of routine safeguards reports of any material produced, during the period covered by the report, by the reactor facilities, provided that any such produced material shall be subject to safeguards by the Agency from the time it is produced. The Agency may verify the calculations of the amounts of such materials and, pending resolution of any differences between the Agency and the United States, the Agency's calculations will govern.

Section 9. Agency safeguards applied to nuclear material pursuant to this Agreement shall be suspended while such material is transferred to any other State or group of States solely for the purpose of processing, reprocessing, or testing under an agreement between the United States and the other State or group of States approved by the Agency, or is transferred, under an arrangement approved by the Agency, to a facility within the United States of America to which safeguards are not applied, provided that in either case :

- (a) The agreement or the arrangement requires that there be placed under safeguards by the Agency, at a time to be agreed and with due allowance for processing losses, an amount of the same type of nuclear material at least equal to such transferred material and not otherwise subject to safeguards (hereinafter called "substituted material") ; 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 ;