

**No. 5853**

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**UNITED STATES OF AMERICA  
and  
BRAZIL**

**Exchange of notes constituting an agreement relating to a grant for procurement of nuclear research and training equipment and materials. Rio de Janeiro, 10 October 1960 and 17 March 1961**

*Official texts: English and Portuguese.*

*Registered by the United States of America on 6 September 1961.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
BRÉSIL**

**Échange de notes constituant un accord relatif à l'octroi d'un don en vue de l'acquisition de matériel et de matières pour la recherche et la formation nucléaires. Rio de Janeiro, 10 octobre 1960 et 17 mars 1961**

*Textes officiels anglais et portugais.*

*Enregistré par les États-Unis d'Amérique le 6 septembre 1961.*

No. 5853. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND BRAZIL RELATING TO A GRANT FOR PROCUREMENT OF NUCLEAR RESEARCH AND TRAINING EQUIPMENT AND MATERIALS. RIO DE JANEIRO, 10 OCTOBER 1960 AND 17 MARCH 1961

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I

*The American Ambassador to the Brazilian Minister for Foreign Affairs*

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

No. 213

Rio de Janeiro, October 10, 1960

Excellency :

I have the honor to refer to the request by your Government dated May 31, 1960<sup>2</sup> for a grant by the Government of the United States of America to assist the Government of the United States of Brazil in the acquisition of certain nuclear research and training equipment and materials, and to inform Your Excellency's Government that approval of this grant has now been given.

I further have the honor to propose the following understandings on the basis of which funds are to be furnished :

1. Funds granted by the Government of the United States of America in accordance with this note shall be available only to purchase such equipment and materials, or their equivalents, in such amounts, and not in excess of such prices as may be established by the United States Atomic Energy Commission. Any difference between the amounts and prices established by the United States Atomic Energy Commission and the actual amounts and costs may not be applied by the Government of the United States of Brazil toward purchase of other items or for any other purpose.

2. The Government of the United States of Brazil, or its designated agent, shall procure, or arrange for procurement of, all equipment and materials to be financed by the grant referred to above and shall meet, from resources other than the granted funds, the costs of transporting, insuring while in transit, installing, and operating the equipment and materials.

3. The Government of the United States of Brazil, or its designated agent, shall insure that 50 per cent of the gross tonnage of equipment and materials financed by the grant referred to above which may be transported on ocean vessels shall be transported on United States-flag vessels, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

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<sup>1</sup> Came into force on 17 March 1961 by the exchange of the said notes.

<sup>2</sup> Not printed by the Department of State of the United States of America.

4. The equipment and materials procured as provided herein shall be used for peaceful purposes only.

5. The manner and procedures for payment by the Government of the United States of America for equipment and materials procured as provided in this note shall be established by the United States Atomic Energy Commission and notified to the Government of the United States of Brazil.

6. Copies of technical publications deriving from use of equipment and materials procured as provided herein will be provided currently to the Government of the United States of America, and an appropriate plaque acknowledging the assistance of the Government of the United States of America will be permanently displayed in the laboratory in which such equipment and materials are located.

7. 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 liabilities from any cause whatsoever, including liability to third parties, which may result from the operation or use of any equipment and materials procured as provided herein.

8. The National Nuclear Energy Commission of Brazil will be responsible, among other things, for the acquisition of the necessary supporting equipment and services required to effectively utilize the equipment and materials procured hereunder.

If these understandings are acceptable to Your Excellency's Government, this note and Your Excellency's reply concurring therein shall constitute an Agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

John M. CABOT

His Excellency Dr. Horacio Lafer  
Minister for Foreign Affairs  
Rio de Janeiro

## II

### *The Brazilian Minister for Foreign Affairs to the American Ambassador*

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

MINISTERIO DAS RELAÇÕES EXTERIORES

DAI/DOr/48/563.80(22)

Em 17 de março de 1961

Senhor Embaixador,

Tenho a honra de acusar o recebimento da nota de Vossa Excelência n. 213, de 10 de outubro de 1960, cujo texto, em tradução, é o seguinte :

« Tenho a honra de referir-me à solicitação de seu Govêrno, datada de 31 de maio de 1960, relativa a donativos, pelo Govêrno dos Estados Unidos

Se êsses entendimentos forem aceitáveis pelo Govêrno de Vossa Excelência, esta nota e a resposta de Vossa Excelência manifestando concordância passarão a constituir um Acôrdo entre os nossos dois Governos, o qual entrará em vigor na data da resposta de Vossa Excelência.

Queira aceitar, Excelência, os renovados protestos da minha mais alta consideração. »

2. Em resposta, levo ao conhecimento de Vossa Excelência que o Govêrno brasileiro concorda com os têrmos da nota acima, a qual, juntamente com esta, constituirá um Acôrdo entre os nossos dois Governos, que entrará em vigor na data de hoje.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

Em nome do Ministro de Estado :

V. DA CUNHA

A Sua Excelência o Senhor John Moors Cabot  
Embaixador dos Estados Unidos da América

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

MINISTRY FOR FOREIGN AFFAIRS

DAI/DOr/48/563.80(22)

March 17, 1961

Mr. Ambassador :

I have the honor to acknowledge the receipt of Your Excellency's note No. 213 of October 10, 1960, the text of which in translation reads as follows :

[*See note I*]

2. In reply, I inform Your Excellency that the Brazilian Government accepts the terms of the foregoing note, which, together with this note, shall constitute an Agreement between our two Governments, which shall enter into force on this date.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

In the name of the Minister of State :

V. DA CUNHA

His Excellency John Moors Cabot  
Ambassador of the United States of America

<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.