

No. 9603

**UNITED STATES OF AMERICA
and
BRAZIL**

**Agreement for co-operation concerning civil uses of
atomic energy. Signed at Washington on 8 July 1965**

Authentic texts: English and Portuguese.

Registered by the United States of America on 6 June 1969.

**ÉTATS-UNIS D'AMÉRIQUE
et
BRÉSIL**

**Accord de coopération concernant l'utilisation de l'énergie
atomique à des fins civiles. Signé à Washington le
8 juillet 1965**

Textes authentiques: anglais et portugais.

Enregistré par les États-Unis d'Amérique le 6 juin 1969.

AGREEMENT¹ FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED STATES OF BRAZIL CONCERNING CIVIL USES OF ATOMIC ENERGY

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 United States of Brazil desire to cooperate with each other in the development of such peaceful uses of atomic energy ; and

Whereas there is well advanced the design and development of several types of research reactors (as defined in Article IX of this Agreement) ; 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 United States of Brazil 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, represented by the United States Atomic Energy Commission (hereinafter referred to as the "Commission"), desires to assist the Government of the United States of Brazil in such a program ;

The Parties therefore agree as follows :

Article I

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

¹ Came into force on 9 November 1966, the date on which each Government had received from the other Government written notification that it had complied with all statutory and constitutional requirements, in accordance with article VIII.

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, exchanged under this Agreement shall be the responsibility of the Party which receives and uses such information or data, and it is understood that the other cooperating Party does not warrant the accuracy, completeness, or suitability of such information or data for any particular use or application.

Article II

A. The Commission will transfer to the Government of the United States of Brazil uranium enriched in the isotope U-235, subject to the terms and conditions provided herein, as may be required as initial and replacement fuel in the operation of research reactors which the Government of the United States of Brazil, in consultation with the Commission, decides to construct and as required in agreed experiments related thereto. Also, the Commission will transfer to the Government of the United States of Brazil uranium enriched in the isotope U-235, subject to the terms and conditions provided herein, as may be required as initial and replacement fuel in the operation of such research reactors as the Government of the United States of Brazil may, in consultation with the Commission, decide to authorize private individuals or private organizations under its jurisdiction to construct and operate, provided the Government of the United States of Brazil shall at all times maintain sufficient control of the material and the operation of the reactor to enable the Government of the United States of Brazil to comply with the provisions of this Agreement and the applicable provisions of the transfer arrangement.

B. 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 United States of Brazil shall not at any time be in excess of fifteen (15) kilograms of contained U-235 in uranium enriched up to a maximum of twenty percent (20%) U-235, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling in Brazil or while fuel elements are in transit, it being the intent of the Commission to make possible the maximum usefulness of the fifteen (15) kilograms of said material.

C. The Commission may, upon request and in its discretion, make available all or a portion of the enriched uranium supplied hereunder as material enriched to more than twenty percent (20%) in the isotope U-235 for use in research reactors capable of operating with a fuel load not to exceed eight (8) kilograms of the isotope U-235 contained in such uranium.

D. The transfer of uranium enriched in the isotope U-235 under this Article shall be at such charges and on such terms and conditions with respect to shipment and delivery as may be mutually agreed and under the conditions stated in Articles VI and VII.

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. Special nuclear material produced in any part of fuel leased hereunder as a result of irradiation processes shall be for the account of the Government of the United States of Brazil and after reprocessing as provided in paragraph E of this Article, shall be returned to the Government of the United States of Brazil, at which time title to such material shall be transferred to that Government, unless the Government of the United States of America shall exercise the option, which is hereby granted, to retain, with appropriate credit to the Government of the United States of Brazil, any such special nuclear material which is in excess of the needs of Brazil for such material in its program for the peaceful uses of atomic energy.

G. With respect to any special nuclear material not subject to the option referred to in paragraph F of this Article and produced in reactors fueled with materials obtained from the United States of America which is in excess of the needs of Brazil for such material in its program or 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 then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the Government of the United States of America, and (b) the right to approve the transfer of such material to any other nation or group of nations in the event the option to purchase is not exercised.

H. Some atomic energy materials which the Commission may 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 the United States of Brazil, the Government of the United States of Brazil 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. With respect to any source or special nuclear material or other reactor materials which the Commission may, pursuant to this Agreement, lease to the Government of the United States of Brazil or to any private individual or private organization under its jurisdiction, the Government of the United States of Brazil shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such source or special nuclear material or other reactor materials after delivery by the Commission to the Government of the United States of Brazil or to any authorized private individual or private organization under its jurisdiction.

Article III

Subject to the availability of supply and as may be mutually agreed, the Commission will sell or lease through such means as it deems appropriate, to the Government of the United States of Brazil or authorized persons under its jurisdiction such reactor materials, other than special nuclear materials, as are not obtainable on the commercial market and which are required in the construction and operation of research reactors in Brazil. The sale or lease of these materials shall be on such terms as may be agreed.

Article III (A)

Materials of interest in connection with defined research projects related to the peaceful uses of atomic energy undertaken by the Government of the United States of Brazil, or persons under its jurisdiction, including source materials, special nuclear materials, by-product material, other radioisotopes, and stable isotopes, will be sold or otherwise transferred to the Government of the United States of Brazil by the Commission for research purposes in such quantities and other such terms and conditions as may be agreed when such materials are not available commercially. In no case, however, shall the quantity of special nuclear materials under the jurisdiction of the Government of the United States of Brazil, by reason of transfer under this Article, be, at any one time, in excess of 100 grams of contained U-235, 10 grams of U-233, 250 grams of plutonium in the form of fabricated foils and sources, and 10 grams of plutonium in other forms.