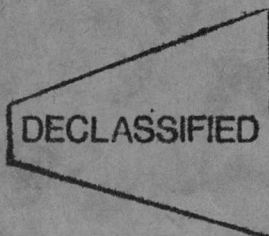


50219-AK-40

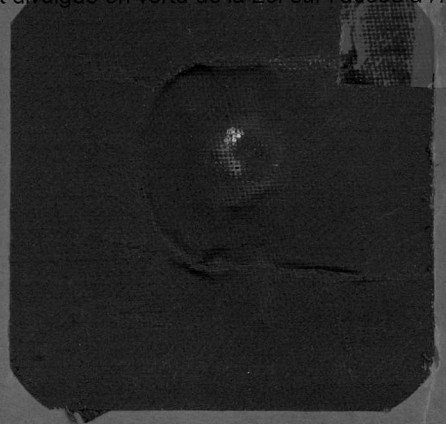
5

ACCESS TO INFORMATION
L'ACCES A L'INFORMATION
EXAMINED BY / EXAMINE PAR:
R. B. Reynolds
DATE / DATE:
June 29, 1989

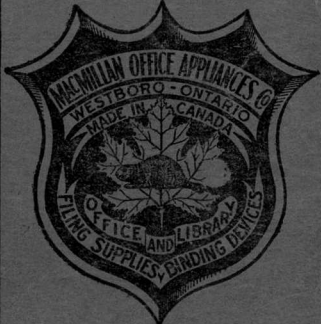


File Tex Vertical
Folder No. Sp. 2394-10





TIP-BACK
FILE COVER
CAN. PAT. NO. 361978



FILE-TEX STOCK
To Duplicate Order

No. Sp 2970

File No. _____ Vol. _____

File 50219-2-1-1



CANADA

TREATY SERIES 1959 No. 16 RECUEIL DES TRAITÉS

ATOMIC ENERGY

Agreement between CANADA and the
UNITED STATES OF AMERICA

Signed at Washington May 22, 1959

In force July 27, 1959

ÉNERGIE ATOMIQUE

Accord entre le CANADA et les
ÉTATS-UNIS D'AMÉRIQUE

Signé à Washington, le 22 mai 1959

En vigueur le 27 juillet 1959



CANADA

TREATY SERIES 1959 No. 16 RECUEIL DES TRAITÉS

ATOMIC ENERGY

Agreement between CANADA and the
UNITED STATES OF AMERICA

Signed at Washington May 22, 1959

In force July 27, 1959

ÉNERGIE ATOMIQUE

Accord entre le CANADA et les
ÉTATS-UNIS D'AMÉRIQUE

Signé à Washington, le 22 mai 1959

En vigueur le 27 juillet 1959

ROGER DUHAMEL, F.R.S.C.
Queen's Printer and Controller of Stationery | Imprimeur de la Reine et
Contrôleur de la Papeterie
Ottawa, 1960

Price-Prix: 25 cents
81256-0—1

No.-N° E3-59/16

CONTENTS

	PAGE
Text of Agreement	4
Exchange of Notes:	
I Note dated July 27, 1959, from the Acting Secretary of State of the United States of America to the Chargé d'Affaires a.i. of the Canadian Embassy	16
II Note dated July 27, 1959, from the Chargé d'Affaires a.i. of the Canadian Embassy to the Acting Secretary of State of the United States of America	18
III Note dated July 27, 1959, from the Acting Secretary of State of the United States of America to the Chargé d'Affaires a.i. of the Canadian Embassy	18

TABLE DES MATIÈRES

	PAGE
Texte de l'Accord	5
Échange de Notes:	
I Note, en date du 27 juillet 1959, adressée par le Secrétaire d'État suppléant des États-Unis d'Amérique au Chargé d'Affaires a.i. du Canada	17
II Note, en date du 27 juillet 1959, adressée par le Chargé d'Affaires a.i. du Canada au Secrétaire d'État suppléant des États-Unis d'Amérique	19
III Note, en date du 27 juillet 1959, adressée par le Secrétaire d'État suppléant des États-Unis d'Amérique au Chargé d'Affaires a.i. du Canada	19

1959 No. 16

4

**AGREEMENT BETWEEN THE GOVERNMENT OF CANADA 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 Canada 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 they are participating together in an international arrangement 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 certain types of equipment;

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

Contemplating that their common defense and security may be advanced by the transfer at some future time of other types of equipment and materials for use therein; and

Taking into consideration that the United States Atomic Energy Act of 1954, as amended, and the Canadian Atomic Energy Control Act and Atomic Energy Regulations were enacted or prepared with these purposes in mind,

Have agreed as follows:

ARTICLE I

General Provision

While the United States and Canada 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 co-operation will promote and will not constitute an unreasonable risk to its defense and security.

ARTICLE II

Exchange of Information

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

- A. the development of defense plans;
- B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy;
- D. the development of delivery systems compatible with the atomic weapons which they carry; and

000926

(Traduction)

**ACCORD ENTRE LE GOUVERNEMENT DU CANADA ET LE GOUVERNEMENT DES
ÉTATS-UNIS D'AMÉRIQUE POUR LA COOPÉRATION DANS LE DOMAINE
DE L'UTILISATION DE L'ÉNERGIE ATOMIQUE AUX FINS DE LA DÉFENSE
COMMUNE**

Le Gouvernement du Canada et le Gouvernement des États-Unis d'Amérique,

Considérant que leur sécurité et leur défense communes exigent qu'ils soient prêts à faire face aux contingences de la guerre atomique;

Considérant qu'ils sont parties à un arrangement international dans le cadre duquel ils contribuent substantiellement et matériellement à leur défense et à leur sécurité communes;

Reconnaissant que leur défense et leur sécurité communes seraient renforcées par un échange de renseignements relatifs à l'énergie atomique et par des cessions de certains matériels;

Estimant qu'il est possible de procéder à de tels échanges et cessions sans risque pour la défense ou la sécurité de l'un ou l'autre des deux pays;

Prévoyant que leur défense et leur sécurité communes pourront être renforcées par la cession ultérieure d'autres matériels, ou de matériaux nécessaires à ces matériels; et

Tenant compte de ce que la Loi de 1954 des États-Unis concernant l'énergie atomique, telle qu'amendée, et la Loi du Canada sur le contrôle de l'énergie atomique, ainsi que les Règlements concernant l'énergie atomique ont été conçus et adoptés en vue de ces fins;

Sont convenus de ce qui suit:

ARTICLE I

Disposition générale

Aussi longtemps que le Canada et les États-Unis resteront parties à un accord international de défense et de sécurité communes et continueront d'apporter dans le cadre de cet accord des contributions substantielles et matérielles, chaque Partie communiquera à l'autre et échangera avec elle des renseignements et lui cédera des matériaux et matériels, en conformité des dispositions du présent Accord, à condition que la Partie donnannte estime que sa coopération favorisera sa défense et sa sécurité, et ne constituera pas un risque déraisonnable.

ARTICLE II

Échanges de renseignements

Chaque Partie communiquera à l'autre ou échangera avec elle les renseignements assortis de cotes de sécurité que l'une et l'autre Partie estimeront nécessaires pour:

A. Le développement des plans de défense;

B. La formation du personnel à l'emploi des engins atomiques et à la défense contre ces engins ainsi qu'aux autres applications militaires de l'énergie atomique;

C. L'estimation des possibilités des ennemis éventuels en ce qui concerne l'emploi des engins atomiques et toutes autres applications militaires de l'énergie atomique;

D. La mise au point de "véhicules" appropriés aux engins atomiques;

E. research, development and design of military reactors to the extent and by such means as may be agreed.

ARTICLE III

Transfer of Non-nuclear Parts of Atomic Weapons Systems

The Government of the United States will transfer to the Government of Canada, subject to terms and conditions mutually agreed upon between the Parties and all appropriate provisions and requirements of applicable United States laws, non-nuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving Canada's state of training and operational readiness.

ARTICLE IV

Transfer of Military Reactors and Materials

The Government of the United States, by amendment to this Agreement and subject to the terms and conditions mutually agreed upon between the Parties,

A. may agree to transfer, or authorize any person to transfer, to the Government of Canada, military reactors and/or parts thereof for military applications; and

B. may agree to transfer to the Government of Canada special nuclear material for research on, development of, production of, and use in military reactors for military applications.

ARTICLE V

Responsibility for Use of Information Material and Equipment

The application or use of any information (including design drawings and specifications), material or equipment communicated, exchanged or transferred under the 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 VI

Conditions

A. Co-operation 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, or non-nuclear parts 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.

La recherche, la création et la mise au point de réacteurs militaires, dans la mesure et par les moyens qui seront convenus.

ARTICLE III

Cession de pièces non nucléaires de systèmes d'engins atomiques

Le Gouvernement des États-Unis cédera au Gouvernement du Canada, sous réserve de conditions à convenir et des dispositions et exigences pertinentes des lois applicables des États-Unis, des pièces non nucléaires de systèmes d'engins atomiques assorties d'une cote de sécurité, si les deux Gouvernements estiment que ces pièces sont nécessaires au Canada pour améliorer son état de préparation, tant du point de vue de l'entraînement que de celui des opérations.

ARTICLE IV

Cession de réacteurs militaires et de matières nucléaires

Le Gouvernement des États-Unis, par voie de modification du présent Accord et sous réserve de conditions à convenir entre les deux Parties:

A. Pourra consentir à céder, ou à autoriser une personne quelconque à céder, au Gouvernement du Canada des réacteurs militaires et (ou) des pièces de réacteurs militaires en vue de leur utilisation à des fins militaires; et

B. Pourra consentir à céder au Gouvernement du Canada des matières nucléaires spéciales en vue de travaux de recherche, de création et de production relatifs aux réacteurs militaires et en vue de l'utilisation de ceux-ci à des fins militaires.

ARTICLE V

Responsabilité de l'utilisation des renseignements, matériaux et matériels

L'application ou l'utilisation de tous renseignements (y compris les dessins de projets et les devis descriptifs), matériaux ou matériels qui seront communiqués, échangés ou cédés dans le cadre du présent Accord relèvera de la responsabilité de la Partie bénéficiaire, et l'autre Partie n'offre aucune indemnité et ne garantit ni l'exactitude ni l'état complet desdits renseignements, non plus que l'adaptabilité ou l'état complet desdits renseignements, matériaux ou matériels au point de vue de toute utilisation ou application particulière.

ARTICLE VI

Conditions

A. Chacune des deux Parties coopérera avec l'autre dans le cadre du présent Accord en conformité de ses lois pertinentes.

B. Il ne sera opéré dans le cadre du présent Accord aucune cession d'engins atomiques, non plus que de pièces non nucléaires d'engins atomiques.

C. Sauf convention différente en ce qui concerne les usages civils, les renseignements communiqués ou échangés et les matériaux ou matériels cédés en vertu du présent Accord ne seront utilisés par la Partie bénéficiaire que pour la préparation ou la mise en œuvre de plans de défense d'un commun intérêt pour les deux pays.

D. Le présent Accord ne doit en rien empêcher la communication ou l'échange de renseignements assortis de cotes de sécurité et qui peuvent être communiqués ou échangés en vertu d'autres arrangements entre les Parties.

ARTICLE VII

Guarantees

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 VIII 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 VIII

Dissemination

Nothing in this Agreement shall be interpreted or operate as a bar or restriction to consultation or co-operation 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 unless:

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

ARTICLE VII

Garanties

A. Les renseignements, matériaux et matériels assortis de cotes de sécurité et qui seront communiqués ou cédés en vertu du présent Accord devront recevoir toute protection, du point de vue de la sécurité, dans le cadre des arrangements de sécurité en vigueur entre les Parties ainsi que des lois et réglementations nationales pertinentes des Parties. Ni l'une ni l'autre des Parties ne devra, en aucun cas, fixer des normes de sécurité, pour la protection des renseignements, matériaux ou matériels assortis de cotes de sécurité et mis à sa disposition dans le cadre du présent Accord, qui soient moins sévères que les normes prévues par les arrangements de sécurité applicables à la date de l'entrée en vigueur du présent Accord.

B. Les renseignements assortis d'une cote de sécurité qui seront communiqués ou échangés dans le cadre du présent Accord seront mis par chaque Partie à la disposition de l'autre par les voies existantes ou par des voies convenues ultérieurement pour la communication ou l'échange de ces renseignements entre les Parties.

C. Les renseignements assortis d'une cote de sécurité et communiqués ou échangés, et les matériaux ou matériels cédés dans le cadre du présent Accord ne devront être communiqués, échangés ou cédés, par la Partie bénéficiaire ou par des personnes relevant de son autorité à aucune personne non autorisée ou, sans préjudice des dispositions de l'Article VIII du présent Accord, à une personne échappant à son autorité. Chacune des Parties pourra stipuler la mesure dans laquelle tel renseignement, tels matériaux ou tel matériel communiqués, échangés ou cédés dans le cadre du présent Accord par elle ou par des personnes relevant de son autorité pourront être diffusés ou distribués; elle pourra spécifier les catégories de personnes ayant accès à ces renseignements, matériaux ou matériels; elle pourra en outre imposer toutes autres restrictions qui lui paraîtront nécessaires en ce qui concerne la diffusion ou la distribution desdits renseignements, matériaux ou matériels.

ARTICLE VIII

Diffusion

Dans le présent Accord, rien ne doit opposer, ni être interprété comme opposant, un obstacle ou une restriction à la consultation ou à la coopération de l'une ou l'autre des Parties, dans un domaine quelconque de sa défense, avec d'autres États ou avec des organismes internationaux. Ni l'une ni l'autre des Parties, toutefois, ne devra communiquer de renseignements assortis d'une cote de sécurité, ni céder des matériaux ou matériels à cote de sécurité mis à sa disposition par l'autre Partie, non plus que donner accès à ces matériaux ou ce matériel ou en permettre l'utilisation, si ce n'est dans les conditions suivantes:

A. La Partie d'origine aura donné notification de ce qu'ont été observées toutes les dispositions et exigences pertinentes de ses lois applicables, y compris l'autorisation accordée par ses organismes compétents, nécessaires pour que la Partie d'origine soit autorisée elle-même à communiquer ou à céder lesdits renseignements, matériaux ou matériels, à y donner accès ou à en permettre l'utilisation à tout autre État ou à tout organisme international; en outre, la Partie d'origine aura autorisé la Partie bénéficiaire à communiquer ou à céder audit État ou organisme international les renseignements, matériaux ou matériels dont il s'agit, à leur en donner accès ou à leur en permettre l'utilisation; ou bien

B. The originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

ARTICLE IX

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 X

Patents

A. With respect to any invention or discovery:

1. either employing information which has been communicated or exchanged pursuant to Article II, or derived from any reactors and/or parts thereof or material or non-nuclear parts of atomic weapons systems transferred pursuant to Articles III and IV, and made or conceived after the date of such communication, exchange or transfer but during the period of this Agreement, 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; or

2. not covered in sub-paragraph 1 above and made or conceived by any person representing, employed by, or acting for or on behalf of one Party (hereinafter referred to as the "sponsoring Party") or its contractor, while in the country of the other Party and assigned to an installation, plant, laboratory, institution or similar facility in the country of the other Party pursuant to this Agreement, the recipient or sponsoring Party (as the case may be) shall:

- (a) be entitled to all right, title and interest in and to the invention or discovery, or patent application or patent thereon, in the country of the recipient or sponsoring Party (as the case may be) and in third countries; and
- (b) obtain, by appropriate means, sufficient right, title and interest in and to the invention or discovery, or patents application or patent thereon, as may be necessary to fulfill its obligations under the following two sub-paragraphs; and
- (c) 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 by the recipient or sponsoring Party (as the case may be) of a royalty-free, non-exclusive, irrevocable license, with the right to grant sub-licenses, for all purposes; and
- (d) grant to the other Party a royalty-free, non-exclusive, irrevocable license, with the right to grant sub-licenses, for all purposes in the country of the recipient or sponsoring Party (as the case may be) 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

B. La Partie d'origine aura informé l'autre Partie de ce qu'elle a elle-même communiqué ou cédé audit État ou organisme international les renseignements, matériaux ou matériels dont il s'agit ou qu'elle leur en a donné accès ou leur en a permis l'utilisation.

ARTICLE IX

Cotes de sécurité

Des principes convenus régissant l'attribution de cotes de sécurité à tous renseignements, matériaux ou matériels communiqués, échangés ou cédés dans le cadre du présent Accord. Les Parties entendent continuer comme à l'heure actuelle à se consulter pour l'attribution des cotes de sécurité.

ARTICLE X

Brevets

A. En ce qui concerne les inventions ou découvertes:

1. utilisant des renseignements communiqués ou échangés en vertu de l'article II, ou obtenus à l'aide de piles, d'éléments de pile, de matériaux ou éléments non nucléaires appartenant à des systèmes d'engins atomiques cédés conformément aux articles III et IV, ces inventions ou découvertes étant faites ou conçues après la date de ces communications, échanges ou cessions mais pendant la durée du présent Accord, par la Partie bénéficiaire, ou par des régies ou sociétés lui appartenant ou relevant d'elle, par ses représentants, ses entrepreneurs ou ses employés;

2. ou que n'embrasse pas le sous-alinéa 1 ci-dessus, mais qui sont faites ou conçues par un représentant, un employé ou un agent ou délégué de l'une des Parties (ci-après désignée la Partie garante) ou de son entrepreneur alors qu'ils se trouvent dans le pays de l'autre Partie et qu'ils y sont affectés à une installation, une usine, un laboratoire ou une autre institution, en vertu du présent Accord, la Partie bénéficiaire ou la Partie garante, selon le cas,

- a) possédera tous les droits, titres et participations relatifs à ces inventions ou découvertes, aux demandes de brevets et aux brevets dans le pays de la Partie bénéficiaire ou celui de la Partie garante, selon le cas, et dans les pays tiers;
- b) et pourra obtenir, par les moyens appropriés, les droits, titres et intérêts relatifs à ces inventions ou découvertes, à ces demandes de brevets et à ces brevets dont elle pourra avoir besoin pour s'acquitter des obligations découlant des deux alinéas ci-après;
- c) cédera et transférera à l'autre Partie tous ses droits, titres et participations relatifs aux inventions ou découvertes, aux demandes de brevets et brevets dans le pays de l'autre Partie, sous réserve que la Partie bénéficiaire ou la Partie garante, selon le cas, conservera une licence franche de redevances, non exclusive et irrévocable, avec la faculté de délivrer, à toutes fins, des sous-licences;
- d) délivrera à l'autre Partie une licence franche de redevances, non exclusive et irrévocable, avec la faculté d'accorder des sous-licences à diverses fins dans le pays de la Partie bénéficiaire ou de la Partie garante, selon le cas, et dans les pays tiers.

B. 1. Chaque Partie, ou toute agence ou société commerciale lui appartenant ou relevant d'elle, accordera dans la mesure où elle en sera propriétaire, une licence franche de redevances, non exclusive et irrévocable, pour la fabri-

covered by any patent and incorporated in any reactors and/or parts thereof or material or non-nuclear parts of atomic weapons system transferred pursuant to Articles III and IV for use by the licensed Party for the purposes set forth in Paragraph C of Article VI.

2. The transferring Party neither warrants nor represents that any reactors and/or parts thereof or material or non-nuclear parts of atomic weapons systems transferred pursuant to Article III and IV do 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 sub-license 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 sub-license 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 reactors and/or parts thereof or material or non-nuclear parts of atomic weapons systems transferred pursuant to Articles III or IV, 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 VII and VIII.

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

E. Detailed procedures shall be jointly established to effectuate the foregoing provisions, and all situations not specifically covered shall be settled by mutual agreement governed by the basic principle of equivalent benefits to both Parties.

ARTICLE XI

Previous Agreements for Co-operation

Effective from the date on which the present Agreement enters into force, the co-operation between the Parties being carried out under or envisaged by the Agreement for Co-operation Regarding Atomic Information for Mutual Defense Purposes, which was signed at Washington on June 15, 1955, and by Paragraph B or Article II [bis] of the Agreement for Co-operation concerning Civil Uses of Atomic Energy, which was signed at Washington on June 15, 1955, as amended by the Amendment signed at Washington on June 26, 1956, shall be carried out in accordance with the provisions of the present Agreement.

cat. et l'usage d'objets brevetés faisant partie de réacteurs ou d'organes de réacteurs, ainsi que des matériaux ou éléments non nucléaires appartenant aux systèmes d'engins atomiques cédés, conformément aux articles III et IV, à l'usage de la Partie qui aura reçu une licence aux fins énoncées à l'alinéa C de l'article VI.

2. La Partie cédante n'assure pas sous sa garantie que les réacteurs, les éléments de réacteurs, les matériaux et organes non nucléaires appartenant aux systèmes d'engins atomiques cédés en vertu des articles III et IV, n'empiètent pas sur des brevets détenus ou exploités par d'autres personnes, et n'assume aucune responsabilité ou obligation à cet égard; la Partie bénéficiaire s'engage à indemniser la Partie cédante et à la tenir à couvert de toute obligation pouvant découler d'une infraction à un brevet.

C. En ce qui concerne les inventions ou découvertes, les brevets ou demandes de brevet, les licences et sous-licences sur lesquels porte le paragraphe du présent article, chaque Partie:

1. peut, dans la mesure des droits, titres et intérêts s'y rapportant, en disposer dans son propre pays et dans les pays tiers selon son gré, mais elle s'abstiendra de distinctions contre les ressortissants de l'autre Partie quand il s'agira de délivrer des licences ou des sous-licences se rattachant aux brevets qu'elle détiendra dans son propre pays ou dans tout autre pays;

2. renonce, à l'endroit de l'autre Partie, à toute demande d'indemnité, de redevances ou dommages-intérêts et dégage l'autre Partie de toute réclamation de cette nature.

D. 1. Aucune demande de brevet relative à une invention ou à une découverte secrètes utilisant des renseignements assortis de la cote de sécurité et communiqués conformément à l'article II, ou obtenus à l'aide de réacteurs, d'éléments de réacteurs ou bien de matériaux ou éléments non nucléaires appartenant aux systèmes d'engins atomiques cédés en vertu des articles III et IV, ne pourra être présentée:

- a) par l'une des Parties ou par quiconque dans le pays de l'autre Partie, sauf si elle est faite conformément aux conditions et modalités convenues de part et d'autre;
- b) dans un pays qui n'est pas partie à ce présent Accord, sauf par entente, et sous réserve des articles VII et VIII.

2. Afin d'assurer l'application du présent paragraphe, les ordres pertinents d'interdiction et de secret seront émis.

E. Les deux Parties établiront dans le détail la procédure à suivre pour appliquer les dispositions qui précèdent; quant aux situations non explicitement prévues, elles seront réglées par la voie d'une entente fondée sur le principe essentiel d'avantages équivalents pour les deux Parties.

ARTICLE XI

Accords antérieurs de coopération

A compter de la date où le présent Accord entrera en vigueur, les deux Parties appliqueront conformément aux dispositions de cet Accord les mesures de coopération mises à exécution ou envisagées aux termes de l'Accord sur l'énergie atomique (renseignements aux fins de défense mutuelle) signé à Washington le 15 juin 1955, ainsi que de l'alinéa B de l'Article II (bis) de l'Accord de coopération concernant les emplois civils de l'énergie atomique, signé à Washington le 15 juin 1955 et modifié par un texte signé à Washington le 26 juin 1956.

ARTICLE XII

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 States or Canada, including that designated by the Government of the United States as "Restricted Data" or "Formerly Restricted Data" and that designated by the Government of Canada as "ZED Information".

C. "Equipment" means:

(1) 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 reactor and military reactor; and

(2) non-nuclear parts of atomic weapons systems involving Restricted Data.

D. "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.

E. "Atomic information" means:

(1) so far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" and "Formerly Restricted Data";

(2) so far as concerns information provided by the Government of Canada, information which is designated "ZED Information".

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

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

H. "Persons" means:

(1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency or government corporation other than the United States Atomic Energy Commission and Atomic Energy of Canada Limited; and

(2) any legal successor, representative, agent or agency of the foregoing.

I. References in this Agreement to the Government of Canada include the Atomic Energy of Canada Limited.

ARTICLE XII

Définitions

L'interprétation du présent Accord tiendra compte des définitions ci-après:

A. *Engin atomique*: tout engin faisant emploi de l'énergie atomique, à l'exception des mécanismes de transport ou de lancement de cet engin, (si ces mécanismes sont des pièces pouvant se détacher ou se séparer de cet engin) et qui est conçu pour être employé comme arme, pour servir à la mise au point d'armes, pour remplir la fonction de prototype ou d'instrument d'essai pour toute arme atomique.

B. *Renseignements assortis d'une cote de sécurité*: renseignements, données, documentation, services ou toute autre chose portant la cote "confidentielle" ou une cote plus haute en vertu des lois et règlements des États-Unis ou du Canada, y compris tous ceux qui sont assortis de la cote américaine "Restricted data" ou "Formerly Restricted data", et de la cote du Gouvernement du Canada "Renseignements ZED".

C. *Matériel*:

1) tout instrument, appareil ou installation (à l'exception des engins atomiques pouvant utiliser ou produire des matières nucléaires spéciales), ainsi que leurs éléments, y compris les réacteurs civils ou militaires;

2) les éléments non nucléaires des systèmes d'engins atomiques assortis de la cote "Restricted data".

