

No. 4087

**UNITED STATES OF AMERICA
and
FRANCE**

**Agreement for co-operation concerning civil uses of atomic
energy. Signed at Washington, on 19 June 1956**

Official texts: English and French.

Registered by the United States of America on 25 November 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
FRANCE**

**Accord de coopération relatif aux usages civils de l'énergie
atomique. Signé à Washington, le 19 juin 1956**

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 25 novembre 1957.

No. 4087. AGREEMENT¹ FOR CO-OPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF FRANCE CONCERNING CIVIL USES OF ATOMIC ENERGY. SIGNED AT WASHINGTON, ON 19 JUNE 1956

PREAMBLE

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 Republic of France desire to cooperate with each other in the development of such peaceful uses of atomic energy; and

Whereas reactors are useful in the production of research quantities of radioisotopes, in medical therapy and in numerous other research and experimental 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 Republic of France 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 the 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, desires to assist the Government of the Republic of France in such a program;

The Parties therefore agree as follows :

Article I

For purposes of this Agreement :

- A. "Commission" means the United States Atomic Energy Commission.
- B. "Commissariat" means the French Commissariat à l'Énergie Atomique.

¹ Came into force on 20 November 1956, the date on which each Government received from the other Government written notification that it had complied with all statutory and constitutional requirements for the entry into force of the Agreement, in accordance with article II.

C. "Equipment and devices" and "equipment or device" means any instrument, apparatus, or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

D. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency or government corporation but does not include the Parties to this Agreement.

E. "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium or thorium.

F. "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear materials; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

G. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

H. "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing.

I. "Source material" means (1) uranium, thorium, or any other material which is determined by the Government of the Republic of France or the Commission to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the Government of the Republic of France or the Commission may determine from time to time.

J. "Parties" means the Government of the United States of America and the Government of the Republic of France, including the Commission on behalf of the Government of the United States of America and the Commissariat on behalf of the Government of the Republic of France. "Party" means one of the above "Parties."

Article II

This Agreement shall enter into force on the day on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Agreement and shall remain in force for a period of ten years.

Article III

A. Restricted Data shall not be communicated under this Agreement, and no materials or equipment and devices shall be transferred and no services shall be furnished under this Agreement if the transfer of any such materials or equipment and devices or the furnishing of any such service involves the communication of Restricted Data.

B. Subject to the provisions of this Agreement, the availability of personnel and material, and the applicable laws, regulations and license requirements in force in their respective countries, the Parties shall assist each other in the achievement of the use of atomic energy for peaceful purposes.

C. This Agreement shall not require the exchange of any information which the Parties are not permitted to communicate because the information is privately owned or has been received from another government.

Article IV

Subject to the provisions of Article III, information in the specific fields set out below shall be exchanged between the Commission and the Commissariat with respect to the application of atomic energy to peaceful uses, including research and development relating to such uses, and problems of health and safety connected therewith :

A. The development, design, construction, operation and use of research, experimental power, and power reactors;

B. Health and safety problems related to the operation and use of research, experimental power, and power reactors;

C. The use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture and industry.

Article V

The application or use of any information (including design drawings and specifications) and any material, equipment, and devices, exchanged or transferred between the Parties 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 VI**A. Research Materials*

Materials of interest in connection with defined research projects related to the peaceful uses of atomic energy as provided by Article IV and under the limitations set forth in Article III, including source materials, special nuclear materials, by-product material, other radioisotopes, and stable isotopes will be exchanged for research purposes in such quantities and under 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 either Party, by reason of transfer under this Article, be, at any one time, in excess of 100 grams of contained U-235, 10 grams of plutonium, and 10 grams of U-233.

B. Research Facilities

Subject to the provisions of Article III, and under such terms and conditions as may be agreed, and to the extent as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available, when such facilities are not commercially available.

Article VII

It is contemplated that, as provided in this Article, private individuals and private organizations in either the United States or France may deal directly with private individuals and private organizations in the other country. Accordingly, with respect to the subjects of agreed exchange of information as provided in Article IV, persons under the jurisdiction of either the Government of the United States or the Government of the Republic of France will be permitted to make arrangements to transfer and export materials, including equipment and devices, to and perform services for the other Government and

such persons under its jurisdiction as are authorized by the other Government to receive and possess such materials and utilize such services, subject to :

- (a) The limitations in Article III;
- (b) Applicable laws, regulations and license requirements of the Government of the United States and the Government of the Republic of France.

Article VIII

A. The Commission will sell to the Government of the Republic of France uranium enriched in the isotope U-235 subject to the terms and conditions provided herein, as and when required as initial and replacement fuel in the operation of defined research, experimental power, and power reactor projects which the Government of the Republic of France, in consultation with the Commission, decides to construct or authorize private organizations to construct in France, and as required in experiments related thereto.

B. The sale of the uranium enriched in the isotope U-235 under this Article shall be in such form as may be mutually agreed, and at such charges and on such terms and conditions with respect to shipment and delivery as may be mutually agreed, and subject to the other terms and conditions of this Agreement.

C. 1. Except as provided in paragraph 2 below, 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 Republic of France shall not at any time be in excess of forty (40) 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 France or while fuel elements are in transit, it being the intent of the Commission to make possible the maximum usefulness of the forty (40) kilograms of said material.

2. The Commission may, upon request and at its discretion, make a portion of the foregoing material available as material enriched up to 90% for use in a materials testing reactor, capable of operating with a fuel load not to exceed six (6) kilograms.

3. It is understood and agreed that although the Government of the Republic of France will distribute uranium enriched in the isotope U-235 to authorized users in France, the Government of the Republic of France will

retain title to any uranium enriched in the isotope U-235 which is purchased from the Commission until such time as private users in the United States are permitted to acquire title in the United States to uranium enriched in the isotope U-235.

