

The Amendment was  
previously published as  
United States No. 6  
(1994) Cm 2686.



Treaty Series No. 22 (1995)

# Amendment

to the Agreement between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the United States of America

for Co-operation in the Uses of  
Atomic Energy for Mutual Defense Purposes

Washington, 23 May 1994

[The Amendment entered into force on 23 December 1994]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
March 1995*

LONDON : HMSO

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Cm 2785

**AMENDMENT  
TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
FOR CO-OPERATION IN THE USES OF  
ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America;

Desiring to amend in certain respects the Agreement for Co-operation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington on the third day of July, 1958<sup>1</sup>, as amended (herein referred to as the "Agreement");

Have agreed as follows:

**ARTICLE 1**

Article III *bis* of the Agreement is amended by:

- (a) substituting "2004" for "1994" throughout the Article; and
- (b) substituting ". . . shall arrange enrichment and other uranium services for . . ." in place of ". . . shall provide enrichment and other uranium services to . . ." in paragraph C.

**ARTICLE 2**

Article VI of the Agreement is amended by adding the following new paragraph F:

"F. Adequate materials control and accountability shall be maintained with respect to any nuclear material (including source material and special nuclear material) transferred pursuant to the Agreement, and with respect to any nuclear material used in or produced through the use of any nuclear material or equipment transferred pursuant to the Agreement. Each Party guarantees adequate materials control and accountancy shall be maintained so long as such nuclear material or equipment remains under its jurisdiction or control. As may be mutually agreed, the Parties shall consult with each other regarding methods and technology for providing such materials control and accountability."

**ARTICLE 3**

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of the Amendment<sup>2</sup>.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this 23rd day of May, 1994.

For the Government of the United  
Kingdom of Great Britain and  
Northern Ireland:

JEREMY GREENSTOCK

For the Government of the United States  
of America:

THOMAS E. McNAMARA

<sup>1</sup> Treaty Series No. 41 (1958) Cmnd. 537.

<sup>2</sup> The Amendment entered into force on 23 December 1994.

**AMENDMENT TO THE AGREEMENT  
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE  
GOVERNMENT OF THE UNITED STATES OF AMERICA  
FOR COOPERATION ON THE USES OF ATOMIC ENERGY  
FOR MUTUAL DEFENSE PURPOSES OF 3 JULY 1958**

The Government of the United Kingdom of Great Britain and Northern Ireland on its own behalf and on behalf of the United Kingdom Atomic Energy Authority and the Government of the United States of America;

Desiring to amend in certain respects the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes signed at Washington on the third day of July, 1958,<sup>(1)</sup> as amended;<sup>(2)</sup>

Have agreed as follows:

**ARTICLE 1**

Subparagraph A. 3 of Article III *bis* of the Agreement for Cooperation shall be deleted and subparagraph A. 4 of Article III *bis* shall be renumbered as subparagraph A. 3 thereof.

**ARTICLE 2**

Paragraphs B and C of Article III *bis* of the Agreement for Cooperation shall be renumbered as paragraphs C and D thereof, respectively, and a new paragraph B shall be inserted to read as follows:

"B. The Government of the United States shall transfer to the Government of the United Kingdom special nuclear material, and authorize the transfer of other material, for research on, development of, production of, or use in utilization facilities for military applications, in such quantities, at such times prior to December 31, 1979, and on such terms and conditions as may be agreed."

**ARTICLE 3**

Article IX of the Agreement for Cooperation shall be amended as follows: The words "paragraph A or paragraph B of Article III *bis*" shall be deleted from subparagraph 1 of paragraph B and the words "paragraph A, paragraph B, or paragraph C of Article III *bis*" shall be substituted therefor.

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<sup>(1)</sup> "Treaty Series No. 41 (1958)", Cmnd. 537.

<sup>(2)</sup> "Treaty Series No. 72 (1959)", Cmnd. 859.

**ARTICLE 4**

This Amendment, which shall be regarded as an integral part of the Agreement for Cooperation, shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment.<sup>(2)</sup>

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Amendment.

DONE at Washington, in duplicate, this twenty-seventh day of September, 1968.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

**PATRICK DEAN**

For the Government of the United States of America:

**JOHN M. LEDDY**  
**GERALD F. TAPE**

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<sup>(2)</sup> The Amendment entered into force on 28 March, 1969.

