

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1955 No. 96

A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en de Verenigde Staten van Amerika tot samenwerking betreffende het niet-militair gebruik van atoomenergie;
Washington, 18 Juli 1955*

B. TEKST

Agreement for cooperation concerning civil uses of atomic energy between the Government of the Netherlands and the Government of the United States of America

Whereas the Government of the Netherlands and the Government of the United States, mindful of the fact that atomic energy is capable of application for peaceful purposes which hold great promise for all mankind, desire to cooperate with each other in developing and furthering the beneficial uses of atomic energy;

Whereas there is well advanced the design and development of several types of research reactors (as defined in Article I of this Agreement) which are useful in production of radioisotopes, in medical therapy, and in numerous other research activities, and which 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 Netherlands desires to pursue a research and development program looking toward the realization of peaceful and humanitarian uses of atomic energy which it has undertaken, and desires to obtain assistance from the Government of the United States of America and 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 (hereinafter referred to as the "Commission"), desires to assist the Government of the Netherlands in such a program.

Now therefore, the parties to this Agreement, the Government of the Netherlands and the Government of the United States of America, agree as follows:

Article I

For purposes of this Agreement:

A. "Commission" means the United States Atomic Energy Commission or its duly authorized representatives.

B. "Equipment and devices" means any instrument or apparatus, and includes research reactors, as defined herein, and their component parts.

C. "Research reactors" means a reactor which is designed for the production of neutrons and other radiations for general research and development purposes, medical therapy, or training in nuclear science and engineering. The term does not cover power reactors, power demonstration reactors, or reactors designed primarily for the production of special nuclear materials.

D. The terms "Restricted Data", "atomic weapon", and "special nuclear material" are used in this Agreement as defined in the United States Atomic Energy Act of 1954.

Article II

Subject to the limitations of Article VI, the parties hereto will exchange information in the following fields:

A. The design, construction and operation of research reactors and their use as research, development and engineering tools and in medical therapy.

B. Health and safety problems related to the operation and use of research reactors.

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

Article III

A. The Commission will lease to the Government of the Netherlands uranium enriched in the isotope U-235, subject to the terms and conditions provided herein, as may be required as initial and replacement fuel in the operation of research reactors which the

Government of the Netherlands, in consultation with the Commission, decides to construct and as required in agreed experiments related thereto. Also, the Commission will lease to the Government of the Netherlands uranium enriched in the isotope U-235, subject to the terms and conditions provided herein, as may be required as initial and replacement fuel in the operation of such research reactors as the Government of the Netherlands may, in consultation with the Commission, decide to authorize private individuals or private organizations under its jurisdiction to construct and operate, provided the Government of the Netherlands shall at all times maintain sufficient control of the material and the operation of the reactor to enable the Government of the Netherlands to comply with the provisions of this Agreement and the applicable provisions of the lease arrangement.

B. The quantity of uranium enriched in the isotope U-235 transferred by the Commission and in the custody of the Government of the Netherlands shall not at any time be in excess of six (6) 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 the Netherlands or while fuel elements are in transit, it being the intent of the Commission to make possible the maximum usefulness of the six (6) kilograms of said material.

C. When any fuel elements containing U-235 leased by the Commission require replacement, they shall be returned to the Commission, and, except as may be agreed, the form and content of the irradiated fuel elements shall not be altered after their removal from the reactor and prior to delivery to the Commission.

D. The lease of uranium enriched in the isotope U-235 under this Article shall be at such charges and on such terms and conditions with respect to shipment and delivery as may be mutually agreed and under the conditions stated in Article VII and VIII.

Article IV

A. Subject to the availability of supply and as may be mutually agreed, the Commission will sell or lease, through such means as it deems appropriate, to the Government of the Netherlands or authorized persons under its jurisdiction such reactor materials, other than special nuclear materials, as are not obtainable on the commercial market in the United States and which are required in the construction and operation of research reactors in the Netherlands. The sale or lease of these materials shall be on such terms as may be agreed.

B. With respect to heavy water, it is the intent of the Government of the United States to make available at this time to the Government of the Netherlands by sale or lease only such quantities thereof as may be needed in research reactors in the Netherlands. However, the Government of the United States recognizes that additional quantities of heavy water may be needed in the future as the work of the Government of the Netherlands on the development of electric power from atomic energy progresses. Accordingly, the Government of the United States declares that, at such time, it will discuss with the Government of the Netherlands the matter of supplying the needs of that Government for heavy water for non-military purposes. Such additional supply as may be agreed shall be made available by the Commission to the Government of the Netherlands under this Agreement.

