

No. 18345

**INTERNATIONAL ATOMIC ENERGY AGENCY
and
PERU**

Agreement for assistance by the Agency to Peru in establishing a research reactor project (with annex). Signed at Vienna on 9 May 1978

Authentic text: Spanish.

Registered by the International Atomic Energy Agency on 14 March 1980.

**AGENCE INTERNATIONALE DE L'ÉNERGIE
ATOMIQUE
et
PÉROU**

Accord relatif à l'aide de l'Agence au Pérou pour un réacteur de recherche (avec annexe). Signé à Vienne le 9 mai 1978

Texte authentique : espagnol.

Enregistré par l'Agence internationale de l'énergie atomique le 14 mars 1980.

[TRANSLATION¹ — TRADUCTION²]

AGREEMENT³ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF PERU AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR ASSISTANCE BY THE AGENCY TO PERU IN ESTABLISHING A RESEARCH REACTOR PROJECT

II. PROJECT AGREEMENT

WHEREAS the Government of the Republic of Peru, desiring to establish a project relating to the operation of a zero power research reactor supplied to it by the Government of the Argentine Republic for research and training purposes, has requested the assistance of the International Atomic Energy Agency (hereinafter called the "Agency") in securing the special fissionable material contained in fuel elements for the research reactor;

WHEREAS the Board of Governors of the Agency approved the project on 22 February 1978;

WHEREAS the Governments of the Argentine Republic, the Republic of Peru and the United States of America and the Agency are this day concluding an agreement for the transfer of enriched uranium for the research reactor⁴ (hereinafter called the "Supply Agreement");

NOW, THEREFORE, the Government of the Republic of Peru and the Agency hereby agree as follows:

Article I. DEFINITION OF THE PROJECT

Section 1. The project to which this Agreement relates is the operation of a zero power research reactor (hereinafter called the "research reactor") by the Peruvian Nuclear Energy Institute at the Nuclear Research Centre, Lima, Peru.

Article II. SUPPLY OF ENRICHED URANIUM

Section 2. Upon transfer from the Government of the Argentine Republic, the Agency shall transfer to the Government of the Republic of Peru approximately 14,785.90 grams of uranium, which is the property of the Argentine Republic and of United States of America origin, enriched to approximately 20.09 per cent by weight in the isotope uranium-235, contained in fuel elements (hereinafter called the "supplied material") for the research reactor, pursuant to the terms of the Supply Agreement.

Article III. AGENCY SAFEGUARDS

Section 3. The Government of the Republic of Peru undertakes that none of the following items shall be used for the manufacture of any nuclear weapon or any nuclear explosive device or for research on or the development of any nuclear weapon or any nuclear explosive device, or for any other military purpose:

¹ Translation supplied by the International Atomic Energy Agency.

² Traduction fournie par l'Agence internationale de l'énergie atomique.

³ Came into force on 9 May 1978 by signature, in accordance with article IX (14).

⁴ See p. 305 of this volume.

- (a) The supplied material;
- (b) The research reactor;
- (c) Any special fissionable material produced in or by the use of the research reactor or the supplied material, including subsequent generations of produced special fissionable material.

Section 4. It is specified that the safeguards rights and responsibilities of the Agency provided for in paragraph A of Article XII of its Statute¹ are relevant to the project and shall be implemented and maintained with respect to the project. The Government of the Republic of Peru shall co-operate with the Agency to facilitate the implementation of the safeguards required by this Agreement.

Section 5. It is specified that the implementation of the Agency's safeguards rights and responsibilities referred to in Section 4 of this Article is satisfied by the application of the safeguards procedures pursuant to the Agreement of 2 March 1978 between the Republic of Peru and the International Atomic Energy Agency for the Application of Safeguards² in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America³ and the Treaty on the Non-Proliferation of Nuclear Weapons⁴.

Section 6. In the event the Board of Governors of the Agency (hereinafter called the "Board") determines, in accordance with Article XII.C of the Statute of the Agency, that there has been any non-compliance with Section 3 or 4 of this Article, the Board shall call upon the Government of the Republic of Peru to remedy such non-compliance forthwith, and the Board shall make such reports as it deems appropriate. In the event of failure by the Government of the Republic of Peru to take fully corrective action within a reasonable time, the Board may take any other measures provided for in Article XII. C of the Statute of the Agency.

Article IV. SAFETY STANDARDS AND MEASURES

Section 7. The safety standards and measures specified in the Annex to this Agreement shall apply to the project.

Article V. AGENCY INSPECTORS

Section 8. The relevant provisions of the Agreement between the Republic of Peru and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons shall apply to Agency inspectors performing functions pursuant to this Agreement.