...is publication super-  
sedes United States  
No. 2 (1970)  
Cmd. 4280



2 UNITED STATES

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Treaty Series No. 46 (1970)

## Amendment to the Agreement

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the United States of America

### for Co-operation on the Uses of Atomic Energy for Mutual Defence Purposes of July 3 1958

Washington, 16 October 1969

[The Amendment entered into force on 8 April 1970]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
July 1970*

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Cmd. 4383

**AMENDMENT TO THE AGREEMENT BETWEEN  
THE GOVERNMENT OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND AND  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
FOR COOPERATION ON THE USES OF ATOMIC ENERGY  
FOR MUTUAL DEFENSE PURPOSES OF JULY 3, 1958**

The Government of the United Kingdom of Great Britain and Northern Ireland on its own behalf and on behalf of the United Kingdom Atomic Energy Authority and the Government of the United States of America;

Desiring to amend in certain respects the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington on the third day of July 1958<sup>(1)</sup>, as amended<sup>(2)</sup>;

Have agreed as follows:

**ARTICLE 1**

Article III *bis* of the Agreement for Cooperation shall be amended as follows:

The words "December 31, 1969" in paragraphs A and C thereof shall be deleted and the words "December 31, 1974" shall be substituted therefor.

**ARTICLE 2**

This Amendment, which shall be regarded as an integral part of the Agreement for Cooperation, shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment.<sup>(3)</sup>

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Amendment.

DONE at Washington this sixteenth day of October, 1969, in two original texts.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

JOHN FREEMAN

For the Government of the United States of America:

MARTIN J. HILLENBRAND

WILFRID E. JOHNSON

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<sup>(1)</sup> Treaty Series No. 41 (1958), Cmnd. 537.

<sup>(2)</sup> Treaty Series No. 72 (1959), Cmnd. 859.  
Treaty Series No. 85 (1969), Cmnd. 4119.

<sup>(3)</sup> The Amendment entered into force on 8 April, 1970.



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Treaty Series No. 61 (1980)

## Amendment to the Agreement

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the United States of America

for Cooperation on the Uses of  
Atomic Energy for Mutual Defense  
Purposes of July 3, 1958

Washington, 5 December 1979

[The Amendment entered into force on 25 March 1980]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
July 1980*

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Cmnd. 7976



**AMENDMENT  
TO THE AGREEMENT BETWEEN THE GOVERNMENT OF  
THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND AND THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA FOR COOPERATION ON THE  
USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE  
PURPOSES OF JULY 3, 1958**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America;

Desiring to amend in certain respects the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington the third day of July 1958, as amended<sup>(1)</sup>;

Have agreed as follows:

**ARTICLE 1**

Article III *bis* of the Agreement for Cooperation shall be amended as follows: The words "December 31, 1979" in paragraphs A, B, and C thereof shall be deleted and the words "December 31, 1984" shall be substituted therefor.

**ARTICLE 2**

Article V of the Agreement for Cooperation shall be amended as follows: Paragraph C shall be amended to read as follows: "Except where specifically authorized by this Agreement or, as may be agreed for civil uses, the recipient Party agrees not to use the information communicated or exchanged, or the materials or equipment transferred, by either Party pursuant to this Agreement for other than the preparation or implementation of defense plans in the mutual interests of the two countries."

**ARTICLE 3**

Article IX of the Agreement for Cooperation shall be amended as follows: The words "paragraph A, paragraph B, or paragraph C of Article III *bis*" shall be deleted from sub-paragraph 1 of paragraph B and the words "paragraphs A, B or C of Article III *bis*" shall be substituted therefor.

**ARTICLE 4**

Article XI of the Agreement for Cooperation shall be amended as follows:

1. Paragraph B shall be amended by adding "United Kingdom 'Restricted' or United States" before "Confidential."

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<sup>(1)</sup> Treaty Series No. 41 (1958), Cmnd. 537 as amended by Treaty Series No. 72 (1959), Cmnd. 895, Treaty Series No. 85 (1969), Cmnd. 4119, Treaty Series No. 46 (1970), Cmnd. 4383 and Treaty Series No. 65 (1975), Cmnd. 6017.



2. The words " ATOMIC ENERGY COMMISSION " and " ATOMIC ENERGY AUTHORITY " shall be deleted from sub-paragraph 1 of paragraph E and the words " Department of Energy " and " Ministry of Defence " respectively shall be substituted therefor.

#### ARTICLE 5

This Amendment, which shall be regarded as an integral part of the Agreement for Cooperation, shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment<sup>(\*)</sup>.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington this fifth day of December, 1979, in two original texts.

For the Government of the United  
Kingdom of Great Britain and  
Northern Ireland :

For the Government of the United  
States of America :

JOHN ROBINSON

REGINALD BARTHOLOMEW

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(\*) The Amendment entered into force on 25 March 1980.

