

No. 18079

**UNITED STATES OF AMERICA
and
AUSTRALIA**

**Exchange of notes constituting an agreement relating to
peaceful nuclear cooperation. Canberra, 4 and 7 August
1978**

Authentic text: English.

Registered by the United States of America on 14 November 1979.

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

**Échange de notes constituant un accord relatif à la coopé-
ration dans le domaine de l'utilisation de l'énergie ato-
mique à des fins pacifiques. Canberra, 4 et 7 août 1978**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 14 novembre 1979.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN
THE UNITED STATES OF AMERICA AND AUSTRALIA RELATING
TO PEACEFUL NUCLEAR COOPERATION

I

The American Ambassador to the Australian Minister for Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

August 4, 1978

Note No. 82

Excellency,

I refer the Minister for Foreign Affairs to the Agreement for Cooperation Concerning Civil Uses of Atomic Energy between the Government of the United States of America and the Government of Australia, signed on June 22, 1956,² as amended,³ hereinafter referred to as the 1956 Cooperation Agreement.

I wish to acknowledge Australia's leadership role in the field of preventing nuclear proliferation. Both Australia and the United States are parties to the Treaty on the Non-Proliferation of Nuclear Weapons.⁴ Both countries have committed themselves to ensure that any source materials, special nuclear materials, or equipment transferred pursuant to the 1956 Cooperation Agreement, including such items subsequently retransferred pursuant to agreements for cooperation between the United States and other nations, and any special nuclear materials produced therefrom, shall not be used for research on or development of any nuclear explosive device or for any other military purpose. They have also committed themselves to accept the application of IAEA safeguards to such materials and equipment. While such materials and equipment are within the United States, the United States intends to implement this commitment pursuant to an agreement with the International Atomic Energy Agency for the application of safeguards in the United States. Further, both have committed themselves to ensure that physical protection measures are applied to all such materials or equipment, providing as a minimum protection comparable to that set forth in INFCIRC/225 (Rev. 1). These are enduring commitments.

The United States is prepared to begin renegotiation of the 1956 Cooperation Agreement with Australia immediately, with a view to prompt conclusion of a new Agreement. Pending the entry into force of a renegotiated Agreement for Cooperation, the United States proposes the following understanding, in addition to the agreements set forth in the 1956 Cooperation Agreement:

The United States shall not exercise any rights it has to approve the retransfer or enrichment to twenty percent or greater in the isotope U-235 by another nation or group of nations of material hereafter transferred pursuant to the 1956 Cooperation Agreement or otherwise

¹ Came into force on 7 August 1978, the date of the note in reply, in accordance with the provisions of the said notes.

² United States, *Treaty Series*, vol. 283, p. 275.

³ *Ibid.*, vol. 404, p. 350, and vol. 638, p. 268.

⁴ *Ibid.*, vol. 729, p. 161.

identified as being of Australian origin, and shall not exercise any rights it has to approve the retransfer or reprocessing of irradiated fuel elements containing special nuclear materials produced through the use of such materials, unless Australian approval is obtained in advance. This applies only where the country requesting approval has notified the United States that Australia has this right or its equivalent. In the event that the United States is not so notified, the United States shall consult with Australia prior to granting such approval.

In addition to the foregoing, it is the understanding of the United States that neither party shall enrich any uranium after transfer pursuant to the 1956 Cooperation Agreement to twenty percent or greater in the isotope U-235 unless prior approval of the other party is obtained.

I have the honor to propose that this Note and your reply confirming the foregoing shall constitute an agreement between our two Governments and shall enter into force on the date of your reply and shall remain in force thereafter until a new Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy enters into force.

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

PHILIP H. ALSTON, Jr.

His Excellency Andrew S. Peacock
Minister for Foreign Affairs
Canberra

II

The Australian Minister for Foreign Affairs to the American Ambassador

MINISTER FOR FOREIGN AFFAIRS
CANBERRA

7 August 1978

Excellency,

I have the honour to acknowledge receipt of your Note of fourth August 1978 concerning the proposed Interim Agreement between the Government of Australia and the Government of the United States of America on Peaceful Nuclear Cooperation. That Note reads as follows:

[See note I]

I have the honour to confirm that the foregoing is acceptable to the Government of Australia and that your Note and this reply shall together constitute an Agreement between our two Governments, which shall enter into force on the date of this reply.

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

[Signed]
ANDREW PEACOCK

His Excellency Mr. Philip Alston, Jr.
Ambassador of the United States of America
to Australia
Canberra, A.C.T.