Article VI. SCIENTIFIC INFORMATION

Section 9. In conformity with paragraph B of Article VIII of the Statute of the Agency, the Government of the Republic of Peru shall make available to the Agency without charge all scientific information developed as a result of the assistance provided by the Agency to the project.

Section 10. In view of the extent of its participation, the Agency claims no rights in any inventions or discoveries arising from the execution of the project. The

¹ United Nations, *Treaty Series*, vol. 276, p. 3, and vol. 471, p. 334.

² See p. 207 of this volume.

³ United Nations, *Treaty Series*, vol. 634, p. 281.

⁴ *Ibid.*, vol. 729, p. 161.

Agency may, however, be granted licences under any patents upon terms to be agreed.

Article VII. LANGUAGES

Section 11. Reports and other information shall be submitted to the Agency in one of the working languages of the Board of Governors of the Agency.

Article VIII. SETTLEMENT OF DISPUTES

Section 12. Any dispute concerning the interpretation or application of this Agreement which is not settled by negotiation or as may otherwise be agreed, shall be settled in the same manner as that provided for in Article 22 of the Agreement between the Republic of Peru and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons.

Section 13. Any decision of the Board of Governors of the Agency concerning the implementation of Article III, IV or V shall, if the decision so provides, be given effect immediately by the Agency and the Government of the Republic of Peru pending the final settlement of any dispute.

Article IX. ENTRY INTO FORCE

Section 14. This Agreement shall enter into force upon signature by or for the Director General of the Agency and by the authorized representative of the Government of the Republic of Peru.

DONE in Vienna, this ninth day of May 1978, in duplicate in the Spanish language.

For the Government of the Republic of Peru:

GUSTAVO SILVA ARANDA

For the International Atomic Energy Agency:

SIGVARD EKLUND

ANNEX

SAFETY STANDARDS AND MEASURES

1. The safety standards and measures applicable to the project shall be those set forth in Agency document INFCIRC/18/Rev. 1 (hereinafter called the "Safety Document") as specified below.

2. The Government of the Republic of Peru shall apply the Agency's Basic Safety Standards for Radiation Protection* and relevant provisions of the Agency's Regulations for the Safe Transport of Radioactive Materials,** as they are revised by the Agency from time to time, and shall as far as possible apply them also to any shipment of the supplied material outside the jurisdiction of the Government of the Republic of Peru. The Government of the Republic of Peru shall endeavour to ensure safety conditions as recommended in the relevant parts of the Agency's codes of practice.***

* *Safety Series*, No. 9, 1967 edition (STI/PUB/147).

** *Ibid.*, No. 6, 1973 revised edition (STI/PUB/323).

*** *Ibid.*, No. 35, Safe Operation of Critical Assemblies and Research Reactors, 1971 edition (STI/PUB/225).

3. The Government of the Republic of Peru shall arrange for submission to the Agency, at least thirty days prior to the proposed transfer of any part of the supplied material to the jurisdiction of the Government of the Republic of Peru, of a detailed safety analysis report containing the information specified in paragraph 4.7 of the Safety Document, with particular reference to the following types of operations, to the extent that such information is relevant and not yet available to the Agency:

- (a) Receipt and handling of the supplied material;
- (b) Loading of the supplied material into the research reactor;
- (c) Start-up and pre-operational testing of the research reactor with the supplied material;
- (d) Experimental programme and procedures involving the research reactor;
- (e) Unloading of the supplied material from the research reactor;
- (f) Handling and storage of the supplied material after unloading.

Once the Agency has determined that the safety measures provided for are adequate, it shall give its consent for the start of the assisted operation. Should the Government of the Republic of Peru desire to make substantial modifications to the procedures with respect to which information has been submitted, or to perform any operations with the research reactor or the supplied material with respect to which operation no such information has been submitted, it shall submit to the Agency all relevant information as specified in paragraph 4.7 of the Safety Document, on the basis of which the Agency may require the application of additional safety measures in accordance with paragraph 4.8 of the Safety Document. Once the Government of the Republic of Peru has undertaken to apply the additional safety measures requested by the Agency, the Agency shall give its consent for the modifications or operations referred to above.

4. The Government of the Republic of Peru shall arrange for submission to the Agency, as appropriate, of the reports specified in paragraphs 4.9 and 4.10 of the Safety Document.

5. The Agency may, in agreement with the Government of the Republic of Peru, send safety missions for the purpose of providing advice and assistance to the Government of the Republic of Peru in connection with the application of safety measures to the project, in accordance with paragraphs 5.1 and 5.3 of the Safety Document. Special safety missions may be arranged by the Agency in the circumstances specified in paragraph 5.2 of the Safety Document.

6. Changes in the safety standards and measures laid down in this Annex may be made in accordance with paragraphs 6.1 and 6.3 of the Safety Document.