The Amendment was  
previously published  
as United States No. 3  
(1984), Cmnd. 9336

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Treaty Series No. 4 (1985)

## Amendment

to the Agreement between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the United States of America

### for Co-operation on the Uses of Atomic Energy for Mutual Defense Purposes

Washington, 5 June 1984

[The Amendment entered into force on 16 November 1984]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
February 1985*

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Cmnd. 9434

**AMENDMENT**  
**TO THE AGREEMENT BETWEEN THE GOVERNMENT OF**  
**THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN**  
**IRELAND AND THE GOVERNMENT OF THE UNITED STATES**  
**OF AMERICA FOR CO-OPERATION ON THE USES OF ATOMIC**  
**ENERGY FOR MUTUAL DEFENSE PURPOSES**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America,

Desiring to amend in certain respects the Agreement for Co-operation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington on the third day of July, 1958<sup>(1)</sup>, as amended<sup>(2)</sup> (herein referred to as the "Agreement");

Have agreed as follows:

**ARTICLE 1**

Article II of the Agreement is amended by:

- (a) adding "sensitive nuclear technology, and controlled nuclear information" after "classified information" in paragraph A;
- (b) revising paragraph B to read:  
"B. In addition to the co-operation provided for in paragraph A of this Article each Party will exchange with the other Party other classified information concerning atomic weapons, sensitive nuclear technology, and controlled nuclear information, including special nuclear materials properties and production or processing technology, when, after consultation with the other Party, the communicating Party determines that the communication of such information is necessary to improve the recipient's atomic weapon design, development and fabrication capability."

**ARTICLE 2**

Article III bis of the Agreement is amended by:

- (a) substituting "1994" for "1984" throughout the Article;
- (b) relettering paragraphs C and D as paragraphs D and E, respectively, and inserting the following new paragraph C:  
"C. The Government of the United States shall transfer enriched uranium, and shall provide enrichment and other uranium services to the Government of the United Kingdom, for military purposes, in such quantities, at such times prior to December 31, 1994, and on such terms and conditions as may be agreed."

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<sup>(1)</sup> Treaty Series No. 41 (1958), Cmnd. 537.

<sup>(2)</sup> Treaty Series No. 72 (1959), Cmnd. 859.  
Treaty Series No. 85 (1969), Cmnd. 4119.  
Treaty Series No. 46 (1970), Cmnd. 4383.  
Treaty Series No. 65 (1975), Cmnd. 6017.  
Treaty Series No. 61 (1980), Cmnd. 7976.

### ARTICLE 3

Paragraph D of Article V of the Agreement is amended to read:

"D. Nothing in this Agreement shall preclude the communication or exchange of classified information, sensitive nuclear technology, or controlled nuclear information, which may be transmissible under other arrangements between the Parties."

### ARTICLE 4

Article VI of the Agreement is amended by:

(a) relettering paragraphs B and C as paragraphs D and E, respectively, and inserting the following new paragraphs B and C:

"B. Sensitive nuclear technology and controlled nuclear information transferred pursuant to this Agreement shall be accorded at least the same level of protection by the recipient party as that accorded to such information by the transferring Party. The Parties shall consult with each other regarding the appropriate protections for such information.

"C. Adequate physical security shall be maintained with respect to any source material, special nuclear material and equipment transferred pursuant to the Agreement, and with respect to any special nuclear material used in or produced through the use of any material or reactor so transferred. Such protection shall be commensurate with the importance of the material or equipment involved."

(b) adding ", sensitive nuclear technology, and controlled nuclear information," after "Classified information" in the paragraph relettered as paragraph D;

(c) adding "sensitive nuclear technology, and controlled nuclear information," after "Classified information," in the paragraph relettered as paragraph E.

### ARTICLE 5

Article VII of the Agreement is amended by:

(a) adding ", sensitive nuclear technology, and controlled nuclear information," after "shall communicate classified information";

(b) adding ", sensitive nuclear technology, and controlled nuclear information," after "communication of classified information" in paragraph B.

### ARTICLE 6

Article IX of the Agreement is amended by substituting " paragraphs A, B, C or D " for " paragraphs A, B or C " in subparagraph 1 of paragraph B.

### ARTICLE 7

Article XI of the Agreement is amended by relettering paragraphs C, D, E, F, G, I and J as paragraphs E, F, G, H, I, J and K, respectively, and inserting the following new paragraphs C and D:

**" C. ' Sensitive nuclear technology ' means any information (including information incorporated in a production or utilization facility or important component part thereof) which is not available to the public and which is important to the design, construction, fabrication, operation or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water, but shall not include information designated as Restricted Data by the Government of the United States."**

**" D. ' Controlled nuclear information ' means information protected by the Government of the United States from unauthorized dissemination pursuant to sections 57.b. or 148 of the United States Atomic Energy Act of 1954, as amended."**

#### **ARTICLE 8**

**Article XII of the Agreement is amended by substituting " Party " for " to take effect on December 31, 1969, or thereafter on one year's notice to take effect at the end of any succeeding term of five years " .**

#### **ARTICLE 9**

**This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment<sup>(\*)</sup>.**

**In witness whereof, the undersigned, duly authorized, have signed this Amendment.**

**Done at Washington, in duplicate, this 5th day of June, 1984.**

**For the Government of the United Kingdom of Great Britain and Northern Ireland:      For the Government of the United States of America:**

**DEREK THOMAS**

**JONATHAN T. HOWE**

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**(\*) The Amendment entered into force on 16th November 1984.**