D. *Éléments non nucléaires d'engins atomiques*: éléments conçus spécialement pour les engins atomiques, qui ne sont ni d'usage général dans d'autres produits finis ni fabriqués de matériaux nucléaires spéciaux en tout ou en partie; par "*autres éléments non nucléaires appartenant aux systèmes d'engins atomiques assortis de la cote "Restricted data"*", il faut entendre les éléments des systèmes d'engins atomiques autres que les éléments non nucléaires des engins atomiques, qui comportent des renseignements atomiques et qui ne se composent pas, en tout ou en partie, de matériaux nucléaires spéciaux.

E. *Renseignements atomiques*:

1) renseignements portant la cote "Restricted data" ou "Formerly restricted data" s'ils sont fournis par le Gouvernement des États-Unis;

2) renseignements portant la cote "ZED" s'ils sont fournis par le Gouvernement du Canada.

F. *Réacteur militaire*: réacteur servant à la propulsion de navires, d'aéronefs, de véhicules terrestres et de piles génératrices transportables.

G. *Réacteur*: appareil, autre qu'un engin atomique, dans lequel des réactions en chaîne auto-entretenues et contrôlées s'effectuent grâce à l'utilisation de l'uranium, du plutonium ou du thorium ou d'une combinaison quelconque des trois.

H. *Personne*: 1) individu, société constituée en corporation, société en nom collectif, firme, association, institution de gestion, succession, institution publique ou privée, groupe, organisme ou société d'État autre que la Commission de l'énergie atomique des États-Unis ou la société Énergie atomique du Canada Limitée;

2) et leurs ayants-droit, représentants, agents ou agences.

I. L'expression "Gouvernement du Canada" employée dans le présent Accord embrasse la société Énergie atomique du Canada Limitée.

1959 No. 16

16

ARTICLE XIII

Duration

This Agreement 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 legal 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, Articles II and III 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 22nd day of May, 1959, in two original texts.

For the Government of Canada:
A. D. P. HEENEY.

For the Government of the United States of America:
DOUGLAS DILLON.

I

*The Acting Secretary of State of the United States of America to the Chargé
d'Affaires a.i. of the Canadian Embassy*

DEPARTMENT OF STATE

WASHINGTON, July 27, 1959.

EXCELLENCY,

I refer to the Agreement between the Government of the United States of America and the Government of Canada for Co-operation on the Uses of Atomic Energy for Mutual Defence Purposes which was signed at Washington, D.C., on May 22.

Article XIII of the Agreement provides that "This Agreement 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 legal requirements for the entry into force of this Agreement". In accordance with this Article, I am pleased to state that the Government of the United States of America has now complied with all legal requirements for entry into force of the Agreement.

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

ACTING SECRETARY OF STATE.

ARTICLE XIII

Durée de l'Accord

Le présent Accord entrera en vigueur le jour où chaque gouvernement aura reçu de l'autre une notification écrite selon laquelle celui-ci aura rempli toutes les formalités juridiques prescrites, et il demeurera en vigueur jusqu'à ce que les deux Parties le dénoncent d'un commun accord; cependant, s'il n'est pas dénoncé ainsi, il pourra être mis fin aux articles II et III par les deux Parties d'un commun accord, ou par une seule Partie au moyen d'un préavis d'un an qui deviendrait effectif au terme d'une période de dix ans, ou subsequmment au moyen d'un préavis d'un an qui deviendrait effectif au terme de n'importe quelle période ultérieure de cinq ans.

EN FOI DE QUOI, les soussignés, dûment autorisés, ont signé le présent Accord.

FAIT à Washington le 22 mai 1959 en deux textes originaux.

Pour le Gouvernement du Canada;
A. D. P. HEENEY.

Pour le Gouvernement des États-Unis d'Amérique:
DOUGLAS DILLON.

I

*Le Secrétaire d'État suppléant des États-Unis d'Amérique au Chargé d'Affaires
a.i. du Canada*

DÉPARTEMENT D'ÉTAT

WASHINGTON, le 27 juillet 1959.

MONSIEUR LE CHARGÉ D'AFFAIRES,

Je me réfère à l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Canada pour la coopération dans le domaine de l'utilisation de l'énergie atomique aux fins de la défense commune, signé à Washington (D.C.) le 22 mai.

L'article XIII de l'Accord énonce ce qui suit: "Le présent Accord entrera en vigueur le jour où chaque gouvernement aura reçu de l'autre une notification écrite selon laquelle celui-ci aura rempli toutes les formalités juridiques prescrites". J'ai le plaisir de vous faire connaître, conformément à cet article, que le Gouvernement des États-Unis d'Amérique a rempli toutes les formalités prescrites pour l'entrée en vigueur de l'Accord.

Veuillez agréer, monsieur l'Ambassadeur, les assurances renouvelées de ma très haute considération.

LE SECRÉTAIRE D'ÉTAT SUPPLÉANT.

1959 No. 16

18

II

The Chargé d'Affaires a.i. of the Canadian Embassy to the Acting Secretary of State of the United States of America

CANADIAN EMBASSY

WASHINGTON, July 27, 1959.

SIR,

I have the honour to acknowledge the receipt of your Note of July 27, informing the Government of Canada that, in accordance with Article XIII of the Agreement between the Government of Canada and the Government of the United States of America for Co-operation on the Uses of Atomic Energy for Mutual Defence Purposes, which was signed at Washington, D.C., May 22, the Government of the United States of America has complied with all legal requirements for the entry into force of this Agreement.

I am pleased to notify you that all legal requirements for the entry into force of the Agreement in question have been complied with by the Government of Canada and that consequently, in accordance with Article XIII, the Agreement enters into force on the date of receipt of this Note.

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

CHARGÉ D'AFFAIRES A.I.

III

The Acting Secretary of State of the United States of America to the Chargé d'Affaires a.i. of the Canadian Embassy

DEPARTMENT OF STATE

WASHINGTON, July 27, 1959.

EXCELLENCY,

I acknowledge the receipt of your Note of July 27, and note that the Agreement between the Government of the United States of America and the Government of Canada for Co-operation on the Uses of Atomic Energy for Mutual Defence Purposes, which was signed at Washington, D.C., on May 22, entered into force on July 27.

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

ACTING SECRETARY OF STATE.

19

1959 N° 16

II

Le Chargé d'Affaires a.i. du Canada au Secrétaire d'État suppléant des États-Unis d'Amérique

AMBASSADE DU CANADA

WASHINGTON, le 27 juillet 1959.

MONSIEUR LE SECRÉTAIRE D'ÉTAT SUPPLÉANT,

J'ai l'honneur de vous accuser réception de votre Note du 27 juillet faisant connaître au Gouvernement du Canada que, conformément à l'article XIII de l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Canada pour la coopération dans le domaine de l'utilisation de l'énergie atomique aux fins de la défense commune, signé à Washington (D.C.) le 22 mai, le Gouvernement des États-Unis d'Amérique a rempli toutes les formalités juridiques prescrites pour l'entrée en vigueur de cet Accord.

Je suis heureux de vous aviser que le Gouvernement du Canada a rempli toutes les formalités juridiques prescrites pour l'entrée en vigueur de l'Accord en question et que, en conséquence, conformément à l'article XIII, l'Accord entre en vigueur à la date de réception de la présente Note.

Veuillez agréer, monsieur le Secrétaire d'État suppléant, les assurances renouvelées de ma très haute considération.

LE CHARGÉ D'AFFAIRES A.I.

III

Le Secrétaire d'État suppléant des États-Unis d'Amérique au Chargé d'Affaires a.i. du Canada

DÉPARTEMENT D'ÉTAT

WASHINGTON, le 27 juillet 1959.

MONSIEUR LE CHARGÉ D'AFFAIRES,

Je vous accuse réception de votre Note du 27 juillet et je prends acte que l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Canada pour la coopération dans le domaine de l'utilisation de l'énergie atomique aux fins de la défense commune, signé à Washington (D.C.) le 22 mai, est entré en vigueur le 27 juillet.

Veuillez agréer, monsieur l'Ambassadeur, les assurances renouvelées de ma très haute considération.

LE SECRÉTAIRE D'ÉTAT SUPPLÉANT.



CANADA

50219-AK-40	
58	✓

TREATY SERIES 1955 No. 16 RECUEIL DES TRAITÉS

ATOMIC ENERGY

Information for Mutual Defence Purposes

Agreement between CANADA and
the UNITED STATES OF AMERICA

Signed at Washington, June 15, 1955

In force July 22, 1955

L'ÉNERGIE ATOMIQUE

Renseignements aux fins de défense mutuelle

Accord entre le CANADA et
les ÉTATS-UNIS d'AMÉRIQUE

Signé à Washington le 15 juin 1955

En vigueur le 22 juillet 1955



CANADA

TREATY SERIES 1955 No. 16 RECUEIL DES TRAITÉS

ATOMIC ENERGY

Information for Mutual Defence Purposes

Agreement between CANADA and
the UNITED STATES OF AMERICA

Signed at Washington, June 15, 1955

In force July 22, 1955

L'ÉNERGIE ATOMIQUE

Renseignements aux fins de défense mutuelle

Accord entre le CANADA et
les ÉTATS-UNIS d'AMÉRIQUE

Signé à Washington le 15 juin 1955

En vigueur le 22 juillet 1955

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
Queen's Printer and | Imprimeur de la Reine et
Controller of Stationery | Contrôleur de la Papeterie
Ottawa, 1957.

Price: 25 cents

Prix: 25 cents

000943

**AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT
OF THE UNITED STATES OF AMERICA FOR COOPERATION REGARDING
ATOMIC INFORMATION FOR MUTUAL DEFENCE PURPOSES**

PREAMBLE

The Government of Canada and the Government of the United States of America,

Recognizing that their mutual security and defence requires that they be prepared to meet the contingencies of atomic warfare,

Recognizing that their common interests will be advanced by the exchange of information pertinent thereto,

Believing that the exchange of such information can be undertaken without threat to the security of either country, and

Taking into consideration the United States Atomic Energy Act of 1954 and the Canadian Atomic Energy Control Act and Atomic Energy Regulations, which were prepared with these purposes in mind,

Agree as follows:

ARTICLE I

1. While the United States and Canada are participating in international arrangements for their mutual defence and security and making substantial and material contribution thereto, each government will from time to time make available to the other government atomic information which the government making such information available deems necessary to:

- (a) the development of defence plans;
- (b) the training of personnel in the employment of and defence against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. Atomic information which is transferred by either government pursuant to this Agreement shall be used by the other government exclusively for the preparation and implementation of defence plans in the mutual interests of the two countries.

ARTICLE II

1. All transfers of atomic information to Canada by the United States pursuant to this Agreement will be made in compliance with the provisions of the United States Atomic Energy Act of 1954 and any subsequent applicable United States legislation. All transfers of atomic information to the United States by Canada pursuant to this Agreement will be made in compliance with the Atomic Energy Control Act and the Atomic Energy Regulations of Canada or subsequent applicable Canadian legislation and regulations.

2. Under this Agreement there will be no transfers by the United States or Canada of atomic weapons or special nuclear material, as these terms are defined in Section 11 (d) and Section 11 (t) of the United States Atomic Energy Act of 1954.

(Traduction)

**ACCORD ENTRE LE GOUVERNEMENT DU CANADA ET LE GOUVERNEMENT DES
ÉTATS-UNIS D'AMÉRIQUE SUR LA COOPÉRATION DANS LE DOMAINE DES
RENSEIGNEMENTS ATOMIQUES AUX FINS DE DÉFENSE MUTUELLE**

PRÉAMBULE

Le Gouvernement du Canada et le Gouvernement des États-Unis d'Amérique,

Reconnaissant que leur défense et leur sécurité mutuelles exigent qu'ils soient prêts à faire face aux risques d'une guerre atomique,

Reconnaissant qu'il est de leur intérêt commun que des renseignements s'y rapportant soient échangés,

Croyant que l'échange de tels renseignements peut s'effectuer sans danger pour la sécurité de l'un et de l'autre pays, et

Considérant la Loi américaine de 1954 sur l'énergie atomique et la Loi du Canada sur le contrôle de l'énergie atomique et du Règlement sur l'énergie atomique, mesures qui ont été élaborées dans l'intention de servir les fins précitées

Sont convenus de ce qui suit:

ARTICLE I

1. Aussi longtemps que les États-Unis et le Canada participeront aux ententes internationales en vue de leur défense et de leur sécurité mutuelles et qu'ils y contribueront dans une mesure importante et concrète, chaque Gouvernement mettra, de temps à autre, à la disposition de l'autre Gouvernement, tels renseignements atomiques que le Gouvernement informateur jugera nécessaires pour:

- a) l'élaboration des plans de défense;
- b) l'entraînement du personnel à l'emploi des armes atomiques et à la défense contre de telles armes; et
- c) l'évaluation du potentiel de tous ennemis éventuels en ce qui concerne l'emploi des armes atomiques.

2. Les renseignements atomiques fournis par l'un ou l'autre Gouvernement en vertu du présent accord devront être utilisés par l'autre Gouvernement exclusivement aux fins de l'élaboration et de l'exécution de plans de défense servant les intérêts mutuels des deux pays.

ARTICLE II

1. Tous les renseignements atomiques communiqués au gouvernement du Canada par les États-Unis en vertu du présent accord seront transmis en conformité des dispositions de la Loi américaine de 1954 sur l'énergie atomique et de toute loi ultérieure pertinente des États-Unis. Tous les renseignements atomiques communiqués au gouvernement des États-Unis par le gouvernement du Canada en vertu du présent accord seront transmis en conformité de la Loi sur le contrôle de l'énergie atomique et du Règlement du Canada régissant l'énergie atomique, ou de toute loi ou règlement, ultérieurs et pertinents, du Canada.

2. Sous le régime du présent accord il ne s'effectuera, du gouvernement des États-Unis au gouvernement du Canada, aucune cession d'armes atomiques ou de matériel nucléaire spécial, au sens où ils sont définis aux articles 11 (d) et 11 (t) de la Loi américaine de 1954 sur l'énergie atomique.

1955. No. 16.

4

ARTICLE III

1. Atomic information made available pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between Canada and the United States and applicable national legislation and regulations of the two countries. In no case shall either government maintain security standards for safeguarding atomic information lower than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

2. Atomic information which is exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the exchange of classified defence information between the two governments.

3. Atomic information received pursuant to this Agreement shall not be transferred by the recipient government to any unauthorized person or, except as provided in Article V of this Agreement, beyond the jurisdiction of that government. Each government may stipulate the degree to which any of the categories of information made available to the other government pursuant to this Agreement may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of such information as it deems necessary.

ARTICLE IV

As used in this Agreement, "atomic information" means:

- (a) So far as concerns the information provided by the United States, Restricted Data, as defined in Section 11 (r) of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 (b) of that Act and information relating primarily to the military utilization of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 (d) of the United States Atomic Energy Act of 1954.
- (b) So far as concerns information provided by Canada, Classified Information relating to the military application of atomic energy.

ARTICLE V

Nothing herein shall be interpreted or operate as a bar or restriction to consultation and cooperation by the United States or Canada with other nations or regional organizations in any fields of defence. Neither government, however, shall communicate atomic information made available by the other government pursuant to this Agreement to any nation or regional organization unless the same information has been made available to that nation or regional organization by the other government in accordance with its own legislative requirements and except to the extent that such communication is expressly authorized by such other government.

ARTICLE VI

This Agreement shall enter into force on the date of receipt by the Government of Canada of a notification from the Government of the United

000946

ARTICLE III

1. Les renseignements atomiques communiqués en vertu du présent accord devront faire l'objet de l'entière protection exigée par la sécurité aux termes d'arrangements pertinents de sécurité, arrangements conclus entre le Canada et les États-Unis et des lois et règlements pertinents des deux pays. L'un ou l'autre pays ne devra maintenir, en aucun cas, aux fins de la sauvegarde des renseignements atomiques, des normes de sécurité inférieures à celles qui seront stipulées aux arrangements pertinents de sécurité en vigueur à la date où le présent accord deviendra exécutoire.

2. Les renseignements du domaine atomique échangés en vertu du présent accord seront communiqués par les voies utilisées actuellement, ou dont on aura convenu par après pour l'échange, entre les deux gouvernements, de renseignements classifiés sur la défense.

3. Les renseignements atomiques reçus en vertu du présent accord ne devront être transmis par le gouvernement qui les recevra à aucune personne non autorisée, ni autrement que selon les dispositions de l'article V du présent accord, hors de la compétence dudit gouvernement. Chaque gouvernement peut stipuler le niveau auquel toute catégorie de renseignements fournis à l'autre gouvernement en vertu du présent accord peut être divulgué, et spécifier les catégories de personnes qui pourront avoir accès auxdits renseignements, et imposer quant à la diffusion desdits renseignements toutes autres restrictions jugées nécessaires.

ARTICLE IV

Dans le présent accord, l'expression "renseignements atomiques" s'entend:

- a) En ce qui concerne les renseignements fournis par les États-Unis, des données de diffusion restreinte et définies à l'article 11 (r) de la Loi américaine de 1954 sur l'énergie atomique et qu'il est permis de communiquer en vertu des dispositions de l'article 144 (b) de ladite loi, et des renseignements portant essentiellement sur l'utilisation militaire d'armes atomiques, renseignements qui ont été soustraits de la catégorie des données de diffusion restreinte, aux termes de l'article 142 (d) de la Loi américaine de 1954 sur l'énergie atomique.
- b) En ce qui concerne les renseignements fournis par le Canada, des renseignements classifiés portant sur l'application militaire de l'énergie atomique.

ARTICLE V

Rien dans le présent accord ne devra être interprété ou appliqué en tant qu'un empêchement ou une restriction à la consultation ou à la collaboration de la part des États-Unis ou du Canada avec d'autres pays ou organismes régionaux dans tout domaine de la défense. Cependant, ni l'un ni l'autre des gouvernements ne devront communiquer à toute autre nation ou organisme régional des renseignements atomiques obtenus de l'autre gouvernement en vertu du présent accord, à moins que les mêmes renseignements n'aient été rendus accessibles à une telle nation ou à un tel organisme par l'autre gouvernement selon les exigences de ses propres lois et si ce n'est dans la mesure où la communication de tels renseignements est expressément autorisée par ledit autre gouvernement.

ARTICLE VI

Le présent accord entrera en vigueur le jour où le Gouvernement du Canada recevra du Gouvernement des États-Unis avis que la période de

1955. No. 16.

6

States of America that the period of thirty days required by Section 123 (c) of the United States Atomic Energy Act of 1954 has elapsed, and shall remain in effect until terminated by mutual agreement of both governments.

DONE at Washington this fifteenth day of June, 1955, in two original texts.

For Canada:

A. D. P. HEENEY

For the United States of America:

C. BURKE ELBRICK

DEPARTMENT OF STATE, WASHINGTON

July 21, 1955.

EXCELLENCY:

I have the honor to refer to the "Agreement between the Government of the United States of America and the Government of Canada for Cooperation Regarding Atomic Information for Mutual Defence Purposes" which was signed on June 15, 1955.

Article VI of the Agreement provides that "This Agreement shall enter into force on the date of receipt by the Government of Canada of a notification from the Government of the United States of America that the period of thirty days required by Section 123.c of the United States Atomic Energy Act of 1954 has elapsed..."

In accordance with Article VI, I am pleased to inform you that the period of thirty days required by Section 123.c of the United States Atomic Energy Act of 1954 has now elapsed. Accordingly, this Agreement shall enter into force on the date of the receipt of this note.

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

For the Acting Secretary of State,

ROBERT MURPHY

His Excellency

A. D. P. Heeney,,
Ambassador of Canada.

1955. N° 16.

7

trente jours requise en vertu de l'article 123 (c) de la Loi américaine de 1954 sur l'énergie atomique est écoulée, et restera en vigueur jusqu'à ce qu'il soit résilié de gré à gré par les deux gouvernements.

Fait à Washington, ce 15^e jour de juin 1955 en deux textes originaux.

Pour le Canada:

A. D. P. HEENEY

Pour les États-Unis d'Amérique:

C. BURKE ELBRICK

(Traduction)

DÉPARTEMENT D'ÉTAT

WASHINGTON

Le 21 juillet 1955

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur de me référer à l'"Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Canada sur la coopération dans le domaine des renseignements atomiques aux fins de défense mutuelle", signé le 15 juin 1955.

L'article VI de l'Accord prévoit que "Le présent Accord entrera en vigueur le jour où le Gouvernement du Canada recevra du Gouvernement des États-Unis d'Amérique avis que la période de trente jours requise en vertu de l'article 123 (c) de la Loi américaine de 1954 sur l'énergie atomique est écoulée..."

Conformément à l'article VI, j'ai le plaisir de vous faire connaître que la période de trente jours requise par l'article 123 (c) de la Loi américaine de 1954 sur l'énergie atomique est maintenant écoulée. En conséquence, l'Accord précité entrera en vigueur à la date de réception de la présente Note.

Veuillez agréer, Monsieur l'Ambassadeur, les assurances de ma très haute considération.

Pour le Secrétaire d'État par intérim,

ROBERT MURPHY

Son Excellence Monsieur A. D. P. Heeney
Ambassadeur du Canada

1955. No. 16.

8

WASHINGTON, D.C.,
July 25, 1955.

No. 502

SIR,

I have the honour to acknowledge your Note of July 21, 1955 referring to the "Agreement between the Government of the United States of America and the Government of Canada for Cooperation Regarding Atomic Information for Mutual Defence Purposes".

I note that the period of thirty days required by Section 123.c of the United States Atomic Energy Act of 1954 has now elapsed and that, in accordance with Article I of the above-mentioned Agreement, this Agreement entered into force on July 22, 1955, the date of receipt of your Note.

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

A. D. P. HEENEY

The Honourable John Foster Dulles,
Secretary of State of the United States,
Washington, D.C.

000950

1955. N° 16.

9

(Traduction)

WASHINGTON (D.C.)

Le 25 juillet 1955

N° 502

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

J'ai l'honneur d'accuser réception de votre Note du 21 juillet 1955, dans laquelle vous vous référez à l'"Accord sur la coopération dans le domaine des renseignements atomiques aux fins de défense mutuelle".

Je note que la période de trente jours requise par l'article 123 (c) de la Loi américaine de 1954 sur l'énergie atomique est maintenant écoulée et que, conformément à l'article 1^{er} de l'Accord précité, cet Accord est entré en vigueur le 22 juillet 1955, date de la réception de votre Note.

Veuillez agréer, Monsieur le Secrétaire d'État, les assurances de ma très haute considération.

A. D. P. HEENEY

L'honorable John Foster Dulles

Secrétaire d'État des États-Unis
Washington (D.C.)

000951

Top of file

FCR19-AK-40	

E

FD-2.



CANADA

TREATY SERIES 1956 No. 4 RECUEIL DES TRAITÉS

DEFENCE

North Atlantic Treaty

Agreement between the Parties to the North
Atlantic Treaty for Co-operation regarding
Atomic Information

Signed at Paris, June 22, 1955

Instrument of acceptance of Canada
notified August 30, 1955

In force for Canada March 29, 1956

DÉFENSE

Traité de l'Atlantique Nord

Accord entre les États parties au Traité
de l'Atlantique Nord sur la coopération
dans le domaine des renseignements atomiques

Signé à Paris le 22 juin 1955

Instrument d'acceptation du Canada notifié
le 30 août 1955

En vigueur pour le Canada le 29 mars 1956



CANADA

TREATY SERIES 1956 No. 4 RECUEIL DES TRAITÉS

DEFENCE

North Atlantic Treaty

Agreement between the Parties to the North
Atlantic Treaty for Co-operation regarding
Atomic Information

Signed at Paris, June 22, 1955

Instrument of acceptance of Canada

notified August 30, 1955

In force for Canada March 29, 1956

DÉFENSE

Traité de l'Atlantique Nord

Accord entre les États parties au Traité
de l'Atlantique Nord sur la coopération
dans le domaine des renseignements atomiques

Signé à Paris le 22 juin 1955

Instrument d'acceptation du Canada notifié
le 30 août 1955

En vigueur pour le Canada le 29 mars 1956

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
Queen's Printer and Controller of Stationery | Imprimeur de la Reine et
Contrôleur de la Papeterie
OTTAWA, 1958

Price: 25 cents

96074—1

Prix: 25 cents

000953

CONTENTS

	PAGE
Preamble	4
Sections of the United States Atomic Energy Act of 1954 referred to in the Agreement	10

TABLE DES MATIÈRES

	PAGE
Préambule	5
Sections de la loi américaine de 1954 sur l'énergie atomique dont il est fait mention dans l'Accord	11

AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY FOR CO-OPERATION REGARDING ATOMIC INFORMATION

PREAMBLE

The Parties to the North Atlantic Treaty, signed at Washington on 4th April, 1949,*

Recognising that their mutual security and defence requires that they be prepared to meet the contingencies of atomic warfare, and

Recognising that their common interests will be advanced by making available to the North Atlantic Treaty Organization information pertinent thereto, and

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

Acting on their own behalf and on behalf of the North Atlantic Treaty Organization,

Agree as follows:

ARTICLE I

1. While the North Atlantic Treaty Organization continues to make substantial and material contributions to the common defence efforts, the United States will from time to time make available to the North Atlantic Treaty Organization, including its civil and military agencies and commands, atomic information which the Government of the United States of America deems necessary to:

- (a) the development of defence plans;
- (b) the training of personnel in the employment of and defence against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. As used in this Agreement so far as concerns information provided by the United States, "atomic information" means Restricted Data, as defined in Section 11 r of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 b of that Act, and information relating primarily to the military utilisation of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 d of the United States Atomic Energy Act of 1954.