Article V

It is contemplated that, as provided in this Article, private individuals and private organizations in either the United States or the Netherlands may deal directly with private individuals and private organizations in the other country, and that private individuals and private organizations in the United States may deal directly with the Government of the Netherlands. Accordingly, with respect to the subjects of agreed exchange of information as provided in Article II, the Government of the United States will permit persons under its jurisdiction to transfer and export materials, including equipment and devices, to and perform services for the Government of the Netherlands and such persons under its jurisdiction as are authorized by the Government of the Netherlands to receive and possess such materials and utilize such services, subject to:

A. Limitations in Article VI.

B. Applicable laws, regulations and license requirements of the Government of the United States and the Government of the Netherlands.

Article VI

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 to the Government of the Netherlands or authorized persons under its jurisdiction if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

Article VII

A. The Government of the Netherlands agrees to maintain such safeguards as are necessary to assure that the uranium enriched in

the isotope U-235 leased from the Commission shall be used solely for the purposes agreed in accordance with this Agreement and to assure the safekeeping of this material.

B. The Government of the Netherlands agrees to maintain such safeguards as are necessary to assure that all other reactor materials, including equipment and devices, purchased in the United States of America under this Agreement by the Government of the Netherlands or authorized persons under its jurisdiction, shall be used solely for the design, construction, and operation of research reactors which the Government of the Netherlands decides to construct and operate and for research in connection therewith, except as may otherwise be agreed.

C. In regard to research reactors constructed pursuant to this Agreement the Government of the Netherlands agrees to maintain records relating to power levels of operation and burn-up of reactor fuels and to make annual reports to the Commission on these subjects. If the Commission requests, the Government of the Netherlands will permit Commission representatives to observe from time to time the condition and use of any leased material and to observe the performance of the reactor in which the material is used.

Article VIII

Guaranties Prescribed by the U.S. Atomic Energy Act of 1954

The Government of the Netherlands guarantees that:

A. Safeguards provided in Article VII shall be maintained.

B. No material, including equipment and devices, transferred to the Government of the Netherlands or authorized persons under its jurisdiction, pursuant to this Agreement, by lease, sale, or otherwise will be used for atomic weapons or for research on or development of atomic weapons or for any other military purpose, and that no such material, including equipment and devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the Netherlands 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 IX

At the expiration of this Agreement or any extension thereof the Government of the Netherlands shall deliver to the United States all fuel elements containing reactor fuels leased by the Commission and any other fuel material leased by the Commission at the expense of the Government of the Netherlands, and such delivery shall be made

under appropriate safeguards against radiation hazards while in transit.

Article X

It is the hope and expectation of the parties that this initial Agreement for Cooperation will lead to consideration of further cooperation extending to the design, construction, and operation of power producing reactors. Accordingly, the parties will consult with each other from time to time concerning the feasibility of an additional agreement for cooperation with respect to the production of power from atomic energy in the Netherlands.

Article XI

This Agreement shall enter into force on the date of its formal execution by both parties, but no sooner than the day after receipt by the Government of the United States of America of a formal communique on behalf of the Government of the Netherlands, communicating to the former that the necessary constitutionally required approval has been obtained, and shall remain in force for a period of five (5) years from that date. This Agreement shall be subject to renewal as may be mutually agreed.

In witness whereof, the parties hereto have caused this Agreement to be executed pursuant to duly constituted authority.

Done at Washington in duplicate this eighteenth day of July 1955.

For the Government of the Netherlands:
(sd.) S. G. M. van VOORST tot VOORST
Chargé d'Affaires a.i.

For the Government of the United States
of America:
(sd.) WALWORTH BARBOUR
*Deputy Assistant Secretary for European
Affairs.*

(sd.) LEWIS L. STRAUSS
*Chairman United States Atomic Energy
Commission.*

D. GOEDKEURING

De Overeenkomst behoeft de goedkeuring van de Staten-Generaal ingevolge artikel 60, lid 2, der Grondwet, alvorens in werking te kunnen treden.

G. INWERKINGTREDING

De bepalingen der Overeenkomst zullen overeenkomstig artikel XI voor een tijdvak van vijf jaar in werking treden nadat vanwege de Nederlandse Regering aan de Amerikaanse Regering ter kennis zal zijn gebracht, dat de in Nederland grondwettelijk vereiste goedkeuring is verkregen.

Wat het Koninkrijk der Nederlanden betreft zal de Overeenkomst slechts gelden voor Nederland.

J. GEGEVENS

Van de „Atomic Energy Act of 1954”, waarnaar in artikel I en verder in de Overeenkomst wordt verwezen, is de tekst opgenomen in „United States Statutes at Large”, 83rd Congress, 2nd Session, 1954, vol. 68, part I, p. 919—961.

Uitgegeven de *twintigste* Juli 1955.

De Minister van Buitenlandse Zaken,

J. W. BEYEN.