The Amendment to  
the Agreement was  
previously published  
as United States  
No. 1 (1975),  
Cmd. 5852

UNITED STATES



Treaty Series No. 65 (1975)

## Amendment to the Agreement

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the United States of America

for Co-operation on the Uses of  
Atomic Energy for Mutual Defence  
Purposes of July 3 1958

Washington, 22 July 1974

[The Amendment entered into force on 27 January 1975]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
May 1975*

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Cmd. 6017

AMENDMENT TO THE AGREEMENT  
BETWEEN THE GOVERNMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND AND THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA FOR COOPERATION  
ON THE USES OF ATOMIC ENERGY FOR MUTUAL  
DEFENSE PURPOSES OF JULY 3, 1958

The Government of the United Kingdom of Great Britain and Northern  
Ireland and the Government of the United States of America;

Desiring to amend in certain respects the Agreement for Cooperation on  
the Uses of Atomic Energy for Mutual Defense Purposes, signed at  
Washington the third day of July 1958,<sup>(1)</sup> as amended,<sup>(2)</sup>

Have agreed as follows:

ARTICLE 1

The preamble to the Agreement for Cooperation shall be amended as  
follows:

The words "on its own behalf and on behalf of the United Kingdom  
Atomic Energy Authority" shall be deleted.

ARTICLE 2

Article III bis of the Agreement for Cooperation shall be amended as  
follows:

The words "December 31, 1974" in paragraphs A and C thereof shall  
be deleted and the words "December 31, 1979" shall be substituted  
therefor.

ARTICLE 3

Article XI of the Agreement for Cooperation shall be amended as follows:

Paragraph H shall be deleted.

ARTICLE 4

This Amendment, which shall be regarded as an integral part of the  
Agreement for Cooperation, shall enter into force on the date on which  
each Government shall have received from the other Government written  
notification that it has complied with all statutory and constitutional  
requirements for the entry into force of this Amendment.

(1) Treaty Series No. 41 (1958), Cmd. 537.

(2) Treaty Series No. 72 (1959), Cmd. 854.

Treaty Series No. 55 (1969), Cmd. 4119.

Treaty Series No. 46 (1970), Cmd. 4383.

(3) The Amendment entered into force on 27 January 1975.



In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington this twenty-second day of July, 1974 in two original texts.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

R. A. SYKES

For the Government of the United States of America:

GEORGE S. VEST

W. KRIEGSMAN

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Treaty Series No. 72 (1959)

## Amendment

to the Agreement between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the United States of America  
for Co-operation on the Uses of Atomic  
Energy for Mutual Defence Purposes  
of July 3, 1958

[ With Exchange of Notes ]

Washington, May 7, 1959

[ The Amendment entered into force on July 20, 1959 ]

*Presented to Parliament by the Secretary of State for Foreign Affairs  
by Command of Her Majesty  
November 1959*



LONDON

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Cmd. 859

**AMENDMENT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES OF JULY 3, 1958**

The Government of the United Kingdom of Great Britain and Northern Ireland, on its own behalf and on behalf of the United Kingdom Atomic Energy Authority, and the Government of the United States of America;

Desiring to amend in certain respects the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes (hereinafter referred to as the Agreement for Cooperation) signed at Washington on the third day of July, 1958;<sup>(1)</sup>

Have agreed as follows:

**ARTICLE 1**

The following new Article shall be inserted after Article III of the Agreement for Cooperation:

**“ ARTICLE III *bis***

**Transfer of Materials and Equipment**

“ A.—The Government of the United States shall transfer to the Government of the United Kingdom the following in such quantities, at such times prior to December 31, 1969, and on such terms and conditions as may be agreed:

- “ 1. non-nuclear parts of atomic weapons which parts are for the purpose of improving the United Kingdom's state of training and operational readiness;
- “ 2. other non-nuclear parts of atomic weapons systems involving Restricted Data which parts are for the purpose of improving the United Kingdom's state of training and operational readiness when in accordance with appropriate requirements of applicable laws;
- “ 3. special nuclear material for research on, development of, production of, or use in utilization facilities for military applications; and
- “ 4. source, by-product and special nuclear material, and other material, for research on, development of, or use in atomic weapons when, after consultation with the Government of the United Kingdom, the Government of the United States determines that the transfer of such material is necessary to improve the United Kingdom's atomic weapon design, development or fabrication capability.

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<sup>(1)</sup> “ Treaty Series No. 41 (1958),” Cmnd. 537.