3. All transfers by the Government of the United States of America of atomic information will be made in compliance with the provisions of the United States Atomic Energy Act of 1954, and subsequent applicable United States legislation. Under this Agreement there will be no transfers of atomic weapons or special nuclear material, as these terms are defined in Section 11 d and Section 11 t of the United States Atomic Energy Act of 1954. (The Sections of the United States Atomic Energy Act of 1954 referred to in paragraphs 2 and 3 of this Article are attached).

* Canada Treaty Series 1949, No. 7.

ACCORD ENTRE LES ÉTATS PARTIES AU TRAITÉ DE L'ATLANTIQUE NORD SUR LA COOPÉRATION DANS LE DOMAINE DES RENSEIGNEMENTS ATOMIQUES

PRÉAMBULE

Les États Parties au Traité de l'Atlantique Nord, signé à Washington le 4 avril 1949,*

Reconnaissant que leur sécurité et leur défense mutuelles exigent qu'ils soient prêts à faire face aux risques de guerre atomique,

Reconnaissant également qu'il est de leur intérêt commun que des renseignements s'y rapportant soient mis à la disposition de l'Organisation du Traité de l'Atlantique Nord,

Considérant la Loi américaine de 1954 sur l'Énergie Atomique, qui a été élaborée à cette fin,

Agissant tant en leur nom qu'au nom de l'Organisation du Traité de l'Atlantique Nord,

Sont convenus de ce qui suit:

ARTICLE PREMIER

1. Aussi longtemps que l'Organisation du Traité de l'Atlantique Nord apportera des contributions substantielles et matérielles aux efforts communs de défense, le Gouvernement des États-Unis d'Amérique mettra de temps à autre à la disposition de cette Organisation, y compris de ses organismes civils et militaires et de ses commandements militaires, des renseignements atomiques que le Gouvernement des États-Unis d'Amérique jugera nécessaires pour:

- (a) l'élaboration des plans de défense;
- (b) l'entraînement du personnel à l'emploi des armes atomiques et à la défense contre ces armes;
- (c) l'évaluation du potentiel d'ennemis éventuels en ce qui concerne l'emploi des armes atomiques.

2. Au sens où il est utilisé dans le présent Accord, et dans la mesure où il concerne les renseignements fournis par les États-Unis, le terme «renseignements atomiques» signifie les renseignements faisant l'objet d'une diffusion restreinte, tels qu'ils sont définis à la Section 11 *r* de la Loi américaine de 1954 sur l'Énergie Atomique dont la communication est autorisée aux termes des dispositions de la Section 144 *b* de cette Loi, ainsi que les renseignements concernant principalement l'utilisation militaire des armes atomiques, qui ont été retirés de la catégorie des renseignements faisant l'objet d'une diffusion restreinte conformément aux dispositions de la Section 142 *d* de la Loi américaine de 1954 sur l'Énergie Atomique.

3. Toute communication par le Gouvernement des États-Unis d'Amérique de renseignements atomiques s'effectuera conformément aux dispositions de la Loi américaine de 1954 sur l'Énergie Atomique et des lois américaines ultérieures sur cette question. En vertu de cet Accord, il ne sera fait aucun transfert d'armes atomiques ni de matériel nucléaire spécial, au sens où ils sont définis aux Sections 11 *d* et 11 *t* de la Loi américaine de 1954 sur l'Énergie Atomique. (Les textes des Sections de la Loi américaine de 1954 sur l'Énergie Atomique visés aux paragraphes 2 et 3 ci-dessus sont repris en Annexe au Présent Accord).

*Recueil des Traités 1949 n° 7.

ARTICLE II

1. Atomic information which is transferred to the North Atlantic Treaty Organization will be made available through the channels now existing for providing classified military information to the North Atlantic Treaty Organization.

2. Only those persons within the North Atlantic Treaty Organization whose duties require access to atomic information may be the original recipients of such information. Atomic information will be authorized for dissemination within the North Atlantic Treaty Organization only to persons whose North Atlantic Treaty Organization responsibilities require them to have access to such information. Information will not be transferred by the North Atlantic Treaty Organization to unauthorized persons or beyond the jurisdiction of that Organization. The Government of the United States of America may stipulate the degree to which any of the categories of information made available by it may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of information as it deems necessary.

ARTICLE III

1. Atomic information will be accorded full security protection under applicable North Atlantic Treaty Organization regulations and procedures, and where applicable, national legislation and regulations. In no case will recipients maintain security standards for the safeguarding of atomic information lower than those set forth in the pertinent North Atlantic Treaty Organization security regulations in effect on the date this Agreement comes into force.

ARTICLE IV

1. Atomic information which is transferred by the Government of the United States of America pursuant to Article I of this Agreement shall be used exclusively for the preparation of and in implementation of North Atlantic Treaty Organization defence plans.

2. The North Atlantic Treaty Organization will from time to time render reports to the Government of the United States of America of the use which has been made of the information. These reports will contain pertinent information requested by the Government of the United States of America and will in particular contain a list of the persons possessing certain categories of information, in accordance with the provisions of paragraph 2 of Article II, and a list of the documents which have been transferred.

ARTICLE V

1. The Parties to the North Atlantic Treaty, other than the United States, will to the extent that they deem necessary, make available to the North Atlantic Treaty Organization information in the same categories as may be made available by the United States under Article I of this Agreement. Any such information will be supplied on the same or similar conditions as those which apply under this Agreement with respect to the United States.

ARTICLE II

1. Les renseignements atomiques communiqués à l'Organisation du Traité de l'Atlantique Nord seront transmis par les voies utilisées actuellement pour la communication à l'Organisation du Traité de l'Atlantique Nord de renseignements militaires assortis d'une classification de sécurité.

2. Seront seuls autorisés à recevoir directement des renseignements atomiques les membres du personnel de l'Organisation du Traité de l'Atlantique Nord qui, en raison de leurs fonctions, doivent y avoir accès. Aucune diffusion de ces renseignements ne pourra être faite à l'intérieur de l'Organisation, si ce n'est aux seules personnes obligées de les connaître en raison des responsabilités qui leur incombent au sein de l'Organisation du Traité de l'Atlantique Nord. Ces renseignements ne seront communiqués par l'Organisation du Traité de l'Atlantique Nord ni à des personnes non autorisées, ni hors du domaine où s'exerce son autorité. Le Gouvernement des États-Unis d'Amérique pourra stipuler dans quelle mesure l'une des catégories de renseignements qu'ils auront fournis pourra être communiquée et spécifier la catégorie de personnes qui pourront avoir accès à ces renseignements et imposer telles autres restrictions qu'ils jugeront nécessaires en ce qui concerne la diffusion de ces renseignements.

ARTICLE III

1. Les renseignements atomiques bénéficieront de toute la protection de sécurité prévue par les règlements et procédures de sécurité de l'Organisation du Traité de l'Atlantique Nord et par les lois et règlements nationaux applicables à ces renseignements. En aucun cas, les détenteurs de ces renseignements ne leur appliqueront des normes de sécurité inférieures à celles qui sont stipulées dans les règlements de sécurité appropriés de l'Organisation du Traité de l'Atlantique Nord ayant effet à la date où le présent Accord entrera en vigueur.

ARTICLE IV

1. Les renseignements atomiques communiqués par le Gouvernement des États-Unis d'Amérique conformément à l'Article Premier du présent Accord seront utilisés exclusivement pour la préparation et l'exécution des plans de défense de l'Organisation du Traité de l'Atlantique Nord.

2. L'Organisation du Traité de l'Atlantique Nord communiquera de temps à autre des rapports au Gouvernement des États-Unis d'Amérique sur l'usage qui aura été fait de ces renseignements. Ces rapports fourniront les précisions demandées par le Gouvernement des États-Unis d'Amérique et contiendront en particulier une liste des personnes en possession de certaines catégories de renseignements conformément aux dispositions du paragraphe 2 de l'Article II, et une liste des documents communiqués.

ARTICLE V

1. Les États Parties au Traité de l'Atlantique Nord autres que les États-Unis mettront à la disposition de l'Organisation du Traité de l'Atlantique Nord, dans la mesure où elles le jugeront nécessaire, les renseignements qui entreranno dans les mêmes catégories que ceux communiqués par les États-Unis aux termes de l'Article I du présent Accord. La communication de ces renseignements s'effectuera dans des conditions identiques ou équivalentes à celles prévues par le présent Accord pour les renseignements communiqués par les États-Unis.

1956, No. 14

8

ARTICLE VI

1. The Agreement shall enter into force upon notification to the United States by all Parties to the North Atlantic Treaty that they are bound by the terms of the Agreement.

2. If any other State becomes a Party to the North Atlantic Treaty no information made available to the North Atlantic Treaty Organization under this Agreement will be provided to any person who is a national of, or who is employed by, the new Party to the North Atlantic Treaty until the new Party has notified the Government of the United States of America that it is bound by the terms of this Agreement, and upon such notification, this Agreement will enter into force for the new Party.

3. The Government of the United States of America will inform all Parties to the North Atlantic Treaty of the entry into force of this Agreement under paragraph 1 of this Article and of each notification received under paragraph 2 of this Article.

4. This Agreement shall be valid as long as the North Atlantic Treaty is in force.

In witness whereof the undersigned Representatives have signed the present Agreement on behalf of their respective States, members of the North Atlantic Treaty Organization, and on behalf of the North Atlantic Treaty Organization.

Done at Paris this 22nd day of June 1955, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the Archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

(Here follow the names of the signatories for the Kingdom of Belgium, Canada, the Kingdom of Denmark, France, the Federal Republic of Germany, the Kingdom of Greece, Ireland, Italy, the Grand-Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, Portugal, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America.)

ARTICLE VI

1. Le présent Accord entrera en vigueur dès que tous les États Parties au Traité de l'Atlantique Nord auront notifié au Gouvernement des États-Unis d'Amérique qu'ils sont liés par les termes du présent Accord.

2. Si un État accède au Traité de l'Atlantique Nord, aucun renseignement transmis à l'Organisation du Traité de l'Atlantique Nord en vertu du présent Accord ne sera communiqué à un ressortissant quelconque du nouveau membre de l'Organisation du Traité de l'Atlantique Nord ou à toute personne employée par ce nouveau membre, avant que le gouvernement de celui-ci n'ait notifié au Gouvernement des États-Unis d'Amérique qu'il se trouve lié par les termes du présent Accord; dès cette notification, le présent Accord entrera en vigueur en ce qui concerne le nouveau membre.

3. Le Gouvernement des États-Unis d'Amérique informera tous les États Parties au Traité de l'Atlantique Nord de l'entrée en vigueur du présent Accord prévue au paragraphe 1 du présent Article, et de chaque notification reçue, conformément au paragraphe 2 du présent Article.

4. Le présent Accord restera en vigueur aussi longtemps que le Traité de l'Atlantique Nord lui-même.

En foi de quoi, les Représentants soussignés des États membres de l'Organisation du Traité de l'Atlantique Nord ont signé le présent Accord tant au nom de leurs États respectifs qu'au nom de l'Organisation.

Fait à Paris le 22 juin 1955, en anglais et en français, les deux textes faisant également foi, en un simple exemplaire qui restera déposé dans les archives du Gouvernement des États-Unis d'Amérique. Le Gouvernement des États-Unis d'Amérique en transmettra des copies certifiées conformes à tous les gouvernements signataires et adhérents.

(Suivent les noms des signataires pour le Royaume de Belgique, le Canada, le Royaume de Danemark, la France, la République Fédérale d'Allemagne, le Royaume de Grèce, l'Islande, l'Italie, le Grand-Duché de Luxembourg, le Royaume des Pays-Bas, le Royaume de Norvège, le Portugal, la Turquie, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et les États-Unis d'Amérique.)

**SECTIONS OF THE UNITED STATES ATOMIC ENERGY ACT OF 1954 REFERRED
TO IN THE AGREEMENT FOR CO-OPERATION REGARDING ATOMIC
INFORMATION**

SECTION 11. DEFINITIONS

Section 11 d:

"Atomic
weapon"

"d. The term '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".

Section 11 r:

"Restricted
Data"

"r. The term 'Restricted Data' means all data concerning: (1) design, manufacture, or utilisation of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to Section 142".

Section 11 t:

"Special
nuclear
material"

"t. The term 'special nuclear material' means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material".

**SECTIONS DE LA LOI AMÉRICAINE DE 1954 SUR L'ÉNERGIE ATOMIQUE DONT
IL EST FAIT MENTION DANS L'ACCORD DE COOPÉRATION DANS
LE DOMAINE DES RENSEIGNEMENTS ATOMIQUES**

SECTION 11. DÉFINITIONS

Section 11 d:

«Arme
atomique»

«d. Il faut entendre par «arme atomique» tout dispositif utilisant l'énergie atomique, non compris les moyens de transports ou de propulsion de ce dispositif (lorsque ces moyens constituent un élément détachable et divisible du dispositif), dont l'objet principal est d'être utilisé soit en tant qu'arme, prototype d'arme ou dispositif d'essai d'arme, soit en vue de la mise au point de tels armes, prototypes d'armes ou dispositifs d'essai d'armes».

Section 11 r:

«Renseigne-
ments faisant
l'objet d'une
diffusion
restreinte»

«r. Il faut entendre par «Renseignements faisant l'objet d'une diffusion restreinte» tous les renseignements relatifs à: (1) la conception, la fabrication ou l'emploi des armes atomiques; (2) la production de substances nucléaires spéciales; ou (3) l'utilisation de substances nucléaires spéciales dans la production d'énergie; cette expression ne couvre pas les renseignements déclassifiés ou retirés de la catégorie «Renseignements faisant l'objet d'une diffusion restreinte», conformément aux dispositions de la Section 142».

Section 11 t:

«Substance
nucléaire
spéciale»

«t. Il faut entendre par «substance nucléaire spéciale»: (1) le plutonium, l'uranium enrichi (isotope 233 ou isotope 235), et toute autre substance que, conformément aux dispositions de la Section 51, la Commission a désignée comme substance nucléaire spéciale, à l'exclusion du minerai; (2) toute substance artificiellement enrichie au moyen d'une des substances ci-dessus, à l'exclusion du minerai».

1956. No. 4

12

SECTION 142. CLASSIFICATION AND DECLASSIFICATION OF RESTRICTED DATA

Section 142 d:

"d. The Commission shall remove from the Restricted Data category such data as the Commission and the Department of Defence jointly determine relates primarily to the military utilisation of atomic weapons and which the Commission and Department of Defence jointly determine can be adequately safeguarded as defence information: provided however, that no such data so removed from the Restricted Data category shall be transmitted or otherwise made available to any nation or regional defence organization, while such data remains defence information, except pursuant to an agreement for co-operation entered into in accordance with sub-section 144 b".

SECTION 144. INTERNATIONAL CO-OPERATION

Section 144 b:

"b. The President [of the United States of America] may authorise the Department of Defence, with the assistance of the [Atomic Energy] Commission to co-operate with another nation or with a regional defence organization to which the United States is a party, and to communicate to that nation or organization such Restricted Data as is necessary to:

- "(1) the development of defence plans;
- "(2) the training of personnel in the employment of and defence against atomic weapons, and
- "(3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons,

while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defence and security:

Provided, however, That no such co-operation shall involve communication of Restricted Data relating to the design or fabrication of atomic weapons except with regard to external characteristics, including size, weight, and shape, yields and effects, and systems employed in the delivery or use thereof but not including any data in these categories unless in the joint judgment of the [Atomic Energy] Commission and the Department of Defence such data will not reveal important information concerning the design or fabrication of the nuclear components of an atomic weapon: And provided further, That the co-operation is undertaken pursuant to an agreement entered into in accordance with Section 123".

SECTION 142. CLASSIFICATION ET DÉCLASSIFICATION DES RENSEIGNEMENTS
FAISANT L'OBJET D'UNE DIFFUSION RESTREINTE

Section 142 d:

«d. La Commission retirera de la catégorie des «Renseignements faisant l'objet d'une diffusion restreinte» les renseignements que, conjointement avec le Département de la Défense, elle aura définis comme concernant essentiellement l'utilisation des armes atomiques à des fins militaires et que, conjointement avec le Département de la Défense, elle aura considérés comme suffisamment protégés en tant que renseignements intéressant la Défense: sous réserve toutefois que aucun renseignement ainsi retiré de la catégorie «Renseignements faisant l'objet d'une diffusion restreinte» ne sera transmis ou communiqué de quelque façon que ce soit à aucun pays ou aucune organisation de défense régionale, tant que ces renseignements continueront d'intéresser la défense si ce n'est dans le cadre d'un accord de coopération signé conformément aux dispositions de la Section 144 b».

SECTION 144. COOPÉRATION INTERNATIONALE

Section 144 b:

«b. Le Président [des États-Unis d'Amérique] peut autoriser, avec l'aide de la Commission [de l'Énergie Atomique] le Département de la Défense à coopérer avec un autre État ou une organisation régionale de défense dont les États-Unis font partie, et à communiquer à cet État ou à cette organisation tels renseignements faisant l'objet d'une diffusion restreinte qui sont nécessaires pour:

- «1) l'élaboration des plans de défense;
- «2) l'entraînement du personnel à l'emploi des armes atomiques et à la défense contre ces armes;
- «3) l'évaluation du potentiel d'ennemis éventuels en ce qui concerne l'emploi des armes atomiques;

aussi longtemps que cet État ou cette organisation participera avec les États-Unis, en vertu d'un accord international et par des contributions substantielles et matérielles à la défense et à la sécurité mutuelles: étant entendu toutefois qu'une telle coopération n'implique pas la communication de renseignements faisant l'objet d'une diffusion restreinte et ayant trait à la conception ou à la fabrication d'armes atomiques, exception faite des caractéristiques extérieures et telles que les dimensions, poids, forme, efficacité, effets et moyens employés pour le transport ou l'utilisation desdites armes, mais à l'exclusion de tous autres renseignements de catégories visées ci-dessus, à moins que de l'avis commun de la Commission [de l'Énergie Atomique] et du Département de la Défense, de tels renseignements ne soient pas de nature à fournir des éléments d'information importants sur la conception ou la fabrication des éléments nucléaires d'une arme atomique: étant entendu en outre que cette coopération s'exercera en vertu d'un accord conclu aux termes de la Section 123».

CLOSED

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR
EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: Office of the High Commissioner.....
...for Canada, London.....

Reference:.....
Subject: Mr. Macmillan on.....
"Nuclear Partnership".....

Security: UNCLASSIFIED

No: 670

Date: April 24, 1961.

Enclosures: --

Air or Surface Mail: Air

Post File No:.....

Ottawa File No.

50219-AK-10

33

50

References

1	P
2	I
3	
4	
5	
6	
7	
8	
9	
10	

APR 27 1961

In a speech he made on April 22 at the final rally of the annual conference of the Scottish Conservatives in Ayr, Scotland, the Prime Minister, made the following statement on the possibility of transforming the present "nuclear trusteeship" exercised by the U.S.A. and U.K. into a "nuclear partnership" with the other NATO allies:

"We have always regarded the British and American Governments as holding the deterrent in trust for the free world. We have now seriously to consider how to exercise this trust with due regard to the feelings of our allies. It may be--I only throw out the thought--that the road lies along the concept of transforming the trusteeship into a partnership. But not yet. Nothing could be more foolish for Britain at this critical moment than unilaterally and gratuitously to throw away the weapon which gives us a voice and an authority in determining these great issues."

Internal Circulation

Distribution to Posts

Washington
NATO Paris
Embassy Paris
Bonn

1961 APR 26 PM 12:09

NO ENCLCSURES

TO: DIRECTOR, CANADIAN ARMY
FROM: CHIEF, CANADIAN ARMY
SUBJECT: [Illegible]
[Illegible text follows, appearing to be a memorandum or letter body.]

DEPARTMENT OF EXTERNAL AFFAIRS
CROSS REFERENCE SHEET

Security *Secret*.....

50219-AK-40		
55		✓

Type of Document... *let* No. *CSC-7244* Date... *20/3/61*

From... *J.I.C.*

To... *E.A.*

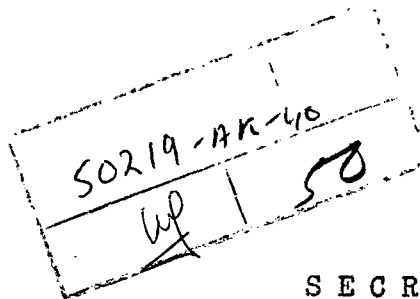
Subject: *CANUS-61*

Original on File No... *50028-4-46*

Copies on File No.....

Other Cross Reference Sheets on.....

Prepared by... *Charles Ash*



~~50210-F-40~~
33 50

SECRET

December 13, 1960.

Major E.A. Blais,
Secretary,
Joint Intelligence Committee,
Department of National Defence,
Room 4441, "A" Building,
Ottawa.

I refer to the attached Agreement between Canada and the United States for Co-operation on the Uses of Atomic Energy for Mutual Defence Purposes, together with its secret technical annex and its confidential security annex. I should be grateful if you would reproduce this in sufficient quantity to circulate it to all members of the Joint Intelligence Committee.

I am particularly interested in having the Committee at an early date examine Article II C. of the agreement proper and Section I. A 9 of the secret technical annex. These are the provisions of the agreement relating to the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy. According to this agreement each party will communicate to or exchange with the other party such classified information as is jointly determined to be necessary. I would particularly like the members to consider the exchange of enemy atomic information as outlined above with a view to determining whether or not an exchange is now taking place in this area to the satisfaction of the Joint Intelligence Committee. Of course, if our discussions show that this is not the case then the Committee would have to consider what steps it should take to try to improve the present situation.

You may, if you wish, circulate a copy of this letter with the agreement and its annexes.

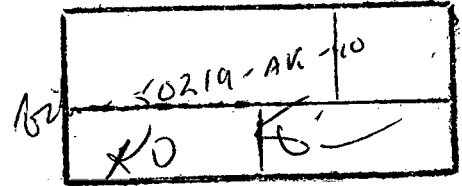
John Starnes

J.K. Starnes,
Chairman,

Joint Intelligence Committee

000970

HANSARD
February 9, 1960



NATIONAL DEFENCE

**ATOMIC WEAPONS—REPORTED STATEMENT BY
PRESIDENT OF UNITED STATES**

On the orders of the day:

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I should like to reply to a question which was asked by the Leader of the Opposition on Friday last. The question was:

Now that the Prime Minister no doubt has had an opportunity of considering the statement of the President of the United States on the sharing of atomic energy information, has he any comment to make on that statement, with special reference to the president's remark that the United States laws should be liberalized, in his view, in respect of those friends and allies on whom they could count in time of trouble?

As a preface to my remarks, and with leave of the house, I would draw attention once again to the position of the government as stated in this house on February 20, 1959; namely, that the Canadian government believes in the importance of limiting the spread of nuclear weapons at the independent disposal of national governments and that, as a matter of policy, it does not intend to undertake the production of nuclear weapons in Canada.

As to the sharing of atomic energy information, it will be recalled that I tabled in the house on May 25 of last year an agreement for co-operation with the United States on the uses of atomic energy for mutual defence purposes. This agreement was concerned principally with the conditions under which Canada can receive certain categories of restricted information and equipment required by our armed forces. By means of this agreement we are now able to obtain all the information and equipment necessary to meet our immediately foreseeable requirements.

In so far as the President's remarks at his press conference may be related to atomic

weapons, I do not think it would be proper for me to elaborate on what he has said, but I should like to draw the attention of the house to a statement issued by the White House on Friday last which reads as follows:

The question of possible amendments to the atomic energy act in relation to the transfer of nuclear weapons, or information concerning them, to other friendly nations is, like all major policy matters, under continuing review within the executive branch. There is no executive proposal now before congress, nor in preparation, for amendments to the act in either of these respects.

The house will now understand why I quoted the statement in question in view of the earlier remarks of the President.

If any changes are made in United States policies they will, of course, be taken into account in discussions which we will have with the United States authorities as to these matters. I might add that if and when Canada does acquire nuclear weapons it will be in accordance with our own national policies and with our obligations under the North Atlantic treaty.

Hon. L. B. Pearson (Leader of the Opposition): May I ask the Prime Minister a supplementary question arising out of one part of his very significant remarks. When he said—and I may not be quoting his exact words—that we in Canada are now in receipt of everything that is necessary to meet immediately foreseeable requirements, was he referring to requirements in respect of nuclear weapons?

Mr. Diefenbaker: No; atomic energy for mutual defence purposes.

