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UNITED STATES
OF AMERICA



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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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⁽¹⁾, as amended⁽²⁾ (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."

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

⁽²⁾ 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⁽³⁾.

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

⁽³⁾ The Amendment entered into force on 16th November 1984.