UNITED STATES

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Treaty Series No. 41 (1958)

## Agreement

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the United States of America  
for Co-operation on the Uses of Atomic  
Energy for Mutual Defence Purposes

Washington, July 3, 1958

[The Agreement entered into force on August 4, 1958]

*Presented to Parliament by the Secretary of State for Foreign Affairs  
by Command of Her Majesty  
October 1958*

LONDON

HER MAJESTY'S STATIONERY OFFICE

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Cmd. 537

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES**

*Washington, July 3, 1958*

The Government of the United Kingdom of Great Britain and Northern Ireland on its own behalf and on behalf of the United Kingdom Atomic Energy Authority and the Government of the United States of America,

Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

Considering that both countries have made substantial progress in the development of atomic weapons;

Considering that they are participating together in international arrangements pursuant to which they are making substantial and material contributions to their mutual defense and security;

Recognizing that their common defense and security will be advanced by the exchange of information concerning atomic energy and by the transfer of equipment and materials for use therein;

Believing that such exchange and transfer can be undertaken without risk to the defense and security of either country; and

Taking into consideration the United States Atomic Energy Act of 1954, as amended, which was enacted with these purposes in mind,

Have agreed as follows:

**ARTICLE I**

**General Provision**

While the United States and the United Kingdom are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each Party will communicate to and exchange with the other Party information, and transfer materials and equipment to the other Party, in accordance with the provisions of this Agreement provided that the communicating or transferring Party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

**ARTICLE II**

**Exchange of Information**

A. Each Party will communicate to or exchange with the other Party such classified information as is jointly determined to be necessary to:

1. the development of defense plans;
2. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
3. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy;

4. the development of delivery systems compatible with the atomic weapons which they carry; and
5. research, development and design of military reactors to the extent and by such means as may be agreed.

B. In addition to the cooperation provided for in paragraph A of this Article each Party will exchange with the other Party other classified information concerning atomic weapons when, after consultation with the other Party, the communicating Party determines that the communication of such information is necessary to improve the recipient's atomic weapon design, development and fabrication capability.

### ARTICLE III

#### **Transfer of Submarine Nuclear Propulsion Plant and Materials**

A. The Government of the United States will authorize, subject to terms and conditions acceptable to the Government of the United States, a person to transfer by sale to the Government of the United Kingdom or its agent one complete submarine nuclear propulsion plant with such spare parts therefor as may be agreed by the Parties and to communicate to the Government of the United Kingdom or its agent (or to both) such classified information as relates to safety features and such classified information as is necessary for the design, manufacture and operation of such propulsion plant. A person or persons will also be authorized, for a period of ten years following the date of entry into force of this Agreement and subject to terms and conditions acceptable to the Government of the United States, to transfer replacement cores or fuel elements for such plant.

B. The Government of the United States will transfer by sale agreed amounts of U-235 contained in uranium enriched in the isotope U-235 as needed for use in the submarine nuclear propulsion plant transferred pursuant to paragraph A of this Article, during the ten years following the date of entry into force of this Agreement on such terms and conditions as may be agreed. If the Government of the United Kingdom so requests, the Government of the United States will during such period reprocess any material sold under the present paragraph in facilities of the Government of the United States, on terms and conditions to be agreed, or authorize such reprocessing in private facilities in the United States. Enriched uranium recovered in reprocessing such materials by either Party may be purchased by the Government of the United States under terms and conditions to be agreed. Special nuclear material recovered in reprocessing such materials and not purchased by the Government of the United States may be returned to or retained by the Government of the United Kingdom and any U-235 not purchased by the Government of the United States will be credited to the amounts of U-235 to be transferred by the Government of the United States under this Agreement.

C. The Government of the United States shall be compensated for enriched uranium sold by it pursuant to this Article at the United States Atomic Energy Commission's published charges applicable to the domestic distribution of such material in effect at the time of the sale. Any purchase of enriched uranium by the Government of the United States pursuant to this Article shall be at the applicable price of the United States Atomic Energy

Commission for the purchase of enriched uranium in effect at the time of purchase of such enriched uranium.

D. The Parties will exchange classified information on methods of reprocessing fuel elements of the type utilized in the propulsion plant to be transferred under this Article, including classified information on the design, construction and operation of facilities for the reprocessing of such fuel elements.

E. The Government of the United Kingdom shall indemnify and hold harmless the Government of the United States against any and all liabilities whatsoever (including third-party liability) for any damage or injury occurring after the propulsion plant or parts thereof, including spare parts, replacement cores or fuel elements are taken outside the United States, for any cause arising out of or connected with the design, manufacture, assembly, transfer or utilization of the propulsion plant, spare parts, replacement cores or fuel elements transferred pursuant to paragraph A of this Article.

#### ARTICLE IV

##### **Responsibility for use of Information, Material, Equipment and Devices**

The application or use of any information (including design drawings and specifications), material or equipment communicated, exchanged or transferred under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not provide any indemnity, and does not warrant the accuracy or completeness of such information and does not warrant the suitability or completeness of such information, material or equipment for any particular use or application.

#### ARTICLE V

##### **Conditions**

A. Cooperation under this Agreement will be carried out by each of the Parties in accordance with its applicable laws.

B. Under this Agreement there will be no transfer by either Party of atomic weapons.

C. Except as may be otherwise agreed for civil uses, the information communicated or exchanged, or the materials or equipment transferred, by either Party pursuant to this Agreement shall be used by the recipient Party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.