[Later:]

Hon. Paul Hellyer (Trinity): I would like to direct a question to the Prime Minister. If I heard the Prime Minister correctly in his statement this afternoon, he said that if and when Canada used atomic arms it would be in accordance with our own policy under the North Atlantic treaty. I wonder if the Prime Minister included in that statement the possible use of atomic warheads for the Bomarc missiles, or whether that would be under a different arrangement.

Mr. Diefenbaker: Mr. Speaker, I think I was perfectly clear in the statement I made, and I am sure the hon. member, after perusal, will come to the same conclusion.

NOTES FOR HOUSE COMMITTEE
ON EXTERNAL AFFAIRS

50219-AK-40

28

Agreement with the United States
on the Uses of Atomic Energy for
Mutual Defence Purposes

1 Feb 60 ?

The Agreement on the Uses of Atomic Energy for Mutual Defence Purposes, entered into with the United States last May and tabled in the House by the Prime Minister on May 25, is concerned principally with the conditions under which Canada can receive certain categories of "Restricted Data" information and equipment important to the operation and use of such nuclear weapons with which our Armed Forces may be equipped.

The Agreement continues and extends the degree to which cooperation in this field had been carried out under the terms of an agreement signed in 1955. The 1955 agreement, which covered the exchange of information only, made it possible for Canada to obtain three categories of "Restricted Data" information:

- (a) information necessary for the development of defence plans;
- (b) information necessary for the training of personnel in the employment of and defence against atomic weapons;
- (c) the information necessary to the evaluation of capabilities of potential enemies in the employment of atomic weapons.

The new Agreement adds two more categories to the foregoing:

- (a) information on the development of delivery systems compatible with the atomic weapons which they carry;

... 2

- 2 -

- (b) information necessary to research, development and design of nuclear reactors.

In addition Canada is able to obtain two categories of equipment:

- (a) non-nuclear parts of atomic weapons systems
- (b) when in a position to make a firm request, a military reactor or reactors and any special nuclear fuels to operate them.

"Equipment" is defined in the Agreement as:

- "(1) 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 reactor and military reactor; and
- (2) non-nuclear parts of atomic weapons systems involving Restricted Data."

Non-nuclear parts of atomic weapons systems are those parts which are not integral to an atomic weapon. They are various kinds of equipment needed to make possible the operational use and maintenance of the weapon, for attaching weapons to delivery vehicles, for monitoring and checking out the warhead

... 3

- 3 -

to ensure that it is in a safe and operating condition. They include control mechanisms which are parts of aircraft or missile launching devices associated with the warhead. They do not include any part of the bomb or warhead itself.

This Agreement is closely related to,
but quite separate from, those being worked out with the United States governing the conditions of storage, custody and control of nuclear weapons in Canada and for Canadian Forces in Europe.

50219-AK-40
70

W
A

BILATERAL ATOMIC ENERGY AGREEMENT

QUESTION 1: Is the new Canada-U.S. agreement similar
to the recent United States-United Kingdom
agreement?

SUGGESTED ANSWER: This agreement does differ from the
agreement reached between the United States
and the United Kingdom last year and which
was amended earlier this month. The
principal reason for this is that Canada,
unlike the United Kingdom, does not produce
atomic weapons. The U.S. Atomic Energy Act
limits the provision by the United States of
certain information and equipment to those
nations which have made substantial progress
in the development of atomic weapons. It will
be recalled that on February 20 I stated in

-2-

the House that "it is the policy of the Canadian Government not to undertake the production of nuclear weapons in Canada". This policy stems, as I said on the same occasion, from the Government's firm belief in the importance of limiting the spread of nuclear weapons at the independent disposal of national governments. The Government is satisfied that the agreement will cover our immediately foreseeable requirements.

BILATERAL ATOMIC ENERGY AGREEMENT

QUESTION 2: Why is it only "at some future time" that

Canada could obtain a military reactor?

SUGGESTED ANSWER: Before a military reactor and any

special nuclear material required to operate

it may be transferred, the Canadian Government

would have to make a firm proposal. If and

when it should be decided that we have need

for a particular military reactor, then, of

course, appropriate action would be taken.

BILATERAL ATOMIC ENERGY AGREEMENT

QUESTION 3: What is the relation of this agreement to the Government's announced plans to acquire nuclear warheads for Bomarc and other defensive weapons?

SUGGESTED ANSWER: The agreement tabled yesterday does not provide for the transfer of complete nuclear weapons. It does, however, make possible the transfer of information and equipment important to the operation of such weapons systems as may be required by Canadian forces. So far as the acquisition of nuclear warheads for Bomarc and other defensive weapons for use by the Canadian forces is concerned, my statement to the House on February 20 covers the situation. On that occasion I said that the Government, as soon as it is in a position to do so, will

-2-

inform the House, within the limits of
security, of the general terms of understanding
which are reached between the two Governments
on this subject.

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

McCarroll
F-4

TO: ..Defence Liaison (1) Division.....

Security ..RESTRICTED.../and:

DateAugust. 19., 1959.

FROM: Economic (1) Division.....

File No.

50219-AK-40 "D"

REFERENCE: Your memorandum of July 20.....

68	✓	✓
----	---	---

SUBJECT:....Remarks made by Dr. Willard Libby concerning the Canadian Atomic Energy Programme

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

20 AUG 1959

Thank you for bringing to our attention teletype No. 1779 of July 16 from Washington describing the testimony given by Dr. Willard Libby before the sub-committee of the Joint Congressional Committee on Atomic Energy.

2. You will doubtless have noted that Mr. Churchill commented to the Press on Dr. Libby's remarks on July 20. I attach to this memorandum photostatic copies of a press clipping from the Montreal Star* and of letters on this subject written by the Chairman of the United States Atomic Energy Commission, Mr. McCone, to Mr. J. L. Gray, President of Atomic Energy of Canada Limited, and to Senator Clinton P. Anderson, Chairman of the Joint Committee on Atomic Energy.

3. In view of the generous praise which Mr. McCone gives to Canada's achievement in the development of atomic energy in both these letters, it does not seem to me that we need draw Dr. Libby's shortcomings to the attention of the United States authorities. Incidentally, Dr. Libby has recently been replaced as a member of the United States Atomic Energy Commission by Dr. John H. Williams of the University of Minnesota.

4. A copy of the letter to Mr. J. L. Gray has been referred to our Embassy in Washington.

* This was a C.P. despatch and was also carried in The Globe and Mail (July 24) and the Ottawa Journal (July 25).

Redmond
Economic (1) Division

000981

CIRCULATION

UNITED STATES ATOMIC ENERGY COMMISSION

Washington 25, D.C.

July 27, 1959

Dear Mr. Gray:

Subsequent to my trip to Geneva in June, it was brought to my attention that Dr. W. F. Libby had been called upon to make a brief statement before a subcommittee of the Joint Committee on Atomic Energy concerning the status of the heavy water power reactor program in Canada. I understand that this statement, given on June 12 during the hearings before the Subcommittee on Agreements for Cooperation, might be construed as adverse criticism of the Canadian efforts in the nuclear energy field. I deeply regret the possibility of such a construction, since this would definitely not reflect the attitude which I or my colleagues have toward the Canadian program. In this regard, let me refer you to the testimony which I gave before the Joint Committee on February 18 of this year, which states in part:

"The Commission is working toward a more extensive cooperative program with the Canadians which will help advance the development of heavy water moderated reactors operating on natural uranium. A formal program for maintaining close cooperation in the development of heavy water moderated power reactors has been in existence with the Canadians for about 2 years. This program has provided for exchange of information, and technical personnel and for the use of irradiation facilities. The Canadians have in operation two heavy water moderated experimental reactors which have provided extensive irradiation service for some of the program activities of the United States. A prototype heavy water moderated and cooled reactor of the pressure tube type is presently under design and construction in Canada. A large reactor of this type would be capable of operation with natural uranium and Canadian plans include the development and construction of a large power reactor based on the results obtained from this prototype. In view of the special incentive which the Canadians have to develop this

concept and their acknowledged competence in the technology of heavy water reactors, it is clear that the most rapid advancement of this technology can be achieved through a cooperative effort not only in research and development but also in design and construction activities."

Indeed, let me emphasize the view set forth in the quoted testimony by repeating that we look to continued and increased cooperative activities with Canada as a logical way of assuring most rapid advancement of this technology. I should like to assure you that this view reflects our complete admiration of the job that Canada has done thus far in developing this technology.

Sincerely yours,

/S/ JOHN A. MCCONE

Chairman

Mr. J. L. Gray, President
Atomic Energy of Canada, Limited
P.O. Box 711
Ottawa, Canada

COPY

United States Atomic Energy Commission
Washington, D. C.

July 29, 1959

Dear, Mr. Gray:

Attached for your information is a copy of a letter which I have sent to Senator Clinton P. Anderson, Chairman of the Joint Committee on Atomic Energy, United States Congress. The letter refers to Dr. Libby's brief statement before the Sub-committee on Agreements for Co-operation on June 12, and is intended to prevent there being any misunderstanding of the Commission's views concerning the extent and significance of the Canadian program in the peaceful uses of atomic energy.

Yours sincerely,

/SS/ JOHN A. MCCONE

Chairman

Attachment:

Copy letter to Senator Anderson, JCAE

Mr. J. L. Gray, President
Atomic Energy of Canada Limited
Ottawa, Ontario
Canada

Copies to the Minister's office and Dr. Lewis, C.R.

COPY

UNITED STATES ATOMIC ENERGY COMMISSION

Washington, D.C., July 29, 1959

Dear Senator Anderson:

During hearings before the Subcommittee on Agreements for Cooperation on June 12, Senator Dworshak inquired into the progress being made by Canada in the peaceful uses of atomic energy. From the brief response which Dr. Libby made it might be possible to misconstrue the full extent and importance of the Canadian program. Accordingly, I take this opportunity to summarize the Canadian program for the information of the members of the Joint Committee and to point out its significance.

Canada has had an active atomic energy program for over fifteen years. Its first reactor, ZEEP, was brought into operation at Chalk River, Ontario, in September 1945. Two years later, NRK, a 40 megawatt, heavy water moderated, natural uranium reactor went into operation. NRU, a 200 megawatt reactor became critical in November 1957. A nuclear power demonstration station, known as NFD-2, is currently under construction and is scheduled for operation in early 1961. This reactor is designed to produce 20,000 kilowatts of electricity, and will be located near Chalk River. NFD-2 represents the joint efforts of Atomic Energy of Canada, Limited (a government owned Crown Company), the Hydro-Electric Power Commission of Ontario, and Canadian General Electric Company, Limited. AECL is also designing and carrying associated development work for a nuclear power station (CANDU) with an electrical output of 200,000 kilowatts. Further design studies have been initiated on a 40,000 kilowatt organic cooled, heavy water moderated reactor experiment which will probably be constructed next year.

Cooperation in the power reactor field between ARC and ARCL has been underway for some time and has proved to be extremely valuable in the effort to achieve economic nuclear power. The importance of the Canadian program is such that we currently are expanding our collaborative effort and intend to assign several technicians to Canada to follow the program closely.

000985

- 2 -

In addition to its efforts in the development of nuclear power, AECL is engaged in fundamental nuclear research, the separation of nuclear fuels (plutonium and uranium-233), and the production of radioisotopes and associated equipment, such as Cobalt Beam Therapy Units. AECL now has about 2,700 employees.

In many respects the Canadian program has contributed significantly to our own program in the United States. For example, Canadian heavy water reactor technology was used extensively in the design and construction of the Savannah River reactors, and the Canadians collaborated with us in the design of fuel elements for those reactors. The Savannah River elements and those of the MTR were tested in the high flux NRK reactor, which is also used for the irradiation of fuel materials of importance to our naval reactor program.

Thus, the Canadian program, while it may be small compared with the total effort taking place in the United States, is an important program, the significance of which cannot be judged on size alone. That it is in many aspects supplementary to our own program enables Canada's contribution to be both unique and valuable.

Sincerely yours,

/S/ JOHN A. MCCONE

Chairman

Honorable Clinton P. Anderson
Chairman, Joint Committee on Atomic Energy
Congress of the United States

DEPARTMENT OF EXTERNAL AFFAIRS

Subject.....

Atomic Energy

Date.....

JUL 21 1959

Publication.....

MONTREAL STAR

Defends Atomic Program Against U.S. Criticism

Canadian Press

OTTAWA, July 21 — Trade Minister Churchill last night stoutly defended Canada's atomic energy program in the wake of

criticism by an American official.

"We think we're doing pretty well in Canada," Mr. Churchill said.

"Our atomic energy program is being worked out according to a plan devised several years ago and is coming to fruition very rapidly."

He was commenting on a Washington report quoting Dr. Willard Libby, who resigned recently as a member of the U.S. Atomic Energy Commission, as telling a joint congressional committee that Canada's program "is a pretty small effort."

"I think they could have done a better job," Dr. Libby testified.

Mr. Churchill said Dr. Libby is not known here, and as far as could be learned has never visited Canada in his capacity as an AEC member. The American official had never toured the Canadian atomic plant at Chalk River, Ont.

"We always have enjoyed the friendliest relations with AEC officials in the United States," Mr. Churchill added. Dr. Libby's remark before the congressional committee was "not a usual comment."

000987

THE CANADIAN EMBASSY

WASHINGTON, D.C.

~~RESTRICTED~~
~~UNCLASSIFIED~~

ET - 807

August 19, 1959

Your teletype No. 1779 of July 16
Remarks made by Dr. Willard Libby
concerning the Canadian Atomic Energy
Programme

50219-AR-40	
68	177

"20"

Thank you for drawing our attention to the testimony given by Dr. Willard Libby before a sub-committee of the Joint Congressional Committee on Atomic Energy.

2. We understand that Mr. McCone has already referred to you a copy of the letter that he wrote to Senator Clinton P. Anderson on this subject. We enclose, in addition, a copy of his letter to Mr. J. L. Gray. In view of the generous praise given by Mr. McCone, and in view, too, of the fact that Mr. Churchill on July 20 commented on Dr. Libby's remarks to the Press, we do not feel that any further action in this matter is necessary.

Under-Secretary of State
for External Affairs

FILE COPY

50219-AK-40
70 | 50

D

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

28 JUL 1959

FM WASHDC JUL27/59 RESTD

TO EXTERNAL 1851 OPIMMED

REF YOURTEL DL602 JUL23

BILATERAL AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR
MUTUAL DEFENCE PURPOSES

NOTES WERE EXCHANGED THIS MORNING AT 11:30. WE PASSED A COPY OF THE
PROPOSED PRESS RELEASE TO THE STATE DEPT AND INFORMED THEM THAT
YOU PROPOSED MAKING THE RELEASE AT 2:30 THIS AFTERNOON. WE ARE FOR-
WARDING BY BAG THE ORIGINALS OF THE USA NOTES FOR THE ARCHIVES.

2. THE TEXTS OF THE NOTES ARE IDENTICAL WITH THE TEXT REPORTED IN OUR
TEL 1773 JUL15 WITH THE AGREED EXCEPTION THAT THE WORD, QUOTE LEGAL
UNQUOTE, HAS BEEN SUBSTITUTED FOR QUOTE STATUTORY AND CONSTITUTIONAL
UNQUOTE IN THE LAST SENTENCE OF THE SECOND PARA OF THE FIRST USA
NOTE. ALSO IN THE FIRST LINE OF THIS NOTE THE WORDS, QUOTE OF
AMERICA UNQUOTE HAVE BEEN ADDED AFTER QUOTE THE UNITED STATES
UNQUOTE. THIS DESCRIPTION HAD ALREADY BEEN EMPLOYED IN OUR NOTE AND
THE USA REPLY.

Refer ceos - Scapier
See W. Lab. C
AECB. C

File
JBR

Done
28 July 59
JBR

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

UNCLASSIFIED

TO: THE UNDER-SECRETARY OF STATE FOR
EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: CANADIAN EMBASSY,

..... WASHINGTON, D.C.

Reference: Our telegram 1851 of July 27, 1959.

Subject: Bilateral Agreement for Cooperation on

..... the Uses of Atomic Energy for Mutual ...

..... Defence Purposes.

Security: ~~RESTRICTED~~

No: 1138

Date: July 27, 1959

Enclosures: 3

Air or Surface Mail: Courier Bag

Post File No: 13-1-4

Ottawa File No.

50219-AK-40

28

50

242.

References

D-1
1
2
3
4
5
6
7
8
9
10

JUL 30 1959

Refer Div
(Mr. Smith)
for registration
Bureau
12/11

file

Attached for retention in the archives,
if you so desire, are the originals of the two United
States Notes dated July 27 and a copy of our Note of
the same date bringing into force this Agreement.

Supplies in
Treaty
Archives
to State

Internal
Circulation

D

Distribution
to Posts

[Signature]
The Embassy

ENTERED IN
CANADA TREATY REGISTER
[initials]

1959 JUL 30 AM 10:42

COPY FOR OTTAWA

Washington, D.C.,

July 27, 1959.

No. 475

Sir,

I have the honour to acknowledge receipt of your Note of July 27, 1959 informing the Government of Canada that, in accordance with Article XIII of the Agreement between the Government of Canada and the Government of the United States for cooperation on the uses of atomic energy for mutual defence purposes, which was signed at Washington, D.C., on May 22, the Government of the United States has complied with all legal requirements for the entry into force of this Agreement.

I am pleased to notify you that all legal requirements for the entry into force of the Agreement in question have been complied with by the Government of Canada and that consequently, in accordance with Article XIII, the Agreement enters into force on the date of receipt of this Note.

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

ORIGINAL SIGNED BY
A. E. RITCHIE

Charge d'Affaires a.i.

The Honourable C. Douglas Dillon,

Acting Secretary of State of the United States of America,

Washington, D.C.

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

OUTGOING MESSAGE

68
FILE COPY

45 FM: EXTERNAL	DATE	FILE		SECURITY	
	July 24 1959	50219-AK-40		RESTR'D	
TO: WASHINGTON D.C.	NUMBER	20	50	COMCENTRE USE ONLY	
	DL-609	OPIIMMEDIATE			
INFO: NATO PARIS - LONDON		ROUTINE			

Ref.:

Subject: BILATERAL AGREEMENT FOR COOPERATION ON USES OF ATOMIC
ENERGY FOR MUTUAL DEFENCE PURPOSES

THE MINISTER HAS DECIDED TO ISSUE A
PRESS RELEASE ON THIS SUBJECT ON MONDAY, THE TEXT OF WHICH
IS SET OUT BELOW. THE TEXTS OF YOUR EXCHANGE OF LETTERS
WITH THE STATE DEPARTMENT WILL BE INCLUDED IN THE PRESS
RELEASE.

2. PLEASE ADVISE US BY TELEPHONE ON MONDAY
AS TO THE TIMING OF THE EXCHANGE.

3. TEXT BEGINS:
(COMMUNICATIONS PLEASE QUOTE ATTACHED TEXT)

TEXT ENDS.

LOCAL
DISTRIBUTION

Standard

Done 48

ORIGINATOR

DIVISION

PHONE

APPROVED BY

SIG..... J.J. McCardle..... D.L. (1)
NAME.....

6-7921

SIG..... J. J. MCCARDLE
NAME.....

000993

50219-AK-40	
70	—

Perfelle
8m
RESTRICTED

July 24, 1959.

MEMORANDUM FOR THE MINISTER:

Canada-United States Bilateral Agreement
for Co-operation on the Uses of Atomic
Energy for Mutual Defence Purposes

The 60-day waiting period with respect to the above-mentioned agreement, which was approved by Cabinet on May 13, expires this week-end. We have made arrangements with the State Department for an Exchange of Notes to take place on Monday, July 27, bringing the agreement into effect.

The State Department does not propose to issue a press release on Monday. The State Department may, however, issue a press release covering all of the agreements of this type entered into with other NATO partners when the waiting periods affecting each of them have been completed, sometime within the next two weeks. We have discussed the matter with the State Department, who have no objection to our making public reference to the Canada-United States exchange if we wish, on Monday.

I recommend, therefore, that a press release should be issued in your name on Monday which would include the texts of the Exchange of Notes (three in all) bringing the agreement into effect. I suspect that when and if a United States release is made, it will include the texts of the Notes exchanged. The substantive text of the agreement itself was made public on May 25 when it was tabled in the House of Commons by the Prime Minister.

I should be grateful if you could indicate whether the attached draft text for a press release on Monday, July 27, meets with your approval.

N.A.R.
N.A.R.

MINISTERS OFFICE
257.16.2.
JUL 24 1959

For Immediate Release Monday, July 27

PRESS RELEASE

The Honourable Howard Green, Secretary of State for External Affairs, has announced that the AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES FOR CO-OPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES was brought into effect today, July 27. The texts of the Exchange of Notes bringing the Agreement into effect were made public at the time of Mr. Green's announcement.

The Agreement was signed on May 22, and was tabled in the House of Commons by the Prime Minister on May 25. The delay between signature and the bringing into effect of the Agreement results from the requirement of the United States Atomic Energy Act that there be a waiting period of sixty days before such agreements are brought into effect.

The Agreement will continue and extend the harmonious co-operation in the atomic energy field which has existed for many years between Canada and the United States.

(Exchange of Notes of July 27, 1959,
attached)

gk
Hm

DEPARTMENT OF STATE
WASHINGTON

July 27, 1959

Excellency,

I refer to the Agreement between the Government of the United States of America and the Government of Canada For Co-operation on the Uses of Atomic Energy for Mutual Defence Purposes which was signed at Washington, D.C. on May 22.

Article XIII of the Agreement provides that "This Agreement 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 legal requirements for the entry into force of this Agreement". In accordance with this Article, I am pleased to state that the Government of the United States of America has now complied with all legal requirements for entry into force of the Agreement.

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

ACTING SECRETARY OF STATE

CANADIAN EMBASSY
WASHINGTON

July 27, 1959

Sir,

I have the honour to acknowledge the receipt of your Note of July 27, informing the Government of Canada that, in accordance with Article XIII of the Agreement between the Government of Canada and the Government of the United States of America For Co-operation on the Uses of Atomic Energy for Mutual Defence Purposes, which was signed at Washington, D.C., May 22, the Government of the United States of America has complied with all legal requirements for the entry into force of this Agreement.

I am pleased to notify you that all legal requirements for the entry into force of the Agreement in question have been complied with by the Government of Canada and that consequently, in accordance with Article XIII, the Agreement enters into force on the date of receipt of this Note.

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

CHARGE D'AFFAIRES A.I.

DEPARTMENT OF STATE
WASHINGTON

July 27, 1959.

Excellency,

I acknowledge the receipt of your Note of July 27, and note that the Agreement between the Government of the United States of America and the Government of Canada for co-operation on the Uses of Atomic Energy for Mutual Defence Purposes, which was signed at Washington, D.C., on May 22, entered into force on July 27.

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

ACTING SECRETARY OF STATE

FILE COP

50219-AK-40
70 50

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

24 JUL 1959

Refer ceos (S) ✓
Secy Vals ✓
AECB. ✓

File.

Jan

Done
27 July 59

FM WASHDC JUL23/59 CONFD
TO EXTERNAL 1824 PRIORITY
INFO TT CCOS OTT PRIORITY FM OTT
REF OURTEL 1810 JUL22

BILATERAL AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY
FOR MUTUAL DEFENCE PURPOSES

WE INQUIRED OF CARLSON(CDN DESK) YESTERDAY WHETHER THE STATE DEPT HAD
IN MIND ISSUING A PRESS RELEASE IN CONNECTION WITH THE PROPOSED
EXCHANGE OF NOTES BRINGING THIS AGREEMENT INTO FORCE. CARLSON CALLED
THIS MORNING AND SAID THAT IN VIEW OF THE STATE DEPT PRESS RELEASE
OF MAY25(SEE OUR TRANSMITTAL SLIP DATED MAY27/59) THEY ARE INCLINED
NOT RPT NOT TO HAVE ANOTHER RELEASE ONLY SIXTY DAYS LATER WHICH WOULD
ADD LITTLE TO THE PREVIOUS RELEASE. CARLSON SAID THAT IF THEY WERE TO
HAVE A RELEASE THAT IT WOULD NOT RPT NOT BE DONE UNTIL LATER AND
WOULD BE A GENERAL ONE COVERING ALL THE AGREEMENTS NOW LAYING
BEFORE CONGRESS. HE WOULD LET US KNOW IF THIS WERE DECIDED UPON.
CARLSON ADDED THAT SINCE THE NOTES WOULD BE UNCLASSIFIED, IT WOULD OF
COURSE BE UP TO US TO DO WHATEVER WE DEEMED APPROPRIATE IN THE WAY OF
A RELEASE. WOULD YOU PLEASE LET US KNOW YOUR INTENTIONS. °

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

34

OUTGOING MESSAGE

FILE COPY

FM: EXTERNAL	DATE	FILE		SECURITY		
	July 23 1959	50219-AK-40		CONFID.		
		20	50			
TO: WASHINGTON D.C.		NUMBER	PRECEDENCE	COMCENTRE USE ONLY		
		DL-602	OPIMMEDIATE			
			N. A. ROBERTSON			
INFO: NATO PARIS - LONDON						

Ref.: YOURTEL 1773 OF JUL 15

Subject: BILATERAL AGREEMENT FOR COOPERATION IN THE USES OF ATOMIC
ENERGY FOR MUTUAL DEFENCE PURPOSES

YOU ARE AUTHORIZED TO PROCEED ON JULY 27
WITH THE EXCHANGE OF NOTES BRINGING INTO EFFECT THE ABOVE
AGREEMENT IN THE TERMS SET OUT IN YOUR TEL UNDER REFERENCE,
AS REVISED BY YOUR TEL 1810 OF JULY 22.