D. It is agreed that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities, or in 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 or the irradiated fuel elements shall not be altered after their removal from the reactor and prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

E. With respect to any special nuclear material produced in reactors fueled with materials obtained from the United States which are in excess of France's need for such material in its program for the peacetime uses of atomic energy, the Government of the United States shall have and is hereby granted (a) a first option to purchase such material at prices then prevailing in the United States for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the United States, and (b) the right to approve the transfer of such material to any other nation in the event the option to purchase is not exercised.

Article IX

As may be necessary and as may be mutually agreed in connection with the subjects of agreed exchange of information as provided in Article IV, and under the limitations set forth in Article III, and under such terms and conditions as may be mutually agreed, specific arrangements may be made from time to time between the Parties for lease, or sale and purchase, of quantities of materials, other than special nuclear material, greater than those required for research, when such materials are not available commercially.

Article X

The Government of the United States and the Government of the Republic of France emphasize their common interest in assuring that any material, equipment, or device made available to the Government of the Republic of France pursuant to this Agreement shall be used solely for civil purposes.

A. Except to the extent that the safeguards provided for in this Agreement are supplanted, by agreement of the Parties as provided in Article XII, by safe-

guards of the proposed international atomic energy agency, the Government of the United States of America, notwithstanding any other provisions of this Agreement, shall have the following rights :

1. With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any

- (i) reactor and
- (ii) other equipment and devices the design of which the Commission determines to be relevant to the effective application of safeguards,

which are to be made available to the Government of the Republic of France or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate or process any of the following materials so made available : source material, special nuclear material, moderator material, or other material designated by the Commission ;

2. With respect to any source or special nuclear material made available to the Government of the Republic of France or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment, or devices so made available :

- (i) source material, special nuclear material, moderator material, or other material designated by the Commission,
- (ii) reactors,
- (iii) any other equipment or device designated by the Commission as an item to be made available on the condition that the provisions of this subparagraph A2 will apply,

- (a) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability for such materials ; and
- (b) to require that any such material in the custody of the Government of the Republic of France or any person under its jurisdiction be subject to all of the safeguards provided for in this Article and the guaranties set forth in Article XI ;

3. To require the deposit in storage facilities designated by the Commission of any of the special nuclear material referred to in subparagraph A2 of this Article which is not currently utilized for civil purposes in France and which is not purchased pursuant to Article VIII, Paragraph E (a) of this Agreement,

transferred pursuant to Article VIII, Paragraph E (b) of this Agreement, or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;

4. To designate, after consultation with the Government of the Republic of France, personnel who, accompanied, if either Party so requests, by personnel designated by the Government of the Republic of France, shall have access in France to all places and data necessary to account for the source and special nuclear materials which are subject to subparagraph A2 of this Article to determine whether there is compliance with this Agreement and to make such independent measurements as may be deemed necessary;

5. In the event of non-compliance with the provisions of this Article, or the guaranties set forth in Article XI, and the failure of the Government of the Republic of France to carry out the provisions of this Article within a reasonable time, to suspend or terminate this Agreement and require the return of any materials, equipment, and devices referred to in subparagraph A2 of this Article;

6. To consult with the Government of the Republic of France in the matter of health and safety.

B. The Government of the Republic of France undertakes to facilitate the application of the safeguards provided for in this Article.

Article XI

The Government of the Republic of France guarantees that :

A. Safeguards provided in Article X shall be maintained.

B. No material, including equipment and devices, transferred to the Government of the Republic of France or authorized persons under its jurisdiction pursuant to this Agreement, by lease, sale or otherwise, and no special nuclear material produced as a result of such transfer will be used for atomic weapons or for research on or development of atomic weapons or for any other military purposes, and that no such material, including equipment and devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the Republic of France except as the Commission may agree to such transfer to another nation and then only if in the opinion of the Commission such transfer falls within the scope of an agreement for cooperation between the United States and the other nation.

Article XII

A. The Government of the United States of America and the Government of the Republic of France affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy. In the event such an international agency is created :

1. The Parties will consult with each other to determine in what respects, if any, they desire to modify the provisions of this Agreement for Cooperation. In particular, the Parties will consult with each other to determine in what respects and to what extent they desire to arrange for the administration by the international agency of those conditions, controls, and safeguards including those relating to health and safety standards required by the international agency in connection with similar assistance rendered to a cooperating nation under the aegis of the international agency.
2. In the event the Parties do not reach a mutually satisfactory agreement following the consultation provided in paragraph A of this Article, either Party may by notification terminate this Agreement. In the event this Agreement is so terminated, the Government of the Republic of France shall return to the Commission all source and special nuclear materials received pursuant to this Agreement and in its possession or in the possession of persons under its jurisdiction.

B. It is recognized that efforts are being made in Western Europe to integrate the atomic energy programs of a group of nations. If the Government of the Republic of France becomes a member of such an integrated group and if an agreement for cooperation on atomic energy is made between the group of nations and the Government of the United States of America, the latter would be prepared if so requested by the Government of the Republic of France to arrange for the integrated group to assume the rights and obligations of the Government of the Republic of France under this Agreement, provided the integrated group can, in the judgment of the Government of the United States of America, effectively and securely carry out the undertakings of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed pursuant to duly constituted authority.

DONE at Washington, in duplicate, in the English and French languages, this nineteenth day of June, 1956.

For the Government of the United States of America :
C. BURKE ELBRICK

W. F. LIBBY

For the Government of the Republic of France :
M. COUVE DE MURVILLE