D. Nothing in this Agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the Parties.

#### ARTICLE VI

##### **Guaranties**

A. Classified information, materials and equipment communicated or transferred pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the Parties and applicable national legislation and regulations of the Parties. In no case shall



either Party maintain security standards for safeguarding classified information, materials or equipment made available pursuant to this Agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

B. Classified information communicated or exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the Parties.

C. Classified information, communicated or exchanged, and any materials or equipment transferred, pursuant to this Agreement shall not be communicated, exchanged or transferred by the recipient Party or persons under its jurisdiction to any unauthorized persons, or, except as provided in Article VII of this Agreement, beyond the jurisdiction of that Party. Each Party may stipulate the degree to which any of the information, materials or equipment communicated, exchanged or transferred by it or persons under its jurisdiction pursuant to this Agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information, materials or equipment; and may impose such other restrictions on the dissemination or distribution of such information, materials or equipment as it deems necessary.

## ARTICLE VII

### **Dissemination**

Nothing in this Agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organizations. Neither Party, however, shall communicate classified information or transfer or permit access to or use of materials, or equipment, made available by the other Party pursuant to this Agreement to any nation or international organization unless authorized to do so by such other Party, or unless such other Party has informed the recipient Party that the same information has been made available to that nation or international organization.

## ARTICLE VIII

### **Classification Policies**

Agreed classification policies shall be maintained with respect to all classified information, materials or equipment communicated, exchanged or transferred under this Agreement. The Parties intend to continue the present practice of consultation with each other on the classification of these matters.

## ARTICLE IX

### **Patents**

A. With respect to any invention or discovery employing classified information which has been communicated or exchanged pursuant to Article II or derived from the submarine propulsion plant, material or equipment transferred pursuant to Article III, and made or conceived by the recipient Party, or any agency or corporation owned or controlled thereby, or any of their agents or contractors, or any employee of any of the foregoing,

after the date of such communication, exchange or transfer but during the period of this Agreement:

1. in the case of any such invention or discovery in which rights are owned by the recipient Party, or any agency or corporation owned or controlled thereby, and not included in subparagraph 2 of this paragraph, the recipient Party shall, to the extent owned by any of them:
  - (a) transfer and assign to the other Party all right, title and interest in and to the invention or discovery, or patent application or patent thereon, in the country of that other Party, subject to the retention of a royalty-free, non-exclusive, irrevocable license for the governmental purposes of the recipient Party and for the purposes of mutual defense; and
  - (b) grant to the other Party a royalty-free, non-exclusive, irrevocable license for the governmental purposes of that other Party and for purposes of mutual defense in the country of the recipient Party and third countries, including use in the production of material in such countries for sale to the recipient Party by a contractor of that other Party;
2. in the case of any such invention or discovery which is primarily useful in the production or utilization of special nuclear material or atomic energy and made or conceived prior to the time that the information it employs is made available for civil uses, the recipient Party shall:
  - (a) obtain, by appropriate means, sufficient right, title and interest in and to the invention or discovery, or patent application or patent thereon, as may be necessary to fulfill its obligations under the following two subparagraphs;
  - (b) transfer and assign to the other Party all right, title and interest in and to the invention or discovery, or patent application or patent thereon, in the country of that other Party, subject to the retention of a royalty-free, non-exclusive, irrevocable license, with the right to grant sublicenses, for all purposes; and
  - (c) grant to the other Party a royalty-free, non-exclusive, irrevocable license, with the right to grant sublicenses, for all purposes in the country of the recipient Party and in third countries.

B. 1. Each Party shall, to the extent owned by it, or any agency or corporation owned or controlled thereby, grant to the other Party a royalty-free, non-exclusive, irrevocable license to manufacture and use the subject matter covered by any patent and incorporated in the submarine propulsion plant and spare parts transferred pursuant to paragraph A of Article III for use by the licensed Party for the purposes set forth in paragraph C of Article V.

2. The transferring Party neither warrants nor represents that the submarine propulsion plant or any material or equipment transferred under Article III does not infringe any patent owned or controlled by other persons and assumes no liability or obligation with respect thereto, and the recipient Party agrees to indemnify and hold harmless the transferring Party from any and all liability arising out of any infringement of any such patent.

C. With respect to any invention or discovery, or patent application or patent thereon, or license or sublicense therein, covered by paragraph A of this Article, each Party:

1. may, to the extent of its right, title and interest therein, deal with the same in its own and third countries as it may desire, but shall in no

event discriminate against citizens of the other Party in respect of granting any license or sublicense under the patents owned by it in its own or any other country;

2. hereby waives any and all claims against the other Party for compensation, royalty or award, and hereby releases the other Party with respect to any and all such claims.