2. WE SHALL LET YOU KNOW IN A SEPARATE
TELEGRAM OUR INTENTIONS AS TO THE PUBLIC RELEASE OF THE
TEXTS OF THE EXCHANGE ON JULY 27. ROBERTSON

LOCAL
DISTRIBUTION

Standard.

[Signature]

ORIGINATOR	DIVISION	PHONE	APPROVED BY
SIG..... J.J. McCardle	D.L. (1)	6-7921	SIG..... N. A. ROBERTSON
NAME.....			NAME..... 001001

D.L. (1) Div./J.J. McCardle/bm

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

TO: THE UNDER-SECRETARY

SecurityCONFIDENTIAL...

Date July 23, 1959..

FROM: Defence Liaison (1) Division

File No.

50219-AK-40

REFERENCE:

28

-

-

SUBJECT: BILATERAL AGREEMENT FOR COOPERATION IN THE USES OF ATOMIC ENERGY.....
FOR MUTUAL DEFENCE PURPOSES

The sixty-day waiting period with respect to the above-mentioned agreement which was approved by Cabinet on May 13, will expire this week-end.

2. The State Department has proposed that Notes bringing the agreement into effect be exchanged on July 27. In the attached telegram 1773 of July 15 from Washington there is included the texts of the exchange (three notes in all) proposed by the United States. We have consulted CCOS, the Atomic Energy Control Board and Legal Division, all of whom are satisfied with the proposed exchanges. Legal Division and the Atomic Energy Control Board did suggest, however, that the phrase "statutory and constitutional requirements" be changed, if possible, to "legal requirements". This we have been able to arrange through our Embassy in Washington. I have noted the changes in ink on the attached telegram.

CIRCULATION

3. We raised the matter of publicity concerning the proposed Exchange of Notes with the State Department. They have no objection if we wish to make public reference to the exchange. They do not propose themselves at this stage to issue a press release, but may do so when all the agreements of this type entered into with other NATO partners have completed their waiting period. It has


...2

23.7.16(us)

- 2 -

OR
R
been common practice in the past for the State Department to issue a press release containing the texts of exchanges of notes which bring into effect atomic agreements. I think, therefore, we would be safer in issuing the texts of the exchange of notes in a press release on Monday. Would you agree?

4. There is attached for your approval, if you agree, a telegram to our Embassy in Washington authorizing the Exchange of Notes, as amended, on Monday, July 27. Legal Division does not believe that any further Ministerial authorization for the exchange of notes is required since Cabinet approved the substantive exchange on May 13 and authorized signature of the agreement at that time by an Order-in-Council. I believe this authorizing telegram should be sent as quickly as possible, in order that the necessary administrative arrangements can be made in Washington. For that reason I have not indicated what our final views will be on the matter of the public release of the texts.


Defence Liaison (1) Division.

FILE COPY

FM WASHDC JUL22/59 CONFD

TO EXTERNAL 1810 PRIORITY

INFO TT CCOS OTT PRIORITY FM OTT

REF OURTEL 1773 JUL15 AND TELECON NUTT-MCCARDLE JUL22

BILATERAL AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY
FOR MUTUAL DEFENCE PURPOSES

WE INFORMED CARLSON(CDN DESK)OF OUR PREFERENCE FOR THE FORMULA QUOTE
LEGAL REQUIREMENTS UNQUOTE AS USED IN ARTICLE XIII OVER THE FORMULA
QUOTE STATUTORY AND CONSTITUTIONAL REQUIREMENTS UNQUOTE WHICH WAS
EMPLOYED IN THE DRAFT NOTES PASSED TO US BY THE STATE DEPT.
CARLSON HAS NOW CALLED TO SAY THAT STATE DEPT AGREES THAT THE
FORMULA USED IN THE NOTES SHOULD BE THE SAME AS THAT USED IN
THE AGREEMENT,IE, QUOTE LEGAL REQUIREMENTS UNQUOTE.WE THEREFORE
PROPOSE TO PROCEED WITH THE EXCHANGE OF NOTES ON JUL27 IN THE TERMS
SET OUT IN OUR TEL WITH THE SUBSTITUTION OF QUOTE LEGAL
REQUIREMENTS UNQUOTE FOR QUOTE STATUTORY AND CONSTITUTIONAL
REQUIREMENTS UNQUOTE.

Refer: ccos -5 ✓
Secy h. Tals. ✓
AECB. ✓
Legal Div. ✓
File.

Done
23 July 59
JF

1
2
3
4
5
6
7
8
9
10



REPLY TO BE ADDRESSED TO:
SECRETARY, CHIEFS OF STAFF
NATIONAL DEFENCE HEADQUARTERS
OTTAWA, CANADA

OFFICE OF THE CHAIRMAN, CHIEFS OF STAFF
OTTAWA

IN REPLY PLEASE QUOTE

No. CSC 1894.2

RESTRICTED

g. 37

Foules

50219-AR-40	
58	50

21 July 1959

1	<i>D-1</i>
2	<i>Don</i>
3	
4	
5	
6	
7	
8	
9	
10	

21 JUL 1959

Under-Secretary of State
for External Affairs

1. Reference is made to your letter of 20 July 1959 concerning the texts proposed by the United States authorities for the Exchange of Notes to bring into force the Canada-United States Agreement for Co-operation on the Uses of Atomic Energy for Mutual Defence Purposes.

2. The proposed texts have been reviewed by this Department and are considered satisfactory.

Charles Foulkes
(Charles Foulkes)
General

Chairman, Chiefs of Staff

CONFIDENTIAL



ATOMIC ENERGY CONTROL BOARD
P.O. BOX 1046
OTTAWA, CANADA

IN YOUR REPLY PLEASE QUOTE

FILE NO. 11-2-1-8

21 July 1959

Under-Secretary of State
for External Affairs
O T T A W A

Attention: J. J. McCardle, Esq.

This refers to your letter of the 20th instant to the Chairman, Chiefs of Staff Committee, and Washington telegram 1773 of the 15th instant, relating to the exchange of notes necessary to bring into effect the Canada-United States Agreement for Co-operation on the Uses of Atomic Energy for Mutual Defence Purposes.

I am not informed as to why the words "statutory and constitutional" in Article XIII of the January draft were changed to "legal" in the agreement as signed, nor why the original expression is used in the U.S.A. draft notes. However, in this context, I am not aware of any requirements other than statutory or constitutional ones that would need to be fulfilled on either side and do not wish therefore to suggest any changes in these drafts.

G. M. Jarvis
Secretary

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

TO: DEFENCE LIAISON (1) DIVISION

Security CONFIDENTIAL

FROM: LEGAL DIVISION

Date July 21, 1959

REFERENCE: Your memorandum of July 20, 1959

File No.

50219-AK-40

28

-

-

SUBJECT: Canada-United States Agreement for co-operation on the uses of atomic energy for mutual defence purposes

DI
1
2
3
4
5
6
7
8
9
10

22 JUL 1959

We have no objection ^{to} that there be an exchange of three notes to bring the above-mentioned Agreement into force under the terms of Article XIII of the Agreement.

2. Generally speaking we agree with the draft notes proposed by the U.S. for the purpose of the notifications provided for by Article XIII of the Agreement. For the reasons explained in our memorandum of March 11, 1959 to you we would, of course, prefer that the Canadian note would state that Canada has complied with "all legal requirements" for the entry into force of the Agreement rather than complied with "all statutory and constitutional requirements" as proposed by the U.S. in their suggested draft. Our main objection against the latter wording is that since we have no statutory requirement within the meaning of Article XIII of the Agreement we are thus stating, when using this wording, that we have complied with non-existent requirements.

3. Since the U.S. has already agreed, at our request, to drop the wording "statutory and constitutional requirements" from the text of the Agreement itself and to replace it by the wording "legal requirements" they may also agree that we use the same wording in our note. We would not, on the other hand, object to their using the expression statutory and constitutional requirements in their own notes.

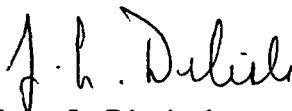
... /2

CIRCULATION

- 2 -

4. I realize that it might be too late to make an issue of this point and that, in any case, it might be difficult to make an issue of it since we have accepted the wording "statutory and constitutional requirements" in the Canada-U.S. Agreement of June 26, 1956 amending the Agreement for co-operation in the civil uses of atomic energy signed at Washington on June 15, 1955.

5. We gave some thought to the question of whether or not an order-in-council is required to authorize the exchange of notes under consideration. We came to the conclusion that it would not be necessary because of the nature of the exchange of notes which simply states that the Canadian Government has complied with its legal procedures and also because there is already an Order-in-Council (P.C. 1959-578 of May 13, 1959) authorizing the signature of the Agreement.


Legal Division

50219-AK-40
58 ✓

Wt
9

TRANSMITTAL SLIP

939

TO: Under-Secretary of State
for External Affairs, Ottawa.

UNCLASSIFIED
Security

Date: July 21, 1959.

FROM: The Canadian Embassy,
Washington, D.C.

Air or Surface. Courier

No. of enclosures..... 10

The documents described below are for
your information.

Despatching Authority: H. Williamson/jrc

D-1 ① 3 6 (6) 10	COPIES	DESCRIPTION	ALSO REFERRED TO:
	1	Agreements for Cooperation for Mutual Defense Purposes	
	1	86th Congress-1st Session Report No. 513	
	1	86th Congress-1st Session Report No. 672	
23 JUL 1959	3	US AEC Press Release B-115 of July 16	
		"AEC-Maritime Administration Let Contract for Barge to Service NS Savannah"	

1959 JUL 23 AM 11 15 3

AEC

UNITED STATES
ATOMIC ENERGY COMMISSION
Washington 25, D. C.

No. B-115
Tel. HAZELWOOD 7-7831
Ext. 3446

FOR IMMEDIATE RELEASE
(Thursday, July 16, 1959)

AEC-MARITIME ADMINISTRATION
LET CONTRACT FOR BARGE TO SERVICE NS SAVANNAH

A contract for construction of a shipside nuclear servicing barge, to service the Nuclear Ship Savannah and nuclear-powered ships of the future has been awarded to Todd Shipyards, Houston Plant, Houston, Texas, by the Maritime Administration, U. S. Department of Commerce, and the Atomic Energy Commission.

The award was made on Todd's low bid of \$569,165, which was among 10 received.

The non-propelled nuclear servicing vessel, identified as Maritime Administration Design B2-MA-51a, is to be used in nuclear ship maintenance, refueling, and waste handling operations. The contract provides for delivery of the completed barge to Camden, N. J., within 210 calendar days, to coincide approximately with the beginning of testing operations of the Savannah.

The Savannah is to be launched by New York Shipbuilding Corporation at Camden on July 21.

The servicing vessel will have an over-all length of 129 feet, a beam of 36 feet, and a design displacement of 650 tons. It was designed by Electric Boat Division of General Dynamics Corporation under a Commission contract.

The barge will have a highly compartmented hull for maximum stability and buoyancy. Other features include a hold approximately amidship, for possible future storage of expended fuel elements. Facilities also will be installed for processing radioactive liquid and solid wastes and preparing them for disposal.

(more)

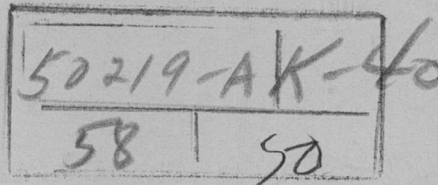
001011

- 2 -

Radiological monitoring and safety equipment will be installed for use in servicing operations, decontamination of reactor system components and refueling equipment, and environmental surveys.

- 30 -

71659



CONFIDENTIAL

Ottawa, July 20, 1959.

The Chairman,
Chiefs of Staff Committee,
Department of National Defence,
OTTAWA.

I attach for any comments you may wish to make additional copies of telegram 1773 of July 15 from our Embassy in Washington, which was passed to you directly for information some days ago. The telegram contains the texts proposed by the United States authorities for the Exchange of Notes necessary to bring into effect the Canada-United States Agreement For Co-operation on the Uses of Atomic Energy for Mutual Defence Purposes.

2. We have referred the texts proposed by the United States authorities to our Legal Adviser for his comments. We hope to be in a position to send instructions with regard to the Exchange of Notes to our Embassy by July 23. I should be grateful, therefore, if we could have any comments you may wish to make before that date.

J. J. MCCARDLE
For The

Under-Secretary of State
for External Affairs

c.c. Privy Council Office,
Atomic Energy Control Board.

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

TO: ECONOMIC I DIVISION

Security RESTRICTED

FROM: DEFENCE LIAISON (1) DIVISION

Date July 20, 1959.

REFERENCE:

File No.		
50219-AK-40 "10"		
68	✓	✓

SUBJECT: CANADA-UNITED STATES AGREEMENT FOR COOPERATION ON THE USES OF
ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

I attach for your consideration a copy of telegram 1779 of July 16 from Washington, on the above subject. It contains excerpts from the hearings of the Joint Congressional Committee on Atomic Energy. The full record of the hearings is evidently coming to us by bag.

2. I am drawing these excerpts especially to your attention because of their coverage of Dr. Libby's testimony concerning Canadian development of a power reactor. Reference to this testimony appeared in Canadian newspapers over the week-end, and it is the subject of an editorial in this morning's Globe and Mail.

3. We are not in this Division equipped to pass judgment on Dr. Libby's testimony, although it does seem harsh from what we understand of Canadian developments in this field. You may think it desirable to draw the matter to the Under-Secretary's attention with a view perhaps to letting the Americans know informally either through our Embassy in Washington or through the United States Embassy here that we were not particularly pleased with Dr. Libby's testimony.

4. I should be grateful if you could keep us informed of whatever action you may take.

CIRCULATION

J. J. McCardle
Defence Liaison (1) Division.

D.L. (1) Div. / J.J. McCardie/bm

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

TO: LEGAL DIVISION
FROM: DEFENCE LIAISON (1) DIVISION
REFERENCE: Our Memorandum of July 3.

Security CONFIDENTIAL

Date July 20, 1959.

File No.

50219-AK-40

70

SUBJECT: CANADA-UNITED STATES AGREEMENT FOR CO-OPERATION ON THE USES OF
ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

There is attached for your consideration telegram 1773 of July 15 from our Embassy in Washington, which was received over the week-end.

2. You will recall that you approved the suggested text for an Exchange of Notes on this subject which was contained in our telegram DL-542 of July 3. The Embassy evidently did not discuss our suggested text with the State Department.

3. I should be grateful if we could have, as a matter of some urgency, your opinion as to whether the texts suggested by the United States authorities for the Exchange of Notes are acceptable. It is planned that the exchange should take place on July 27. I should be grateful, therefore, if we could have your comments by July 23 at the latest. Unless you have strong objections to the proposed text, I would suggest that in the interests of completing this important exchange of notes on time, we might accept the language proposed by the United States authorities.

CIRCULATION

Defence Liaison (1) Division.

DEPARTMENT OF EXTERNAL AFFAIRS

Subject.....

N. A. T. O.

PLEASE RETURN CLIPPING SERVICE

Date..... JUL 19 1959

Publication..... NEW YORK TIMES

U. S. ATOMIC PACTS ENLARGE ROLE OF ALLIES

By JOHN W. FINNEY

Special to The New York Times.

WASHINGTON, July 18—

With no official fanfare, two atomic cooperation agreements go into effect at midnight tonight. They portend a significant change in the defensive strategy and capability of the Western Alliance.

The effect of the agreements, and others to follow in the week ahead, is to relieve the United States of the sole responsibility for carrying the sword, which in the sword and shield emblem of the North Atlantic Treaty Organization symbolizes the nuclear striking power of the alliance. Henceforth, the wielding of this nuclear sword is to be increasingly a collective effort among the NATO members.

Appropriately, the first two of the agreements are with the United States' most traditional allies—Britain and France. But inappropriately, as the current strained relations between the United States and France attest, the agreements do not provide for equal treatment of these allies.

Close Cooperation

With Britain, there will be close cooperation in the nuclear field, even to the extent of providing the long-treasured secrets and materials with which to make atomic bombs. For France there will only be about half a ton of enriched uranium to fuel a model of an atomic submarine power plant, and none of the atomic secrets which she so deeply desires to raise herself to the stature of a nuclear power.

A week from now, agreements for atomic weapons cooperation will go into effect with four other NATO members—Canada, West Germany, the Netherlands and Turkey. And on Aug. 11 a similar agreement will go into effect with Greece.

The intent of the latter five agreements will be to give the allies a nuclear capability to offset the overwhelming and nuclear-armed Soviet strength amassed on the eastern side of the Iron Curtain, while at the same time not making these Western nations full-fledged members of the restricted Nuclear Club.

They will not be given any atomic weapons or information which would help them develop such weapons.

No Warheads

Rather, these five allies will be given information on the effects of atomic weapons so they can train their troops in their use; information on the general size and weight of the weapons so they can design their delivery systems to accommodate them, and attachment kits and the like so they can readily place the atomic warheads on their missiles or planes. The actual atomic warheads will remain under United States control and would be turned over to the allies—at the discretion of the President—only in time of war.

The fact that the British agreement goes further than these five agreements in the way of cooperation and that the French agreement falls far short of not only the British agreement but the pacts with other NATO allies is indicative of the respectively special and difficult



"Hell hath no fury like a woman scorned."

Pointier in The Detroit News

positions held by those two nations.

With Britain, which has independently developed an atomic arsenal of her own, the agreement represents the final renewal of the World War II partnership in development of the atomic bomb. The United States and Britain will now be able to conserve and combine their scientific resources and knowledge in the development of atomic weapons. From Britain the United States will receive some of the plutonium it urgently needs for the production of small atomic weapons. In return, Britain will receive enriched uranium, thus removing the necessity for Britain's building a costly diffusion plant to produce the bomb material.

France, which has not yet developed her own atomic arsenal, appears like an unwanted and envious stepchild in comparison with Britain. With her de Gaulle-inspired resurgence of national grandeur, France is demanding parity with Britain in the nuclear weapons field. While admiring and applauding this revival of French nationalism, the United States is not about to meet France's demands.

Excluded Nations

For one thing, the United States is precluded by law from fulfilling French desires. In amending the Atomic Energy Act last year to provide for closer atomic weapons cooperation, Congress specifically provided that secrets of atomic weapons design could be given only to a nation that had already made substantial progress in making atomic bombs—a restriction particularly designed to exclude every nation but Britain.

Even short of design secrets, however, there are hard and for the moment insurmountable difficulties standing in the way of

closer atomic cooperation patterned after the agreements with the other five N. A. T. O. members concerned. France's pressure tactics of pulling her ships out of the Atlantic Alliance's fleet in the Mediterranean and refusing to permit the stockpiling of atomic weapons on her soil have had the reverse effect of stiffening United States reluctance to enter into an agreement and, in fact, have raised the basic question of whether France could meet the legal criteria for any agreement of making "substantial and material contribution" to mutual defense.

French Security

There is also the delicate question of whether the French security system would satisfy another legal requirement of providing adequate safeguards to protect any atomic secrets France received from the United States. This security factor weighed heavily in the United States refusal to provide technical secrets—as is being done with Britain—on atomic submarines.

At home the Administration has been confronted with some misgivings and criticism over such an important change in policy, with the chorus of criticism seeming to rise belatedly as the effective dates for the agreements approached. The criticism has come from pacifist groups, from Americans for Democratic Action and from some members of the House and Senate.

Many of the misgivings, which center particularly on the agreement with West Germany, spring from fears over the consequences it is believed might flow from such steps toward nuclear cooperation. For instance, fears are expressed that the agreements are but inevitable forerunners of more

encompassing agreements under which nations will be made full-fledged members of the Nuclear Club. Or, it is argued, the agreements may indirectly promote the broadening of the Nuclear Club by provoking the Soviet Union into providing its satellite countries with atomic weapons.

The criticism also has been raised that the agreements will complicate the chances of reaching any atomic disarmament accord with the Soviet Union, such as an atomic test ban or an atomic-free zone in Central Europe.

The State Department rebuttal—thus far not expressed either eloquently or forcefully in the public forum—is that the agreements are purely defensive in nature and are necessary if the NATO nations are to have the strength and confidence to face the eighty-eight or so Soviet divisions, equipped with atomic weapons, stationed in satellite countries and western Russia.

Club Intact

The agreements, the State Department continues, will not promote the extension of the Nuclear Club, since, with the exception of Britain, no information will be provided on how to manufacture atomic weapons. And as for complicating the chances for disarmament, the State Department believes the West can only negotiate from a position of strength, not from one of weakness and self-denial.

As provided in the Atomic Energy Act, the agreements are now about to go into effect automatically, sixty days after having been submitted to Congress, not having been vetoed earlier by a joint resolution of the House and Senate.

As pointed out this week in a Congressional committee report endorsing the agreements, the question of whether the United States should share its atomic weapons capability with its allies was really decided last year when Congress, at the request of the Administration, made changes in the atomic agreements.

In these legislative changes, Congress incorporated carefully stated conditions and safeguards to prevent cooperation from leading to an extension of the Nuclear Club.

Spurred by Sputniks

Almost forgotten now is the cause that led to this atomic cooperation—the appearance nearly two years ago of the Soviet sputniks as symbols of Soviet technological progress and missile prowess. In the immediate months following the launching of the first sputnik, the Western leaders decided NATO could only meet Moscow's challenge by closer scientific collaboration and the sharing of nuclear capability.

The case for atomic cooperation was put bluntly by the late Secretary of State Dulles when a step was necessary "to build up what otherwise may become a cold Congress last year such a disintegrating collective defense effort." Now, eighteen months after its original decision, the Administration is finally proceeding to build up NATO's collective nuclear muscle.

stages: in-
maximum

unity. A compression ratio of 20:1 plus a new fuel injector, reduces specific fuel consumption in this engine by 5 percent that of the former "C" engine with a 16:1 ratio.

RS-1325

Completely new model in the General Motors line. Unit was specially designed with steam generator and "Flexi-coil" trucks for branch line, terminal and suburban service. 12-cylinder 567D-1 engine provides 1325 horsepower.



Antwells (for release) [signature]

50219-AK-40
38 ✓

TRANSMITTAL SLIP

1	
2	SSM
3	
4	
5	
6	
7	
8	
9	
10	

TO:..... The Under-Secretary of State for Security UNCLASSIFIED
..... External Affairs, Ottawa. Date..... July 17, 1959.
FROM:..... The Canadian Embassy, Air or Surface Courier
..... Washington, D.C. No. of enclosures..... 3

The documents described below are for your information.

21 JUL 1959

Despatching Authority..... H. Williamson/cmd

36

COPIES	DESCRIPTION	ALSO REFERRED TO:
3	Report No. 513, 86th Congress, 1st Session, Senate, July 14, 1959. Proposed amendment to Agreement for Cooperation with the UK and Proposed Agreements for Cooperation with the Republic of France, Canada, Turkey, Netherlands, Fed. Rep. of Germany and Greece on the uses of Atomic Energy for Mutual Defence Purposes.	

P

1959 JUL 21 AM 10:26

86TH CONGRESS }
1st Session }

SENATE }

REPO'
No. 510

PROPOSED AMENDMENT TO AGREEMENT FOR COOPERATION
WITH THE UNITED KINGDOM OF GREAT BRITAIN AND PRO-
POSED AGREEMENTS FOR COOPERATION WITH THE REPUBLIC
OF FRANCE, CANADA, TURKEY, THE NETHERLANDS, THE
FEDERAL REPUBLIC OF GERMANY AND GREECE ON THE USES
OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

JULY 14, 1959.—Ordered to be printed

Mr. ANDERSON, from the Joint Committee on Atomic Energy
submitted the following

R E P O R T

[Pursuant to proposed agreements for cooperation on the uses of atomic energy
for mutual defense purposes]

This is a report on six proposed agreements for cooperation for
mutual defense purposes and one proposed amendment to an existing
agreement for cooperation for mutual defense purposes submitted to
the Congress by the President of the United States in accordance with
subsection 123d. of the Atomic Energy Act of 1954, as amended by
Public Law 85-479.

The proposed amendment and agreements are with the following
seven allies of the United States:

Country	Date submitted to Congress and referred to the Joint Committee
The United Kingdom.....	May 19, 1959.
France.....	
Government of Canada.....	May 26, 1959.
Federal Republic of Germany.....	
Kingdom of The Netherlands.....	
Government of Turkey.....	June 11, 1959.
Government of Greece.....	

Subsection 123d. of the Atomic Energy Act of 1954, as amended,
provides that no cooperation with any nation or regional defense
organization for transfer of military atomic energy information or
material may take place unless:

the proposed agreement for cooperation, together with the
approval and determination of the President, if arranged
pursuant to subsection 91c., 144b., or 144c., has been sub-
mitted to the Congress and referred to the Joint Committee

2 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

and a period of sixty days has elapsed while Congress is in session, but any such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation: *Provided, however,* That during the Eighty-fifth Congress such period shall be thirty days (in computing such sixty days, or thirty days, as the case may be, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days.