D. 1. No patent application with respect to any classified invention or discovery employing classified information which has been communicated or exchanged pursuant to Article II, or derived from the submarine propulsion plant, material or equipment transferred pursuant to Article III, may be filed:

(a) by either Party or any person in the country of the other Party except in accordance with agreed conditions and procedures; or

(b) in any country not a party to this Agreement except as may be agreed and subject to Articles VI and VII.

2. Appropriate secrecy or prohibition orders shall be issued for the purpose of giving effect to this paragraph.

## ARTICLE X

### Previous Agreements for Cooperation

Effective from the date on which the present Agreement enters into force, the cooperation between the Parties being carried out under or envisaged by the Agreement for Cooperation Regarding Atomic Information for Mutual Defense Purposes, which was signed at Washington on June 15, 1955<sup>(1)</sup>, and by paragraph B of Article I bis of the Agreement for Cooperation on Civil Uses of Atomic Energy, which was signed at Washington on June 15, 1955<sup>(2)</sup>, as amended by the Amendment signed at Washington on June 13, 1956<sup>(3)</sup>, shall be carried out in accordance with the provisions of the present Agreement.

## ARTICLE XI

### Definitions

For the purposes of this Agreement:

A. "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.

B. "Classified information" means information, data, materials, services or any other matter with the security designation of "Confidential" or higher applied under the legislation or regulations of either the United Kingdom or the United States, including that designated by the Government of the United States as "Restricted Data" or "Formerly Restricted Data" and that designated by the Government of the United Kingdom as "ATOMIC."

C. "Equipment" 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, and includes submarine nuclear propulsion plant, reactor and military reactor.

<sup>(1)</sup> "Treaty Series No. 52 (1955)," Cmd. 9555.

<sup>(2)</sup> "Treaty Series No. 55 (1955)," Cmd. 9560.

<sup>(3)</sup> "Treaty Series No. 35 (1956)," Cmd. 9847.

D. "Military reactor" means a reactor for the propulsion of naval vessels, aircraft or land vehicles and military package power reactors.

E. "Person" means:

1. any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency or government corporation other than the United Kingdom Atomic Energy Authority and the United States Atomic Energy Commission; and
2. any legal successor, representative, agent or agency of the foregoing.

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

G. "Submarine nuclear propulsion plant" means a propulsion plant and includes the reactor, and such control, primary, auxiliary, steam and electric systems as may be necessary for propulsion of submarines.

H. References in this Agreement to the Government of the United Kingdom include the United Kingdom Atomic Energy Authority.

## ARTICLE XII

### Duration

This Agreement shall enter into force on the date<sup>(\*)</sup> on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Agreement, and shall remain in force until terminated by agreement of both Parties, except that, if not so terminated, Article II may be terminated by agreement of both Parties, or by either Party on one year's notice to the other to take effect at the end of a term of ten years, or thereafter on one year's notice to take effect at the end of any succeeding term of five years.

In witness whereof, the undersigned, duly authorized, have signed this Agreement.

Done at Washington, this third day of July, 1958, in two original texts.

For the Government of the United Kingdom  
of Great Britain and Northern Ireland:

HOOD.

For the Government of the United States  
of America:

JOHN FOSTER DULLES.

---

(\*) August 4, 1958.

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HER MAJESTY'S STATIONERY OFFICE

" B.—The Government of the United Kingdom shall transfer to the Government of the United States for military purposes such source, by-product and special nuclear material, and equipment of such types, in such quantities, at such times prior to December 31, 1969, and on such terms and conditions as may be agreed.

" C.—1. With respect to by-product material, special nuclear material and other material transferred from one Party to the other under this Article, the recipient Party agrees not to use any such material for purposes other than those for which it was received, provided that material which has lost its identity as a result of commingling with other material of the recipient Party may be put to other uses if the recipient Party retains an equivalent amount of its own material for the purpose for which the other Party's material was received.

" 2. For material or equipment transferred from one Party to the other Party, the recipient Party shall pay or reimburse, as may be agreed, all packaging, transportation and related costs. Packaging, shipping containers and methods of shipment shall be as may be agreed.

" 3. Should either Party desire to acquire materials or components for use in the manufacture or in preparation for manufacture of atomic weapons from any source within the jurisdiction of the other Party, the procuring Party shall inform the other Party of the proposed procurement in order that such other Party may determine whether the proposed procurement involves classified information and if so whether the proposed procurement is in compliance with its applicable laws and regulations."

#### ARTICLE 2

Article VII of the Agreement for Cooperation shall be amended to read as follows:

#### " ARTICLE VII

#### " Dissemination

" Nothing in this Agreement shall be interpreted or shall operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organizations. Neither Party, however, shall communicate classified information or transfer or permit access to or use of materials, or equipment, made available by the other Party pursuant to this Agreement to any nation or international organization unless:

" A.—it is notified by the other Party that all appropriate provisions and requirements of such other Party's applicable laws, including authorization by competent bodies of such other Party, have been complied with as necessary to authorize such other Party directly so to communicate to, transfer to or permit access to or use by such other nation or international organization; and further that such other Party authorizes the recipient Party so to communicate to, transfer to or permit access to or use by such other nation or international organization; or

" B.—in the case of communication of classified information and access to materials or equipment, such other Party has informed the recipient

Party that such other Party has so communicated such classified information to, or permitted access to such materials or equipment by, such other nation or international organization; or

"C.—in the case of material which has lost its identity as a result of commingling with other material of the recipient Party, the recipient Party retains an amount under its jurisdiction equivalent to that made available to it by the other Party under this Agreement."

#### ARTICLE 3

Article IX of the Agreement for Cooperation shall be amended as follows:

- (1) The words "Article III" shall be deleted from paragraph A, subparagraph 2 of paragraph B, and subparagraph 1 of paragraph D, and the words "Articles III or III *bis*" shall be substituted therefor.
- (2) The words "submarine propulsion plant and spare parts transferred pursuant to paragraph A of Article III" shall be deleted from subparagraph 1 of paragraph B, and the words "submarine propulsion plant, spare parts or equipment transferred pursuant to paragraph A of Article III or paragraph A or paragraph B of Article III *bis*" shall be substituted therefor.

#### ARTICLE 4

Article XI of the Agreement for Cooperation shall be amended as follows:

- (1) Paragraph C shall be amended by adding at the end thereof the following:

"'Equipment' also includes non-nuclear parts of atomic weapons and other non-nuclear parts of atomic weapons systems involving Restricted Data."

- (2) After paragraph H add the following:

"I. 'Non-nuclear parts of atomic weapons' means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made, in whole or in part, of special nuclear material; and 'other non-nuclear parts of atomic weapons systems involving Restricted Data' means parts of atomic weapons systems, other than non-nuclear parts of atomic weapons, which contain or reveal atomic information and which are not made, in whole or in part, of special nuclear material.

J. 'Atomic information' means information designated 'Restricted Data' or 'Formerly Restricted Data' by the Government of the United States and information designated 'ATOMIC' by the Government of the United Kingdom."

#### ARTICLE 5

Article XII of the Agreement for Cooperation shall be amended as follows:

The words "to take effect at the end of a term of ten years," shall be deleted and the words "to take effect on December 31, 1969," shall be substituted therefor.

**ARTICLE 6**

**This Amendment, which shall be regarded as an integral part of the Agreement for Cooperation, shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment.<sup>(2)</sup>**

**In witness whereof, the undersigned, duly authorized, have signed this Amendment.**

**Done at Washington this seventh day of May, 1959, in two original texts.**

**For the Government of the United Kingdom of Great Britain and Northern Ireland:**

**HAROLD CACCIA.**

**For the Government of the United States of America:**

**CHRISTIAN A. HERTER.**

---

<sup>(2)</sup> July 20, 1959.



## EXCHANGE OF NOTES

No. 1

*The United States Acting Secretary of State to the British Chargé d'Affaires  
ad interim at Washington*

*Department of State,*

*Washington, July 20, 1959.*

Sir:

I refer to the "Amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958", which was signed at Washington on May 7, 1959.

Article 6 of the Amendment provides that "This Amendment, which shall be regarded as an integral part of the Agreement for Cooperation, shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment". In accordance with this Article, I am pleased to state that the Government of the United States has now completed all statutory and constitutional requirements for entry into force of the Amendment.

Accept, &c.

DOUGLAS DILLON.

*Acting Secretary of State.*

No. 2

*The British Chargé d'Affaires ad interim to the United States Acting  
Secretary of State*

(No. 286)

*British Embassy,*

*Washington, July 20, 1959.*

Sir,

I have the honour to acknowledge the receipt of your Note of the 20th of July, 1959, informing the Government of the United Kingdom of Great Britain and Northern Ireland that, in accordance with Article 6 of the "Amendment to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America for Cooperation on the Uses of Atomic Energy for Mutual Defence Purposes of July 3, 1958", the Government of the United States has complied with all statutory and constitutional requirements for the entry into force of this Amendment.

2. I am pleased to notify you that all statutory and constitutional requirements for the entry into force of the Amendment in question have been complied with by the Government of the United Kingdom and Northern Ireland and that consequently, in accordance with Article 6, the Amendment enters into force on the date of receipt of this Note.

I avail, &c.

HOOD.

No. 3

*The United States Acting Secretary of State to the British Chargé d'Affaires  
ad interim at Washington*

*Department of State,  
Washington, July 20, 1959.*

Sir:

I acknowledge the receipt of your Note No. 286 of July 20, 1959, and note that the "Amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958" entered into force on July 20, 1959.

Accept, &c.

**DOUGLAS DILLON.**

*Acting Secretary of State.*

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## Amendment to the Agreement

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the United States of America  
for Co-operation on the Uses of Atomic  
Energy for Mutual Defence Purposes  
of 3 July 1958

Washington, 27 September 1968

[The Amendment entered into force on 28 March 1969]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
August 1969*

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