In accordance with subsection 123 d. of the Atomic Energy Act of 1954, as amended, the proposed amendment and agreements will become effective after midnight of the date indicated providing Congress does not pass a concurrent resolution of disapproval prior thereto:

Country	End of 60-day waiting period
The United Kingdom-----	} July 18, 1959.
France-----	
Government of Canada-----	} July 25, 1959.
Federal Republic of Germany-----	
Kingdom of the Netherlands-----	
Government of Turkey-----	} August 10, 1959.
Government of Greece-----	

The Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, having reviewed the proposed agreements and the proposed amendment to an existing agreement and having received testimony in executive session and open public hearings from representatives of the Department of Defense, the State Department, the Atomic Energy Commission, and others desiring to testify, unanimously concluded and reported to the Joint Committee that the proposed agreements and the proposed amendment to an existing agreement are in conformance with the letter and spirit of the Atomic Energy Act of 1954, as amended.

The Joint Committee on Atomic Energy on July 13, 1959, met and adopted the report, and interposed no objections to the proposed amendment and agreements.

This report accordingly is made by the Joint Committee in accordance with the provisions of section 202 of the Atomic Energy Act of 1958, as amended.

BACKGROUND

In the 85th Congress, 2d session, the Atomic Energy Act of 1954 was amended to permit under carefully stated conditions and safeguards greater cooperation between the United States and its allies in the exchange of atomic energy information and material for military defense purposes. The amendment passed by the Congress and signed by the President as Public Law 85-479 on July 2, 1958, made possible greater cooperation with our allies by permitting wider exchange of military information and material as follows:

1. Material, including nonnuclear parts of weapons, nonnuclear parts of weapon systems, military reactors, and nuclear materials for use in military reactors and weapons;

2. Classified information (restricted data) of a nature to assist an individual nation or regional defense group such as NATO to improve its training and prepare for mutual defense; and

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 3

3. Classified information (restricted data) of a nature to assist another individual nation to improve its atomic weapon design, development or fabrication capability, and concerning military reactors.

Under the Atomic Energy Act of 1954 as amended by Public Law 85-479, transfer of nuclear material for atomic weapons use and communication of sensitive restricted data concerning atomic weapons may be made only to a military ally that has made substantial progress in the development of atomic weapons and where the material or information is necessary to improve that country's atomic weapon design, development, or fabrication capability. Similarly, nonnuclear parts of atomic weapons may be transferred only to a nation that has made substantial progress in the development of atomic weapons.

Distinction is made as to less sensitive information and the less sensitive nonnuclear parts of atomic weapons systems which are not integral to a weapon but pertain to accessories necessary for operation and maintenance work and which do not disclose internal design information of the weapon. Less sensitive information to improve the training and operational readiness of defensive forces may be communicated to another nation or regional defense organization under specific conditions if the information does not contribute significantly to atomic weapon design, development or fabrication capability. Nonnuclear parts of atomic weapons systems under specific conditions also may be transferred to a nation with the provision that the transfer does not contribute significantly to that nation's atomic weapon design, development or fabrication capability.

Public Law 85-479 requires that prior to such cooperation the President must determine in writing that it will promote and will not constitute an unreasonable risk to the common defense and security and that such cooperation may take place only while the cooperating nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security.

In addition, Public Law 85-479 provides that all proposed agreements for cooperation involving communication of classified information or transfer of material for military purposes must be submitted to the Congress and referred to the Joint Committee and may not become effective if the Congress passes a concurrent resolution of disapproval within 60 days (30 days during the 85th Cong.).

On July 3, 1958, the President submitted to the Congress the first proposed agreement between the United States and an ally under provisions of Public Law 85-479, an agreement with the United Kingdom of Great Britain. It provided for the exchange of information necessary to the development of defense plans; the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy; the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems for carrying atomic weapons. The agreement also provided for both nations to exchange classified atomic weapons information of a nature to improve each country's design, development and fabrication capability.

In addition, the 1958 agreement with the United Kingdom broadened a cooperative program wherein the two allies had been exchanging

4 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

ing nuclear submarine reactor information by authorizing the transfer to the United Kingdom of one complete submarine nuclear propulsion plant and the necessary fuel for operation of the plant for a period of 10 years.

Although authorized by Public Law 85-479, the 1958 agreement with the United Kingdom, did not provide for the transfer of non-nuclear parts of atomic weapons or weapons systems or other material for military use. It was not possible at that time to determine the nature or scope of such transfer which would best contribute to our common defense and security until discussions could be held on the exchanged classified information provided for in the agreement. The exchange of classified information between the United States and the United Kingdom carried on under provisions of the 1958 agreement therefore has made possible such determination on the basis of which the proposed amendment was negotiated.

EXECUTIVE HEARINGS

In order that the committee members might have complete knowledge as to the specific classified material and information included in the proposed agreements and the detailed defensive needs for the proposed cooperation, the Subcommittee on Agreements for Cooperation held executive hearings on June 11, 12, and 17. As is customary with all subcommittees of the Joint Committee on Atomic Energy, all members of the full committee were invited to attend and participate in these hearings.

All testimony taken in executive session was submitted to the executive agencies with a request that the testimony be reviewed for classified information. The unclassified portions of the executive session hearings together with the record of the open hearings are being published.

The following witnesses appeared before the Subcommittee on Agreements for Cooperation to testify or participate in the executive hearings:

Department of State:

Ivan B. White, Deputy Assistant Secretary for European Affairs.
Philip J. Farley, Special Assistant to the Secretary for Disarmament and Atomic Energy.

James P. Parker, Political-Military Officer in Canadian Affairs.

John H. Pender, Attorney, Office of Legal Adviser.

Robert N. Margrave, Deputy Director, Office of Munitions Control.

Raymond S. Courtney, Officer in Charge, Defense and Special Projects, Office of the Special Assistant to the Secretary for Disarmament and Atomic Energy.

Miss Margaret J. Tibbetts, Officer in Charge, Political-Military Affairs, European Division.

L. Bruce Laingen, Officer in Charge of Greek Affairs.

Merrill Hammond, Director, Office of Munitions Control.

Robert H. McBride, Director, Office of Western European Affairs.

L. Dean Brown, Officer in Charge, French-Iberian Affairs.

William N. Dale, Deputy Director, Office of British Commonwealth and Northern European Affairs.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE

5

Department of Defense:

Herbert B. Loper, Assistant to the Secretary of Defense for Atomic Energy.

Harry Van Cleve, Office of General Counsel, OSD.

Col. Marvin Stanford, military assistant, office of General Loper.

C. Donald Garrett, Office of Security Policy, OSD.

Jere H. Dykema, Office of General Counsel, OSD.

Atomic Energy Commission:

John A. McCone, Chairman.

Willard F. Libby, Commissioner.

Gen. A. D. Starbird, Director, Military Application Division.

Algie A. Wells, Director, International Affairs.

Myron B. Kratzer, Division of International Affairs.

Robert N. Slawson, Division of International Affairs.

Lawrence F. O'Donnell, Division of International Affairs.

Capt. John A. Waters, Director, Division of Security.

Franklin N. Parks, Office of General Counsel.

Dwight A. Ink, Special Assistant to the Chairman.

Comdr. V. A. Lascara, Special Assistant, Division of Reactor Development, Navy Reactors.

Langdon A. Cook, Jr., Military Application Division.

Richard X. Donovan, Assistant to General Manager.

OPEN HEARINGS

In addition to the executive session hearings, the Subcommittee on Agreements for Cooperation held open hearings on July 1 and 2, 1959, at which individuals and representatives of organizations requesting to testify were given an opportunity to do so.

In preparation for the open hearings and to inform the public and Members of Congress as to the details of the proposed agreements, the chairman of the Subcommittee on Agreements for Cooperation introduced into the Congressional Record the texts of each of the proposed agreements together with the accompanying recommendations of the President, the State Department, the Department of Defense, and the Atomic Energy Commission. The proposed amendment to the British agreement and the proposed French agreement were placed in the Congressional Record of May 26, 1959; the proposed Greek agreement in the Congressional Record of June 17, 1959; and the others in the Congressional Record of June 9, 1959.

On June 23, 1959, a press statement was issued announcing that open hearings would be held July 1 and 2, 1959, and requesting persons desiring to testify to notify the Joint Committee.

Open public hearings accordingly were held July 1 and 2, 1959, at which the following Government witnesses appeared and testified:

Department of State: Ivan B. White, Deputy Assistant Secretary for European Affairs.

Department of Defense: Hon. Herbert B. Loper, Assistant to the Secretary of Defense for Atomic Energy.

Members of Congress: Representative William H. Meyer, U.S. Congressman.

6 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

In addition to the above Government witnesses, the following organizations were represented by individuals who appeared and testified at the public hearings:

Women's International League for Peace and Freedom:

Mrs. Josephine W. Pomerance.

Mrs. Alexander Stewart, legislative secretary.

Friends Committee on National Legislation: Clarence E. Pickett.

Jewish Peace Fellowship: Rabbi Isidor Hoffman, honorary chairman.

National Committee for a Sane Nuclear Policy, Inc.: Donald Keys, executive secretary.

Federation of American Scientists: William C. Davidson, chairman, Chicago chapter.

United Independent-Socialist Committee: William Price, executive secretary.

The following individual requested permission to testify and was given the opportunity to do so: Ruth Neuendorffer, 34 Harwood Avenue, North Tarrytown, N.Y.

All persons and organizations requesting to testify and who were present at the hearings were given an opportunity to be heard. Those not able to be present but who desired to submit a statement for the record were permitted to do so.

SUMMARY OF THE PROPOSED AMENDMENT TO THE UNITED KINGDOM AGREEMENT

The proposed amendment provides for the transfer from time to time during the period ending December 31, 1969, from the United States to the United Kingdom of the following:

1. Nonnuclear parts of atomic weapons and nonnuclear parts of atomic weapons systems involving restricted data for the purpose of improving the United Kingdom's state of training and operational readiness.

2. Special nuclear materials for research on, development of, production of, or use in utilization facilities for military applications.

3. Source, byproduct and special nuclear materials and other materials for research on, development of, or use in atomic weapons necessary to improve the United Kingdom's atomic weapon design, development or fabrication capabilities.

The proposed amendment also provides during the same period of time for the transfer of similar types of materials and equipment from the United Kingdom to the United States including the exchange of plutonium for uranium 235.

The specific quantities and other terms and conditions of the transfers will be as agreed by the United States and the United Kingdom. Cost of packaging and transporting of material and equipment will be borne by the recipient nation.

The proposed amendment revises the original agreement with regard to control of information and material transferred to make more specific the intent that information, materials, and equipment received by one party will not be communicated or transferred by that party to a third nation or international organization unless the party furnishing the information, material or equipment has authorized the communication or transfer in compliance with its laws. In addition the

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 7

1 amendment provides that material transferred between the United States and the United Kingdom shall not be used for purpose other than those for which it was received. Provision is made for materials which it is not practicable to keep separate from other materials of the receiving party as, for example, when it becomes intermingled or scrap resulting from manufacturing processes. In such cases the recipient party must retain an equivalent amount of its own material under its jurisdiction and for the purpose for which the other party's material was received.

The proposed amendment provides that if either nation desires to procure materials or components for use in manufacture of atomic weapons from any source within the jurisdiction of the other nation it will notify the other nation in order that it may insure compliance with its applicable laws and regulations. It also provides for technical changes in the agreement resulting from the additional cooperation provided in the amendment including the addition of necessary definitions. The proposed amendment modifies the "duration" article of the agreement, originally a period of 10 years, so that the cooperation in the field of information will continue until December 31, 1969, the same period as the materials and equipment cooperation under the proposed amendment.

Other provisions and conditions of the agreement including those relating to security safeguards will apply to the cooperation under the proposed amendment. Implementation will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security and while the two nations are participating in an international arrangement for their mutual defense and security through substantial and material contributions thereto.

SUMMARY OF PROPOSED AGREEMENT WITH FRANCE

The proposed agreement with France provides for the sale by the United States to the Republic of France during a period of 10 years of agreed amounts of nuclear fuel for use in the development and operation of a land-based prototype submarine nuclear propulsion plant. It does not involve the communication of any classified defense information or restricted data.

The net amount of uranium transferred would not exceed 440 kilograms of contained uranium 235 except the net amount of contained uranium 235 enriched to more than 20 percent would not exceed 300 kilograms. Maximum enrichment of the contained uranium 235 would be 90 percent in the isotope U²³⁵.

During the 10-year period that the agreement would be in effect the United States, if requested by France, will reprocess any material transferred under the agreement on terms and conditions to be agreed. Any reprocessed material under the agreement may be purchased by the United States. Any purchase made by the United States or France of enriched uranium under the proposed agreement will be at the applicable Atomic Energy Commission price in effect at the time of purchase.

The proposed agreement also provides that the enriched uranium transferred to France shall not be used for any purpose other than the development and operation of a land-based prototype submarine

8 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

nuclear propulsion plant. France is not to transfer any materials received under the agreement to unauthorized persons or beyond the jurisdiction of the French Government, except as the United States, pursuant to its laws, may agree to transfer of such material to another nation and then only if such transfer, in accordance with the laws of the United States, is authorized by an agreement for cooperation between the United States and the other nation.

The proposed agreement specifically provides that agreed amounts of enriched uranium would be transferred to France only when the United States determines that such transfers will promote and will not constitute an unreasonable risk to its defense and security while France is participating with the United States in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Implementations of the proposed agreement would be undertaken only when these conditions prevail.

SUMMARY OF PROPOSED AGREEMENTS WITH FOUR NATO NATIONS (GREECE, TURKEY, THE NETHERLANDS, AND THE FEDERAL REPUBLIC OF GERMANY)

The cooperation to be undertaken by the United States and the specifically named members of NATO—Greece, Turkey, the Netherlands, and Federal Republic of Germany—pursuant to the separate and individual proposed agreements involves the exchange of certain classified information and equipment necessary to improve the state of training and operational readiness of the armed forces of those nations.

The proposed agreements do not involve the transfer of atomic weapons, nonnuclear parts of atomic weapons or nuclear material, nor the communication of information that will permit a nation to improve its atomic weapon design, development or fabrication capability. They also do not involve the communication or exchange of classified information concerning research, development, or design of military reactors.

The proposed agreements provide that the United States will exchange with each country classified information necessary to the development of defense plans; the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy; the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable to carry atomic weapons. In addition the proposed agreements provide that the United States will transfer to each country nonnuclear parts of atomic weapons systems.

The proposed agreements specifically require that communication of information and transfer of nonnuclear parts of weapons systems would take place only when the United States determines that it will promote and will not constitute an unreasonable risk to its defense and security, and only when the recipient nation is participating with the United States in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Each separate agreement would remain in force until terminated by agreement of both parties except that with regard to the transfer of information and equipment either party may terminate its cooperation upon the expiration of the North Atlantic Treaty.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 9

Classified information and nonnuclear parts of atomic weapons systems transferred are to be protected under standards set forth security arrangements between the United States and the cooperating nation and are not to be transferred to unauthorized persons. The recipient nation would not transfer or permit access to any classified information or equipment received under provisions of the agreement to other nations or international organizations unless so authorized by the originating party.

The proposed agreements with the individual NATO nations are similar in nature other than for minor technical variations occasioned by different language translations except as to the patent provisions. Those with Turkey and the Federal Republic of Germany provide that any inventions or discoveries on the part of the receiving nation resulting from possession of information communicated or revealed by equipment transferred shall be made available to the other party to the agreement for defense purposes without charge. The proposed agreements with Greece and the Netherlands have a similar patent provision except that the inventions or discoveries will be made available free without limitation to defense purposes.

PROPOSED AGREEMENT WITH CANADA

The proposed agreement with Canada is similar to those with the specified NATO countries as to provisions for the United States to transfer nonnuclear parts of atomic weapons systems and to exchange classified information necessary to the development of defense plans; the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy; the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable to carry atomic weapons.

In addition, however, the proposed agreement with Canada provides for the exchange of classified information relative to research, development and design of military reactors to the extent and by such means as may be agreed. Thus, exchange of information on reactors of primarily military significance, such as army package powerplants, will be carried on under the proposed agreement rather than under provisions of an existing Civil Uses Agreement which permitted some such cooperation between Canada and the United States since 1956. With regard to the exchange of the other atomic energy military information the proposed agreement will supersede a previous Agreement for Cooperation for Mutual Defense Purposes between Canada and the United States signed on June 15, 1955.

The proposed agreement with Canada also expresses the U.S. intent to agree at some future time to transfer to Canada a military reactor and necessary parts and special nuclear material for research on, development of, production of, and use in military reactors. Such future action would require, however, a specific amendment to the agreement and would have to comply with statutory requirements including submission to the Congress before it could take effect.

If either country makes an invention or discovery based upon information received by it under the agreement each country will receive title to the patent in its own country in addition to a royalty-

10 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

free license to use the patent in the other country. If the country making such invention or discovery would obtain title to the patent in a third country, the country having furnished the original information on which the invention or discovery is based would be granted a royalty-free license. No patent application involving classified information will be filed, however, except in accordance with agreed security arrangements.

The proposed agreement provides for both countries to maintain appropriate security safeguards and that any information or material transferred will not be made available to unauthorized persons or to other nations or international organizations except as the originating country may agree in accordance with its statutory laws.

As with all Agreements for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, transfer of equipment and communication of information under the proposed agreement would take place only when the transferring country determines that it will promote and will not constitute an unreasonable risk to its defense and security and only when Canada is participating with the United States in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. It would remain in force until terminated by agreement of both nations except that with respect to the transfer of equipment and exchange of information if not terminated by agreement of both it may be terminated by either nation on 1 year's notice after a period of 10 years, or thereafter on 1 year's notice to take effect after any succeeding 5 years.

COMMITTEE COMMENTS

Public Law 85-479, passed during the 85th Congress, 2d session, and approved by the President on July 2, 1958, amended the Atomic Energy Act of 1954 to permit a greater degree of cooperation between the United States and its allies for mutual defense purposes.

In enacting such legislation the Congress recognized the basic need for cooperative arrangements with our friendly allies to provide for our common defense. As the President of the United States and the Prime Minister of the United Kingdom of Great Britain jointly declared on October 25, 1957:

The arrangements which the nations of the free world have made for collective defense and mutual help are based on the recognition that the concept of nation self-sufficiency is now out of date. The countries of the free world are interdependent and only in genuine partnership, by combining their resources and sharing tasks in many fields, can progress and safety be found.

Prior to recommending passage of legislation requested by the administration last year to permit greater cooperation in the military field of atomic energy the Joint Committee held extensive hearings from January to May of 1958 and very carefully reviewed the need for such legislation. (See Hearings Before the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, Congress of the United States, 85th Cong., 2d sess., on Amending the Atomic Energy Act of 1954—Exchange of Military Information and Material with Allies.)

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 11

pointed out in the committee's reports (S. Rept. No. 1654, House Rept. No. 1849, 85th Cong., 2d sess., p. 9):

Throughout the hearings and in its deliberations, the Joint Committee was mindful of the fact that the amendments originally proposed by the Atomic Energy Commission might have been interpreted in such a way as to enable a "fourth nation" to achieve a nuclear weapons capability. It was primarily due to this possibility that the Joint Committee made certain changes in the language first recommended by the AEC.

Accordingly, in reporting out the legislation last year which amended the Atomic Energy Act of 1954, under sections 144c(1) and 91c(4) the Joint Committee added language which clearly made the law comply with the intent that no classified information or fissionable material could be transferred that would assist a country not already having weapons capability to achieve such capability.

The committee of conference further strengthened this important point in the law by recommending a distinction between *nonnuclear parts of atomic weapons* and the less sensitive and nonintegral *non-nuclear parts of weapons systems* which was explained as follows:

The conference agreement, therefore, makes provision for the transfer of two distinctly different types of nonnuclear parts. One type, the nonnuclear parts of atomic weapons, relates to the integral components of the weapon itself which could only be transferred to those nations that have made substantial progress in the development of atomic weapons. The other type relates to nonnuclear parts of atomic weapons systems which are not integral to the weapon itself but pertain to various kinds of equipment involving restricted data to make possible the operational use and maintenance of the weapon, such as adaption kits. This latter category of non-nuclear parts relating to the atomic weapons systems is not as sensitive as the first category of nonnuclear parts and would not disclose internal design information of the weapon. This type, under the new language, may be transferred to a nation provided that the transfer will not contribute significantly to that nation's atomic weapon design, development, or fabrication capability (conference report to accompany H.R. 12716, H. Rept. No. 2051, Amending the Atomic Energy Act of 1954, as amended, dated June 27, 1958, p. 4).

The distinction adopted by the Congress under Public Law 85-479, thus provides that nonnuclear parts of atomic weapons may be transferred only to a nation that has made substantial progress in the development of atomic weapons which the Joint Committee in its reports defined as follows:

With regard to the words "substantial progress" in the second proviso of subsection 91c(4) it is intended that the cooperating nation must have achieved considerably more than a mere theoretical knowledge of atomic weapons design, or the testing of a limited number of atomic weapons. It is intended that the cooperating nation must have achieved a capability on its own of fabricating a variety of atomic

12 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

weapons, and constructed and operated the necessary facilities, including weapons research and development laboratories, weapon manufacturing facilities, a weapon-testing station, and trained personnel to operate each of these facilities. It is intended that full information shall be provided the Joint Committee as to the basis of any such determination. In reaching the conclusion as to the intended meaning of "substantial progress," and the types of material and the conditions established under subsection 91c, the Joint Committee relied heavily upon the good faith of the executive branch in its assertion in the January 27, 1958, letter forwarding the proposed amendments that—

"It is not intended that manufactured nuclear components of weapons could be transferred under this amendment, nor that we promote the entry of additional nations into the field of production of nuclear weapons" (S. Rept. No. 1654, H. Rept. No. 1849, 85th Cong., 2d sess., p. 12).

The Joint Committee was also responsible for adding to the legislation last year a new subsection 123d. to require all proposed agreements for cooperation involving transfer of military information and material to be submitted to the Congress and Joint Committee and not to become effective if the Congress passes a concurrent resolution of disapproval within a period of 60 days.

Proposed amendment to United Kingdom agreement

The United States and Great Britain have benefitted extensively from the exchange of information to date under their existing agreement, which became effective August 3, 1958. The proposed amendment which will permit the exchange of nonnuclear part of atomic weapons and weapons systems and nuclear material for weapons and other military use will further assist the two allies to combine their resources and eliminate duplication of effort for the better defense of both.

As part of the agreement, Uranium 235 will be transferred by the United States to the United Kingdom in exchange for plutonium. This will benefit the United Kingdom by eliminating the need for that country to expend large sums of money for construction and operation of expensive diffusion plants. The United States will benefit by obtaining needed plutonium for its small weapons program. It is understood and agreed that the exchange of Uranium 235 for plutonium will be at a ratio of 1 gram of plutonium for each 1.76 gram of U²³⁵ and that such a ratio of exchange will not constitute a precedent for payments made by the United States in purchasing plutonium from private civilian power reactors.

While no complete nuclear weapons will be exchanged between the two allies, nonnuclear parts of atomic weapons and atomic weapons systems will be made available to the United Kingdom to improve that country's state of training and operational readiness. The nuclear components of American weapons will be maintained in the custody and under the control of American forces and, in accordance with the laws and military agreements of both nations will be available to the United Kingdom in the event of hostility for the common defense of both allies.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 13

Proposed agreements with Turkey, Greece, the Netherlands, and the Federal Republic of Germany

The proposed agreements with the four NATO nations, Turkey, Greece, the Netherlands, and the Federal Republic of Germany, as indicated by the President in his May 26, 1959, letter to the Congress, will further the principle agreed to by the heads of government of the NATO nations in December 1957 on the desirability of achieving the most effective pattern of NATO military defensive strength taking into account the most recent developments in weapons and techniques.

In accordance with section 144b of the Atomic Energy Act of 1954, as amended, the United States will communicate classified atomic energy information to each of these allies as is 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; and (4) the development of compatible delivery systems for atomic weapons.

Information to be communicated will be limited solely to the above and will not be of a nature that would make possible the receiving nation to design, develop or fabricate its own nuclear weapons.

In order to improve each nation's state of training and operational readiness within the North Atlantic Treaty Organization, the United States would, in accordance with the conditions and safeguards required by the laws of the United States and made part of the proposed agreements, transfer to each nation nonnuclear parts of atomic weapons systems. This equipment which is not an integral part of atomic weapons consists of such things as electrical and mechanical attachments and adaption kits which will permit our NATO allies to improve their operational readiness in the event of hostilities. Parts of the weapons themselves, whether nuclear or nonnuclear, will remain in the custody and under the control of the United States.

No transfer of any part of a nuclear weapon may be made to these nations. However, in the event of hostilities, nuclear weapons in the custody of American forces could be transferred by direction of the President in accordance with the Constitution and the laws of the United States. With the assistance of the equipment and information previously made available by means of these proposed agreements, our NATO allies will be better prepared to participate with the United States in the defense of the free world. The proposed agreements would further help to give our NATO allies the necessary strength and confidence to overcome threats by Soviet nuclear weapons equipped forces.

Communication of information and the transfer of equipment under each proposed agreement will take place only after the President determines that the specific transfer or communication will promote and will not constitute an unreasonable risk to the defense and security. Cooperation would take place only while the receiving nation is participating with the United States in an international arrangement and making substantial and material contributions to the mutual defense and security.

Proposed agreement with Canada

The proposed agreement with Canada provides for the exchange and communication of similar types of equipment and information as with

14 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

the NATO countries. In addition the United States would exchange with Canada information pertaining to military reactors, such as Army package power reactors for remote military installations, which is already authorized under a previous agreement entered into between Canada and the United States in 1956. The proposed agreement, therefore, incorporates into one agreement all cooperation contemplated between the United States and Canada in the area of military atomic energy information and material. No transfer of parts of atomic weapons, whether nuclear or nonnuclear, would take place under the agreement.

Proposed agreement with France

The proposed agreement with France does not involve the communication of any classified information concerning nuclear weapons or military reactors. It would authorize the transfer by the United States of fuel to be used solely by the French Government in a land-based prototype of a nuclear submarine which the French Government, using its own design, will construct.

As with all agreements for cooperation for military purposes, transfer of the material will take place only when France is participating with the United States in an international arrangement for our mutual defense and security, and while France is making substantial and material contributions thereto. Similarly, the actual transfer of material will take place only when the United States determines that it will promote and will not constitute an unreasonable risk to its defense and security.

The committee in supporting the proposed amendment to the British agreement and the proposed agreements with the other nations notes that implementation of the agreements will take place only when the required conditions and safeguards have been complied with. The committee has been assured that it will be informed prior to communication of any information or transfer of any material as to the required determinations having been made and as to the specific information or material to be transmitted.

The Joint Committee has been keenly aware of the need to control the dissemination of atomic weapons information and material, and thus was most careful in reviewing the legislation adopted by the Congress last year and the proposed agreements now before the Congress under provisions of that legislation.

The Joint Committee submits this report to assist all Members of the Congress in understanding the nature and scope of the proposed agreements in connection with their review by the Congress as provided for under the Atomic Energy Act of 1954, as amended by Public Law 85-479.

There follows as appendix 1 the proposed amendment to the agreement with the United Kingdom; as appendix 2 the proposed agreement with the Republic of France; as appendix 3 the proposed agreement with Canada; as appendix 4 correspondence from the President and the State Department in support of agreements for cooperation with NATO nations; as appendix 5 the proposed agreement with the Federal Republic of Germany; as appendix 6 the proposed agreement with The Netherlands; as appendix 7, the proposed agreement with Turkey; as appendix 8 the proposed agreement with Greece. Included also with each proposed agreement is the required statutory correspondence.

APPENDIX 1

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

The Government of the United States of America and 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;

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;

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.

"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

16 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

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

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 17

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.

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 States of America:

/s/ CHRISTIAN A. HERTER
Secretary of State

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

/s/ HAROLD CACCIA
British Ambassador

Certified to be a true copy:

ROBERT D. BOURNE,
*Division of International Affairs,
U.S. Atomic Energy Commission.*

To the Congress of the United States:

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting herewith to each House of the Congress an authoritative copy of an 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. The amendment was signed at Washington on May 7, 1959.

The agreement of July 3, 1958, for cooperation on the uses of atomic energy for military purposes provided for the exchange of information covering the design and use of atomic weapons and other military applications of atomic energy and for the sale to the United Kingdom of a nuclear submarine propulsion plant and necessary fuel. Numerous exchanges have been made under this agreement, and both nations have benefited from these exchanges.

Under the provisions of the agreement there have been discussions between representatives of the two nations concerning the nature and scope of equipment and materials exchanges which would best contribute to our common defense and security and further benefit our two nations. As a result of these discussions an amendment to the agreement has been developed to further the goal of our mutual defense. It is gratifying to note that this amendment will also result in conservation of scientific and technical manpower and effort, and capital which would otherwise be required in providing duplicate facilities to meet our corresponding but separate requirements.

I am also transmitting a copy of the Secretary of State's letter accompanying authoritative copies of the signed amendment, a copy of a joint letter from the

18 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

Chairman of the Atomic Energy Commission and the Secretary of Defense recommending my approval of this amendment, and a copy of my memorandum reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, May 19, 1950.

(Enclosures: (1) Copy of 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; (2) copy of Secretary of State's letter accompanying copies of the signed amendment; (3) copy of a joint letter from the Secretary of Defense and the Chairman of the AEC recommending my approval of the amendment; (4) a copy of my memorandum in reply thereto setting forth my approval.)

DEPARTMENT OF STATE,
Washington, May 7, 1959.

The PRESIDENT,
The White House:

The undersigned, the Secretary of State, has the honor to submit to the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, an 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, signed at Washington under date of July 3, 1958.

This amendment was signed on May 7, 1959, on behalf of the United States pursuant to the authorization granted in your memorandum of May 5, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission.

A copy of that memorandum was received by the Secretary of State from the President.

Respectfully submitted.

CHRISTIAN A. HERTER,
Secretary of State.

(Enclosure: 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.)

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., May 2, 1959.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The U.S. Atomic Energy Commission and the Secretary of Defense recommend that you approve the attached 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. It is further recommended that you authorize the execution of this proposed amendment to the agreement on behalf of the United States of America. The Secretary of State concurs in the recommendations herein.

You will recall that the present agreement, which was executed on July 3, 1958, provided for increased cooperation with the United Kingdom under the authority of the Atomic Energy Act of 1954 as amended by Public Law 85-479. It provided the necessary framework for the exchange of certain classified information and the transfer of certain equipment and materials for military uses.

In the area of information, the agreement provided for exchange of information with the limits imposed by sections 144(b) and 144(c) of the Atomic Energy Act, as amended. Such information covered the development of defense plans; the training of personnel; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications; the development of delivery systems capable of carrying atomic weapons; design, development and fabrication of atomic weapons; and research, development, and design of military reactors. The agreement continued in effect submarine reactor cooperation earlier undertaken and provided for broader cooperation in the military reactor field in the future.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 19

In the area of equipment and materials, the agreement provided for the transfer by the United Kingdom of one complete submarine nuclear propulsion plant and fuel for operation of this plant for a period of 10 years.

It is believed that this agreement has resulted in significant advances to our mutual defense and security. Both Governments have benefited extensively from the exchange of information under the provisions of this agreement.

You will recall that although authorized by Public Law 85-479, the agreement did not provide for the transfer of nonnuclear parts of atomic weapons or other nonnuclear parts of atomic weapons systems or of materials for research on, development of, or use in atomic weapons or of materials for research on, development of, or production of utilization facilities for military application. Until such time as discussions could be held with the United Kingdom under the authority of Public Law 85-479 and the new agreement, it was not possible to determine the nature or scope of equipment and materials exchanges which would best contribute to our common defense and security. Such discussions have since been held, and the purpose of the attached amendment to the agreement is to provide for the transfer of such equipment and materials.

As we stated when we submitted the agreement for your approval, the United Kingdom is participating with the United States in international arrangements pursuant to which the United Kingdom is making substantial and material contributions to the mutual defense and security, and the United Kingdom has made substantial progress in the development of atomic weapons.

This amendment provides for the transfer from the United States to the United Kingdom of (a) nonnuclear parts of atomic weapons and other nonnuclear parts of atomic weapons systems involving restricted data for the purpose of improving the United Kingdom's state of training and operational readiness; (b) special nuclear materials for research on, development of, production of, or use in utilization facilities for military applications; and (c) certain source, byproduct, and special nuclear materials, and other materials for research on, development of, or use in atomic weapons necessary to improve the United Kingdom atomic weapon design, development or fabrication capabilities.

The amendment provides for the transfer of similar materials and equipment from the United Kingdom to the United States.

The transfers are to take place from time to time during the period ending December 31, 1969. The quantities and other terms and conditions of the transfers will be as agreed by the parties. In this connection, the maximum quantities of materials to be transferred by the United States prior to December 31, 1969, is contained in a supplementary classified letter. These quantities of materials can be made available for transfer during this period without adverse effect on our defense program. However, it is not possible to determine at this time all the types and the quantities of nonnuclear parts of atomic weapons and other nonnuclear parts of atomic weapons systems involving restricted data which should be transferred between the parties prior to December 31, 1969, to improve our common defense.

The amendment, therefore, provides that the parties will agree from time to time on types and quantities to be transferred. All such agreements will be submitted for your approval and, in accordance with the provisions of section 91(a) of the Atomic Energy Act and article I of the agreement be subject to your determination that the proposed transfer will promote and will not constitute an unreasonable risk to the common defense and security. It is contemplated that transfers of equipment for use in manufacture of weapons will be by sale with the purchasing party paying the cost of the other party in providing the equipment. It is also contemplated that equipment transferred for other uses may be sold, leased or loaned by the United States. Materials will also be transferred by sale. In this connection, it is contemplated that highly enriched U²³⁵ sold by the United States will be paid for with plutonium at the rate of 1 grain of plutonium for 1.76 grains of U²³⁵.

While the quantities of equipment and materials which will be transferred by the United States will not adversely interfere with our defense program, they will be such as to add to the United Kingdom's defense capability, and will preclude unnecessary duplication of effort, facilities, and funds and will provide for our greater collective security. The intended application of materials to the United Kingdom nuclear weapon production program as to types and time schedules for the next 10 years is considered consistent with current and planned force structures and delivery capabilities and in concurrence with the contribution the United Kingdom is expected to make to the defense of NATO and to the military strength and solidarity of the Western Alliance.

20 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

Considering the progress to date on exchange of information within the limits imposed by section 144(b) and 144(c) provided for in the agreement, the expected cooperation with the United Kingdom now proposed will contribute markedly to the development of practical and economical measures for applying the resources of both countries to the common defense and will serve as further evidence of the military, political and scientific bonds between the two nations.

In view of all the foregoing reasons the transfer of materials as proposed in the amendment is necessary to improve the atomic weapon design, development or fabrication capability of the United Kingdom.

The amendment recognizes that some materials and components to which one party may wish to procure from sources within the jurisdiction of the other party may be procured without an agreement for cooperation, provided that classified information not involving atomic information involved in the procurement may properly be communicated to the purchasing party. The amendment, therefore, provides that the other party will be informed of any such proposed procurement of materials or components for use in the manufacture of atomic weapons in order that it may insure compliance with its applicable laws and regulations.

The amendment also revises the "dissemination" article of the agreement. This revision is intended to make more specific the meaning of the original article, namely, that information, materials or equipment received by one party will not be communicated or transferred by that party to a third nation or international organization unless the party furnishing the information, material or equipment authorizes the communication or transfer after determining that it could effect the communication or transfer directly or, in the case of information, that it had previously communicated the information to such nation or organization. Special provision is made for materials which it is not practicable to keep separate from other materials of the receiving party, such as materials which became intermingled, or scrap resulting from manufacturing processes. To avoid burdensome and costly administrative procedures, which would otherwise be necessary to trace and identify this material, the amendment provides that an equivalent amount of the material will be retained under the jurisdiction of the receiving party.

The amendment makes technical changes in the "patents" article of the agreement resulting from the additional cooperation provided in the amendment and adds additional definitions. Finally the amendment modifies the "duration" article of the agreement so that co-operation in the field of information will continue until December 31, 1969, the term of the materials and equipment co-operation under the amendment.

Other provisions and conditions of the agreement including those relating to security safeguards will apply to cooperation under the amendment.

In accordance with the provisions of section 91 of the Atomic Energy Act of 1954, as amended, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security, while the United States and the United Kingdom are participating in an international arrangement for their mutual defense and security through substantial and material contributions thereto. Cooperation under article XIX bis, which will be added to the agreement by the amendment, would be undertaken only when these conditions prevail.

It is the considered opinion of the Atomic Energy Commission and the Department of Defense that the performance of this amendment to the agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you (1) approve the program for the transfer of material and equipment as set forth herein and in the attached amendment to the agreement; (2) determine that the performance of this amendment to the agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; (3) approve the proposed amendment to the agreement for cooperation; and (4) authorize the execution of the proposed amendment to the agreement for the Government of the United States by the Secretary of State.

Respectfully yours,

DONALD A. QUARLES,
Secretary of Defense.

JOHN A. McCONE,
Chairman, Atomic Energy Commission.

(Enclosures: As stated.)

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 21

THE WHITE HOUSE,
Washington, May 5, 19.

Memorandum for—

THE CHAIRMAN, ATOMIC ENERGY COMMISSION.
THE SECRETARY OF DEFENSE.

In your joint letter of May 2, 1959, the Chairman of the Atomic Energy Commission and the Secretary of Defense recommended that I approve a proposed amendment to the agreement of July 3, 1958, 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.

The United Kingdom is participating with the United States in international arrangements pursuant to which it is making substantial and material contributions to the mutual defense and security, and the United Kingdom has made substantial progress in the development of atomic weapons. The proposed amendment will permit cooperation necessary to improve capabilities of the United States, and the United Kingdom, in the application of atomic energy for mutual defense purposes, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance.

Having considered the cooperation provided for in the amendment, including your joint recommendation, the security safeguards and other terms and conditions of the agreement and the amendment, I hereby—

(a) Approve the program for transfer prior to December 31, 1969, of—

(i) nonnuclear parts of atomic weapons and other nonnuclear parts of atomic weapons systems involving restricted data; and

(ii) source, byproduct, special nuclear and other material

in the types and quantities and under the terms and conditions provided in the joint letters dated May 2, 1959, to me from the Chairman, United States Atomic Energy Commission, and the Secretary of Defense, and the proposed amendment to the agreement of July 3, 1958, between the Government of the United States and the Government of the United Kingdom for cooperation on the uses of atomic energy for mutual defense purposes; however, types, quantities and conditions of transfer not so provided are subject to my further approval.

(b) Determine that the performance of this amendment to the agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States;

(c) Approve the proposed amendment to the agreement for cooperation; and

(d) Authorize the execution of the proposed amendment to the agreement for the Government of the United States by the Secretary of State.

In taking these actions, I have noted the supplementary classified information regarding the amendment to the agreement, also jointly submitted to me.

After execution of the agreement, I shall submit it to the Congress of the United States.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

APPENDIX 2

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF FRANCE FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the Republic of France,

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

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

Recognizing that their common defense and security will be promoted by the transfer by the Government of the United States to the Government of the Re-

22 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

public of France of enriched uranium for use in the development and operation of a land based prototype submarine nuclear propulsion plant; believing that such transfer can be undertaken without risk to the defense and security of either country; and

Taking into consideration their respective laws in this matter and, in particular, concerning the United States, the 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 Government of the United States and the Government of the Republic of France are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, the Government of the United States will transfer by sale to the Government of the Republic of France agreed amounts of U^{235} contained in uranium enriched up to ninety percent (90%) in the isotope U^{235} for use in the development and operation of a land based prototype submarine nuclear propulsion plant, in accordance with the provisions of this Agreement, provided that the Government of the United States determines that such transfers will promote, and will not constitute an unreasonable risk to, its defense and security.

ARTICLE II

Transfer of Enriched Uranium

A. Pursuant to Article I hereof the Government of the United States will transfer by sale agreed amounts of U^{235} contained in uranium enriched up to ninety percent (90%) in the isotope U^{235} , as needed for use in the development and operation of a land based prototype submarine nuclear propulsion plant, during the ten (10) years following the date of entry into force of this Agreement, on such terms and conditions as may be agreed. The net amount of any uranium transferred hereunder during such period shall not exceed four hundred forty (440) kilograms of contained U^{235} except that the net amount of U^{235} contained in uranium enriched to more than twenty percent (20%) in the isotope U^{235} shall not exceed three hundred (300) kilograms; the net amount shall be the gross quantity of contained U^{235} in uranium transferred to the Government of the Republic of France during such period less the quantity of contained recoverable U^{235} which has been resold or otherwise returned to the Government of the United States during such period. If the Government of the Republic of France so requests, the Government of the United States will during such period authorize the conversion in private facilities in the United States of UF_6 to metal or other forms, as may be agreed, from the enriched uranium transferred under this Agreement.

B. If the Government of the Republic of France so requests, the Government of the United States will during such ten year period on terms and conditions to be agreed, reprocess any material transferred under this Agreement in facilities of the Government of the United States, if the reprocessing of such material is technically feasible in said facilities, 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. Enriched uranium recovered in reprocessing such materials and not purchased by the Government of the United States shall be returned to or retained by the Government of the Republic of France 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.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 23

ARTICLE III

Responsibility for Use of Information and Material

The application or use of any information or material 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 or material for any particular use or application.

ARTICLE IV

Conditions

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

B. Restricted Data shall not be communicated under this Agreement, and no materials shall be transferred under this Agreement in such form as would involve the communication of Restricted Data.

C. The enriched uranium transferred pursuant to this Agreement shall be used by the Government of the Republic of France exclusively in the development and operation of a land based prototype submarine nuclear propulsion plant in the preparation or implementation of defense plans in the mutual interests of the two countries.

ARTICLE V

Guaranties

The Government of the Republic of France guarantees that:

A. The safeguards provided in Article VI shall be maintained.

B. Any materials transferred pursuant to this Agreement shall not be transferred by the Government of the Republic of France, or persons under its jurisdiction, to any unauthorized persons, or transferred beyond the jurisdiction of the Government of the Republic of France except as the Government of the United States, pursuant to its laws, may agree to transfer of such material to another nation, and then only if in the opinion of the Government of the United States such transfer is authorized by an agreement for cooperation between the Government of the United States and the other nation.

ARTICLE VI

Safeguards

In order to assure use as provided in paragraph C of Article IV, the Parties shall have the same rights and obligations under this Agreement with respect to reactors, equipment and devices, and materials and their derivatives as they now have under Article X of the Agreement for Cooperation Concerning the Civil Uses of Atomic Energy between the Parties, signed at Washington on June 19, 1956, as amended by the Agreement signed on July 3, 1957, with respect to reactors, equipment and devices, and materials and their derivatives.

ARTICLE VII

Definitions

For the purposes of this Agreement:

A. "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

B. "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 States Atomic Energy Commission and the French Commissariat for Atomic Energy; and

2. any legal successor, representative, agent or agency of the foregoing.

C. "Parties" means the Government of the United States and the Government of the Republic of France, including the United States Atomic Energy Commission on behalf of the Government of the United States and the French Commissariat

24 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

for Atomic Energy on behalf of the Government of the Republic of ce.
"ty" means one of the above "Parties".

D. "Development and operation" shall be construed to include critical experiments required in the development and operation of a land based prototype submarine nuclear propulsion plant.

ARTICLE VIII

Duration

This Agreement 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 Agreement, and shall remain in force until terminated by agreement of both Parties except that Article II of this Agreement shall terminate ten years following the entry into force of this Agreement.

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

DONE at Washington in duplicate in the English and French languages, both texts being equally authentic, this seventh day of May, 1959.

For the Government of the United States of America:

CHRISTIAN A. HERTER
Secretary of State

For the Government of the Republic of France:

HERVÉ ALPHAND
French Ambassador

This is certified to be a true copy:

ROBERT D. BOURNE,
Division of International Affairs,
U.S. Atomic Energy Commission.

To the Congress of the United States:

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting herewith to each House of the Congress an authoritative copy in the English text of an agreement between the Government of the United States of America and the Government of the Republic of France for cooperation in the uses of atomic energy for mutual defense purposes. The agreement has been executed on May 7, 1959, by the Secretary of State on behalf of the Government of the United States, and by the Ambassador of France to the United States on behalf of the Government of the Republic of France.

To assist France in the development of a land-based prototype submarine propulsion plant, and in response to a request by France for U.S. cooperation in this field, our Governments have concluded this agreement whereby the United States will sell to France a quantity of enriched nuclear fuel for this purpose.

The agreement recognizes the relationship of this assistance to the mutual security of the two nations, and the contribution to joint defense arrangements which transfer of this material will make. As the result of discussions with the French, it has been determined that the amounts envisaged for sale to France should permit them to carry out the proposed project.

The transfer of the nuclear fuel under this agreement will be carried out in accordance with the Atomic Energy Act of 1954, as amended, and pursuant thereto I have determined that performance of this cooperation will promote, and will not constitute an unreasonable risk to, the common defense and security of the United States. It will be noted that the agreement does not provide for the communication of restricted data.

I am also transmitting a copy of the Secretary of State's letter accompanying the text of the agreement, a copy of a joint letter from the Chairman of the Atomic Energy Commission and the Secretary of Defense recommending my approval of this agreement, and a copy of my memorandum in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, May 19, 1959.

(Enclosures: (1) Agreement between the Government of the United States of America and the Government of the Republic of France for cooperation in the

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 25

use of atomic energy for mutual defense purposes; (2) copy of Secretary of State's letter accompanying copies of the signed agreement; (3) copy of a joint letter from the Secretary of Defense and the Chairman of the AEC recommending my approval of the agreement; (4) a copy of my memorandum in reply thereto setting forth my approval.)

DEPARTMENT OF STATE,
Washington, May 7, 1959.

The PRESIDENT,
The White House:

The undersigned, the Secretary of State, has the honor to submit to the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, an agreement between the Government of the United States of America and the Government of the Republic of France for cooperation on the uses of atomic energy for mutual defense purposes.

This agreement was signed on May 7, 1959, on behalf of the United States pursuant to the authorization granted in your memorandum of May 5, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission.

A copy of that memorandum was received by the Secretary of State from the President.

Respectfully submitted.

CHRISTIAN A. HERTER,
Secretary of State.

(Enclosure: Agreement between the Government of the United States of America and the Government of the Republic of France for cooperation on the uses of atomic energy for mutual defense purposes.)

ATOMIC ENERGY COMMISSION,
Washington, D.C., May 2, 1959.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The U.S. Atomic Energy Commission and the Secretary of Defense recommend that you approve the attached agreement between the Government of the United States of America and the Government of the Republic of France for cooperation on the uses of atomic energy for mutual defense purposes. It is further recommended that you authorize the execution of this proposed agreement on behalf of the United States of America. The Secretary of State concurs in the recommendations herein.

The cooperation provided for in the agreement is authorized by the Atomic Energy Act of 1954, as amended by Public Law 85-479. The Republic of France is participating with the United States in an international arrangement pursuant to which the Republic of France is making substantial and material contributions to the mutual defense and security.

This agreement provides for the transfer by sale by the Government of the United States to the Government of the Republic of France during the period of 10 years following the date of entry into force of this agreement of agreed amounts of U^{235} contained in uranium enriched up to 90 percent in the isotope U^{235} as needed for use in the development and operation of a land based prototype submarine nuclear propulsion plant. The net amount of any uranium transferred under this agreement shall not exceed 440 kilograms of contained U^{235} except that the net amount of U^{235} contained in uranium enriched to more than 20 percent in the isotope U^{235} shall not exceed 300 kilograms. No restricted data or classified defense information shall be communicated under this agreement.

The transfer of enriched uranium for use in the development and operation of a land based prototype submarine nuclear propulsion plant is responsive to a specific request from the French Government and is for the purpose of assisting France in the development of a nuclear submarine capability in the French fleet.

The agreement provides that the Government of the Republic of France guarantees that materials transferred under this agreement shall be used exclusively in the development and operation of a land based prototype submarine nuclear propulsion plant in the preparation or implementation of defense plans in the mutual interests of the two countries. Appropriate safeguards are contained in the agreement to assure such use. The agreement also contains a commitment that the Government of the Republic of France will not transfer any ma-

26 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

materials received pursuant to this agreement to unauthorized persons or beyond the jurisdiction of the Government of the Republic of France except as the Government of the United States, pursuant to its laws, may agree to transfer such material to another nation and then only if in the opinion of the Government of the United States such transfer is authorized by an agreement for cooperation between the Government of the United States and the other nation.

This agreement, except for article II, shall remain in force until terminated by agreement of both parties thus assuring continued protection for materials transferred in accordance with the provisions of the agreement. Article II, providing for transfer of enriched uranium, shall terminate 10 years following the entry into force of the agreement.

In accordance with the provisions of section 91 of the Atomic Energy Act of 1954, as amended, the agreement specifically provides in article I that agreed amounts of enriched uranium will be transferred to the Government of the Republic of France only when the Government of the United States determines that such transfers will promote and will not constitute an unreasonable risk to its defense and security while the United States and France are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under article II of the agreement would be undertaken only when these conditions prevail.

It is the considered opinion of the Atomic Energy Commission and the Department of Defense that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States. Accordingly, it is recommended that you

- (1) Approve the program as set forth herein and in the attached agreement, for the transfer of agreed amounts of enriched uranium;
- (2) Determine that the proposed Agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States;
- (3) Approve the proposed agreement for cooperation; and
- (4) Authorize the execution of the proposed Agreement for the Government of the United States by the Secretary of State.

Respectfully yours,

/s/ DONALD A. QUARLES,
Deputy Secretary, Department of Defense,
May 2, 1959.

/s/ JOHN A. McCONE,
Chairman, Atomic Energy Commission,
April 29, 1959.

(Attachment: Agreement for cooperation.)

THE WHITE HOUSE,
Washington, May 5, 1959.

Memorandum for—

THE SECRETARY OF DEFENSE.
THE CHAIRMAN, ATOMIC ENERGY COMMISSION.

In your joint letter of May 2, 1959, to me, you recommended that I approve a proposed agreement between the Government of the United States of America and the Government of the Republic of France for cooperation on the uses of atomic energy for mutual defense purposes.

France is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to assist France in the development of a nuclear submarine capability for defense plans in the mutual interests of the two countries, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance.

Having considered the cooperation provided for in the agreement, including your joint recommendations, guarantees and other terms and conditions of the agreement, I hereby—

- (1) approve the program for the transfer of enriched uranium in the quantities and under the terms and conditions provided in the joint letter to me from the Secretary of Defense and the Chairman of the Atomic Energy Commission dated May 2, 1959, and in the proposed agreement;

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 27

(2) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States;

(3) approve the proposed agreement for cooperation; and

(4) authorize the execution of the proposed agreement for the Government of the United States by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

APPENDIX 3

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of Canada,

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

Considering that they are participating together in an international arrangement 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 certain types of equipment;

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

Contemplating that their common defense and security may be advanced by the transfer at some future time of other types of equipment and materials for use therein; and

Taking into consideration that the United States Atomic Energy Act of 1954, as amended, and the Canadian Atomic Energy Control Act and Atomic Energy Regulations were enacted or prepared with these purposes in mind,

Have agreed as follows:

ARTICLE I

General Provision

While the United States and Canada 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

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

A. the development of defense plans;

B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;

C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy;

D. the development of delivery systems compatible with the atomic weapons which they carry; and

E. research, development and design of military reactors to the extent and by such means as may be agreed.

28 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

ARTICLE III

Transfer of Nonnuclear Parts of Atomic Weapons Systems

The Government of the United States will transfer to the Government of Canada, subject to terms and conditions mutually agreed upon between the Parties and all appropriate provisions and requirements of applicable United States laws, nonnuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving Canada's state of training and operational readiness.

ARTICLE IV

Transfer of Military Reactors and Materials

The Government of the United States, by amendment to this Agreement and subject to the terms and conditions mutually agreed upon between the Parties,

A. may agree to transfer, or authorize any person to transfer, to the Government of Canada, military reactors and/or parts thereof for military applications; and

B. may agree to transfer to the Government of Canada special nuclear material for research on, development of, production of, and use in military reactors for military applications.

ARTICLE V

Responsibility for Use of Information, Material and Equipment

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 VI

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 or nonnuclear parts 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 VII

Guarantees

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 VIII of this Agree-

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 29

me 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 VIII

Dissemination

Nothing in this Agreement shall be interpreted to 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 unless:

A. it is notified by the originating Party that all appropriate provisions and requirements of the originating Party's applicable laws, including authorization by competent bodies of the originating Party, have been complied with which would be necessary to authorize the originating Party directly so to communicate to, transfer to or permit access to or use by such other nation or international organization; and further that the originating 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. the originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

ARTICLE IX

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 X

Patents

A. With respect to any invention or discovery:

1. either employing information which has been communicated or exchanged pursuant to Article II, or derived from any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III and IV, and made or conceived after the date of such communication, exchange or transfer but during the period of this Agreement, 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; or

2. not covered in subparagraph 1 above and made or conceived by any person representing, employed by, or acting for or on behalf of one Party (hereinafter referred to as the "sponsoring Party") or its contractor, while in the country of the other Party and assigned to an installation, plant, laboratory, institution or similar facility in the country of the other Party pursuant to this Agreement,

the recipient or sponsoring Party (as the case may be) shall:

1. be entitled to all right, title and interest in and to the invention or discovery, or patent application or patent thereon, in the country of the recipient or sponsoring Party (as the case may be) and in third countries; and

2. 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; and

3. 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 by the recipient

30 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

- or sponsoring Party (as the case may be) of a royalty-free, non-exclusive, irrevocable license, with the right to grant sublicenses, for all purposes, and
4. 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 or sponsoring Party (as the case may be) 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 any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III and IV for use by the licensed Party for the purposes set forth in paragraph C of Article VI.
2. The transferring Party neither warrants nor represents that any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III and IV do 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 reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III or IV, 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 VII and VIII.
2. Appropriate secrecy or prohibition orders shall be issued for the purpose of giving effect to this paragraph.
- E. Detailed procedures shall be jointly established to effectuate the foregoing provisions, and all situations not specifically covered shall be settled by mutual agreement governed by the basic principle of equivalent benefits to both Parties.

ARTICLE XI

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, and by paragraph B of Article II bis of the Agreement for Cooperation Concerning Civil Uses of Atomic Energy, which was signed at Washington on June 15, 1955, as amended by the Amendment signed at Washington on June 26, 1956, shall be carried out in accordance with the provisions of the present Agreement.

ARTICLE XII

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.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 31

"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 States or Canada, including that designated by the Government of the United States as "Restricted Data" or "Formerly Restricted Data" and that designated by the Government of Canada as "ZED Information".

C. "Equipment" means:

1. 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 reactor and military reactor; and

2. nonnuclear parts of atomic weapons systems involving Restricted Data.

D. "Nonnuclear 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 materials; and "other nonnuclear parts of atomic weapons systems involving Restricted Data" means parts of atomic weapons systems, other than nonnuclear parts of atomic weapons, which contain or reveal atomic information and which are not made, in whole or in part, of special nuclear material.

E. "Atomic information" means:

1. so far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" and "Formerly Restricted Data".

2. so far as concerns information provided by the Government of Canada, information which is designated "ZED Information".

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

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

H. "Persons" means:

1. any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency or government corporation other than the United States Atomic Energy Commission and Atomic Energy of Canada Limited; and

2. any legal successor, representative, agent or agency of the foregoing.

I. References in this Agreement to the Government of Canada include the Atomic Energy of Canada Limited.

ARTICLE XIII

Duration

This Agreement 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 legal 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, Articles II and III 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 twenty-second day of May, 1959, in two original texts.

For the Government of the United States of America:

/s/ DOUGLAS DILLON

For the Government of Canada:

/s/ A. D. P. HEENEY

Certified to be a true copy of the original:

HALVOR O. EKERN,

Office of the Special Assistant to the Secretary for Atomic Energy,
Department of State.

32 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

To the Congress of the United States:

pursuant to the Atomic Energy Act of 1954, as amended, I am submitting herewith to each House of the Congress an authoritative copy of an agreement between the Government of the United States of America and the Government of Canada for cooperation on the uses of atomic energy for mutual defense purposes. The agreement was signed in Washington on May 22, 1959, by the Acting Secretary of State on behalf of the Government of the United States and the Ambassador of Canada to the United States on behalf of the Government of Canada.

Proceeding from the authority contained in Public Law 85-479 approved by the President July 2, 1958, which amended the Atomic Energy Act of 1954, the agreement was negotiated for the purpose of advancing the extent of cooperation between the two countries in their common defense, particularly in the vital field of the military applications of atomic energy.

The agreement is predicated on the determination that the common defense and security of the United States and Canada will be advanced by the cooperation envisaged therein, and takes into account that our countries are participating together in an international defense arrangement. The exchanges of information and transfers of equipment provided for in the agreement will substantially contribute to the capability of the United States and Canada to meet their mutual defensive responsibilities already closely shared.

I am also transmitting a copy of the Acting Secretary of State's letter accompanying authoritative copies of the signed agreement, a copy of a joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of this agreement, and a copy of my memorandum in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, May 26, 1959.

MAY 22, 1959.

THE PRESIDENT,
The White House:

The undersigned, the Acting Secretary of State, has the honor to submit to the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, an agreement between the Government of the United States of America and the Government of Canada for cooperation on the uses of atomic energy for mutual defense purposes.

This agreement was signed today, May 22, 1959, on behalf of the United States pursuant to the authorization granted in the President's memorandum of May 22, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. A copy of that memorandum was received by the Acting Secretary of State from the President.

Respectfully submitted.

(Enclosure: Agreement between the Government of the United States of America and the Government of Canada for cooperation on the uses of atomic energy for mutual defense purposes.)

THE WHITE HOUSE,
Washington, May 22, 1959.

Memorandum for—

The SECRETARY OF DEFENSE.

The CHAIRMAN, ATOMIC ENERGY COMMISSION.

In your joint letter to me of May 20, 1959, you recommended that I approve a proposed Agreement Between the Government of the United States of America and the Government of Canada for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

Canada is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of Canada, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 33

Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement, I hereby

(1) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving Restricted Data under the terms and conditions provided in your joint letter and the proposed Agreement; however, types, quantities and conditions of transfer of such parts not so provided are subject to my further approval;

(2) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) approve the proposed agreement and authorize its execution for the Government of the United States by the Secretary of State.

In making these actions, I have noted the supplementary information regarding the agreement, also jointly submitted to me.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

THE SECRETARY OF DEFENSE,
Washington, D.C., May 20, 1959.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of Canada for cooperation on the uses of atomic energy for mutual defense purposes.

The present Agreement for Mutual Defense Purposes which was executed on June 15, 1955, provides for the exchange of information within limits concerning utilization of atomic weapons. Also, the amendment to the civil uses agreement which was executed on June 26, 1956, provides for the exchange of information on reactors of primarily military significance. Henceforth, cooperation on all military application of atomic energy would be carried out under the proposed new and expanded Agreement for Mutual Defense Purposes. Therefore, the agreement, which will permit, under the authority of the Atomic Energy Act of 1954, as amended, this increased cooperation is an important step in advancing our mutual defense interests, specifically, the vital cause of North American defense in which we have long been working closely with our Canadian neighbors and will thereby aid materially in defense of the United States.

Article II of the agreement provides for the transfer of classified information including restricted data and formerly restricted data necessary to the development of defense plans; the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy; the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; the development of delivery systems compatible with the atomic weapons which they carry; and research, development and design of military reactors.

Article III of the agreement provides that the United States will transfer non-nuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the armed forces of Canada. However, in view of section 91(c) of the Atomic Energy Act, the applicability of which is reflected in article VI of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities, and conditions of transfer, whether by sale, lease or loan, of those parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities, and conditions of transfer and such determination shall be submitted for your approval.

To date cooperation with Canada in the field of military reactors has been confined principally to the feasibility of their establishing a program for the design, development, and construction of military reactors. Recognizing the progress being made and the desire for further cooperation in this important field within the limits of the Atomic Energy Act, article IV of the agreement expresses our intent to agree at some future time to transfer material and equipment, with the

34 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

understanding that such cooperation would require an amendment to the agreement.

The agreement would remain in force until terminated by an agreement of both parties, thus assuring continued protection of information and equipment transferred in accordance with the provisions of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be terminated by agreement of the parties or by either party, following 1 year's advance notice, at the expiration of an initial term of 10 years, or upon the expiration of any succeeding term of 5 years.

In accordance with the provisions of sections 91(c), 144 (b) and (c) of the Atomic Energy Act of 1954, as amended, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and Canada are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article VI of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article VI also specifies that there will be no transfer under the agreement of atomic weapons or nonnuclear parts of atomic weapons.

In addition to the foregoing terms, conditions, duration, nature, and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

Canada is now participating with the United States in an international arrangement pursuant to which Canada is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that the agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you—

(a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to your later approval;

(b) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

With great respect, we are,

Faithfully yours,

NEIL H. McELROY,
Secretary of Defense.

JOHN A. McCONE,
Chairman, Atomic Energy Commission.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 35

APPENDIX 4

CORRESPONDENCE FROM THE PRESIDENT AND THE STATE
DEPARTMENT IN SUPPORT OF AGREEMENTS FOR COOPERATION
WITH NATO NATIONS

To the Congress of the United States:

In December 1957 the heads of government of the nations members of the North Atlantic Treaty Organization reached agreement in principle on the desirability of achieving the most effective pattern of NATO military defensive strength, taking into account the most recent developments in weapons and techniques. In enunciating this agreement in principle the heads of government made it clear that this decision was the result of the fact that the Soviet leaders, while preventing a general disarmament agreement, had left no doubt that the most modern and destructive weapons of all kinds were being introduced into the Soviet armed forces. The introduction of modern weapons into NATO forces should be no cause for concern on the part of other countries, since NATO is purely a defensive alliance.

It is our conviction and the conviction of our NATO allies that the introduction into NATO defenses of the most modern weapons available is essential in maintaining the strength necessary to the alliance. Any alliance depends in the last analysis upon the sense of shared mutual interests among its members, and by sharing with our allies certain training information we are demonstrating concretely our sense of partnership in NATO's defensive planning. Failure on our part to contribute to the improvement of the state of operational readiness of the forces of other members of NATO will only encourage the Soviet Union to believe that it can eventually succeed in its goal of destroying NATO's effectiveness.

To facilitate the necessary cooperation on our part legislation amending the Atomic Energy Act of 1954 was enacted during the last session of the Congress. Pursuant to that legislation agreements for cooperation have recently been concluded with three of our NATO partners; all of these agreements are designed to implement in important respects the agreed NATO program. These agreements will enable the United States to cooperate effectively in mutual defense planning with these nations and in the training of their respective NATO forces in order that, if an attack on NATO should occur, under the direction of the Supreme Allied Commander for Europe these forces could effectively use nuclear weapons in their defense.

These agreements represent only a portion of the work necessary for complete implementation of the decision taken by the North Atlantic Treaty Organization in December 1957. I anticipate the conclusion of similar agreements for cooperation with certain other NATO nations as the alliance's defensive planning continues.

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting to each House of the Congress an authoritative copy of three agreements, one with the Federal Republic of Germany, one with the Kingdom of the Netherlands, and one with the Government of Turkey. I am also transmitting a copy of the Secretary of State's letter accompanying authoritative copies of the signed agreements, a copy of three joint letters from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of these documents and copies of my memoranda in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, May 26, 1959.

36 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

MAY 12, 1959.

THE PRESIDENT,
White House.

DEAR MR. PRESIDENT: The undersigned, the Acting Secretary of State, has the honor to lay before the President with a view to their transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, authoritative copies of three agreements for cooperation on the uses of atomic energy for mutual defense purposes; an Agreement between the Government of the United States and the Federal Republic of Germany signed at Bonn on May 5, 1959; an agreement between the Government of the United States and the Kingdom of the Netherlands signed at The Hague May 6, 1959; and an agreement between the Government of the United States and the Government of Turkey signed at Ankara May 5, 1959.

These agreements were signed on behalf of the United States pursuant to authorizations granted in your memoranda of May 4, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. Copies of these memoranda were received by the Secretary of State from the President.

Faithfully yours,

DOUGLAS DILLON, *Acting Secretary.*

APPENDIX 5

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the Federal Republic of Germany,

Considering that they have concluded a Mutual Defense Assistance Agreement pursuant to which each Government will make available to the other equipment, materials, services, or other military assistance in accordance with such terms and conditions as may be agreed;

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

Considering that they are participating together in an international arrangement 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 certain types of equipment;

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, and all applicable statutes of the Federal Republic of Germany, which were enacted or prepared with these purposes in mind,

Have agreed as follows:

ARTICLE I

General Provisions

While the United States and the Federal Republic of Germany 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 nonnuclear parts of atomic weapons systems involving Restricted Data 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.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 37

ARTICLE II

Exchange of Information

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

- A. the development of defense plans;
- B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- D. the development of delivery systems compatible with the atomic weapons which they carry.

ARTICLE III

Transfer of Nonnuclear Parts of Atomic Weapons Systems

The Government of the United States will transfer to the Government of the Federal Republic of Germany, subject to terms and conditions to be agreed, non-nuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving the German state of training and operational readiness.

ARTICLE IV

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, nonnuclear parts of atomic weapons, or special nuclear materials.

3. The information communicated or exchanged, or nonnuclear parts of atomic weapons systems 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 V

Guarantees

A. Classified information and nonnuclear parts of atomic weapons systems 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, and nonnuclear parts of atomic weapons systems, 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 nonnuclear parts of atomic weapons systems 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 VI of this Agreement, beyond the jurisdiction of that Party. Each Party may stipulate the degree to which any of the information and nonnuclear parts of atomic weapons systems 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 or nonnuclear parts of atomic weapons systems; and may impose such other restrictions on the dissemination or distribution of such information or nonnuclear parts of atomic weapons systems as it deems necessary.

38 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

ARTICLE VI

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 so communicate classified information or transfer or permit access to or use of non-nuclear parts of atomic weapons systems made available by the other Party pursuant to this Agreement unless:

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

B. The originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

ARTICLE VII

Classification policies

Agreed classification policies shall be maintained with respect to all classified information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement.

ARTICLE VIII

Responsibility for use of information and nonnuclear parts of atomic weapons systems

The application or use of any information (including design drawings and specifications) or nonnuclear parts of atomic weapons systems 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 or warranty with respect to such application or use.

ARTICLE IX

Patents

The recipient Party shall use the classified information communicated or revealed by equipment transferred hereunder for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of the recipient Party or persons under its jurisdiction shall be made available to the other Party for defense purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of Article V of this Agreement.

ARTICLE X

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 States or the Federal Republic of Germany, 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 Federal Republic of Germany as "Sonderangaben".

C. "Nonnuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 39

products and which are not made of, in whole or in part, special nuclear material; and "nonnuclear 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 of, in whole or in part, special nuclear material.

D. As used in this Agreement, the term "atomic information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" and "Formerly Restricted Data".

2. So far as concerns information provided by the Government of the Federal Republic of Germany, information which is designated "Son-derangaben".

ARTICLE XI

Duration

This Agreement 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 legal requirements for the entry into force of this Agreement, and shall remain in force until terminated by agreement of both Parties except that either Party may terminate its cooperation under Articles II or III upon the expiration of the North Atlantic Treaty.

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

DONE at Bonn, in duplicate in the English and German languages, both texts being equally authentic, this 5th day of May 1959.

For the Government of the United States of America:

DAVID BRUCE

For the Government of the Federal Republic of Germany:

FRANZ JOSEF KUNTZ

THE WHITE HOUSE,
Washington, May 4, 1959.

Memorandum for—

The SECRETARY OF DEFENSE.

The CHAIRMAN, ATOMIC ENERGY COMMISSION.

In your joint letter to me of May 1, 1959, you recommended that I approve the proposed agreement between the Government of the United States of America and the Government of the Federal Republic of Germany for cooperation on the uses of atomic energy for mutual defense purposes.

The Federal Republic of Germany is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of the Federal Republic of Germany, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement I hereby

(1) Approve the program for the transfer of non-nuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to my further approval;

(2) Determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) Approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

40 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

THE SECRETARY OF DEFENSE
Washington, May 1, 1969.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of the Federal Republic of Germany for cooperation on the uses of atomic energy for mutual defense purposes.

The proposed agreement will permit, under the authority of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the Armed Forces of the Federal Republic. The December 1957 NATO Heads of Government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The carrying out of this agreement should do much to advance our mutual defense interests, including the vital cause of strengthening the NATO defensive alliance, and will thereby aid materially in the defense of the United States.

Article II of the agreement provides for the transfer of classified information, including restricted data and formerly restricted data, necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the agreement provides that the United States will transfer nonnuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the Armed Forces of the Federal Republic. However, in view of section 91(c) of the Atomic Energy Act, the applicability of which is reflected in article IV of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities, and conditions of transfer, whether by sale, lease, or loan of those parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities, and conditions of transfer and such determination shall be submitted for your approval.

The agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provisions of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

In accordance with the provisions of section 91(c) and 144(b) of the Atomic Energy Act of 1954, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and the Federal Republic are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions on the terms, conditions, duration, nature and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 41

The Federal Republic is now participating with the United States in international arrangement pursuant to which the Federal Republic is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you—

(a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to your later approval;

(b) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

Respectfully,

DONALD A. QUARLES,
Deputy, Secretary of Defense.
JOHN A. MCCONE,
Chairman, Atomic Energy Commission.

APPENDIX 6

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the Kingdom of the Netherlands,

Considering that they have concluded a Mutual Defense Assistance Agreement, pursuant to which each Government will make available to the other equipment, materials, services, or other military assistance in accordance with such terms and conditions as may be agreed;

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

Considering that they are participating together in an international arrangement 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 certain types of equipment;

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, and all applicable statutes of the Netherlands, which were enacted or prepared with these purposes in mind;

Have agreed as follows:

ARTICLE I

General Provisions

While the United States and the Netherlands 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 non-nuclear parts of atomic weapons systems involving Restricted Data to the other Party in accordance with the provisions of this Agreement, provided that the communicating

42 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

or transferring Party determines that such cooperation will promote and not constitute an unreasonable risk to its defense and security.

ARTICLE II

Exchange of Information

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

- A. the development of defense plans;
- B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- D. the development of delivery systems compatible with the atomic weapons which they carry.

ARTICLE III

Transfer of Non-Nuclear Parts of Atomic Weapons Systems

The Government of the United States will transfer to the Government of the Netherlands, subject to terms and conditions to be agreed, non-nuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving the Netherlands' state of training and operational readiness.

ARTICLE IV

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, non-nuclear parts of atomic weapons, or special nuclear materials.

C. The information communicated or exchanged, or non-nuclear parts of atomic weapons systems 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 V

Guarantees

A. Classified information and non-nuclear parts of atomic weapons systems 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, and non-nuclear parts of atomic weapons systems, 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 non-nuclear parts of atomic weapons systems 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 VI of this Agreement, beyond the jurisdiction of that Party. Each Party may stipulate the degree to which any of the information and non-nuclear parts of atomic weapons systems 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 or non-nuclear parts of atomic weapons systems; and may impose such other restrictions on the dissemination or distribution of such information or non-nuclear parts of atomic weapons systems as it deems necessary.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 43

ARTICLE VI

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 so communicate classified information or transfer or permit access to or use of non-nuclear parts of atomic weapons systems made available by the other Party pursuant to this Agreement unless:

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

B. The originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

ARTICLE VII

Classification Policies

Agreed classification policies shall be maintained with respect to all classified information and non-nuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement.

ARTICLE VIII

Responsibility for Use of Information and Non-Nuclear Parts of Atomic Weapons Systems

The application or use of any information (including design drawings and specifications) or non-nuclear parts of atomic weapons systems 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 or warranty with respect to such application or use.

ARTICLE IX

Patents

The recipient Party shall use the classified information communicated, or revealed by equipment transferred hereunder, for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of the recipient Party or persons under its jurisdiction shall be made available to the other Party for all purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of Article V of this Agreement.

ARTICLE X

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 States or the Netherlands, 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 Netherlands as "Atomic".

44 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

C. "Non-nuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in their end products and which are not made of, in whole or in part, special nuclear material; and "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 of, in whole or in part, special nuclear material.

D. As used in this Agreement, the term "atomic information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" and "Formerly Restricted Data".

2. So far as concerns information provided by the Government of the Netherlands, information which is designated "Atomic".

ARTICLE XI

Duration

This Agreement 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 legal requirements for the entry into force of this Agreement, and shall remain in force until terminated by agreement of both Parties except that either Party may terminate its cooperation under Articles II or III upon the expiration of the North Atlantic Treaty.

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

DONE at The Hague, in duplicate, in the English language, this 6th day of May, 1959.

For the Government of the United States of America:

PHILIP YOUNG.

For the Government of the Kingdom of the Netherlands:

THE WHITE HOUSE,
Washington, May 4, 1959.

Memorandum for—

THE SECRETARY OF DEFENSE.

THE CHAIRMAN, ATOMIC ENERGY COMMISSION.

In your joint letter to me of May 1, 1959, you recommended that I approve a proposed agreement between the Government of the United States of America and the Government of the Netherlands for cooperation on the uses of atomic energy for mutual defense purposes.

The Netherlands is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of the Netherlands, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement, I hereby

(1) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to my further approval;

(2) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 45

THE SECRETARY OF DEFENSE,
Washington, May 1, 1957

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of the Netherlands for cooperation on the uses of atomic energy for mutual defense purposes.

The proposed agreement will permit, under the authority of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the armed forces of the Netherlands. The December 1957 NATO heads of government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The carrying out of this agreement should do much to advance our mutual defense interests, including the vital cause of strengthening the NATO defensive alliance, and will thereby aid materially in the defense of the United States.

Article II of the agreement provides for the transfer of classified information, including restricted data and formerly restricted data, necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the agreement provides that the United States will transfer nonnuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the armed forces of the Netherlands. However, in view of section 91(c) of the Atomic Energy Act, the applicability of which is reflected in article IV of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities, and conditions of transfer, whether by sale, lease, or loan, of those parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities, and conditions of transfer and such determination shall be submitted for your approval.

The agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provisions of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

In accordance with the provisions of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and the Netherlands are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions on the terms, conditions, duration, nature and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

46 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

The Netherlands is now participating with the United States in an international arrangement pursuant to which the Netherlands is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you—

(a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to your later approval;

(b) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

Respectfully yours,

DONALD A. QUARLES,
Deputy Secretary of Defense.

JOHN A. MCCONE,
Chairman, Atomic Energy Commission.

APPENDIX 7

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF TURKEY FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

No. 2422

ANKARA, May 5, 1959.

His Excellency FATIN RUSTU ZORLU,
Minister of Foreign Affairs, Ankara.

EXCELLENCY: I have the honor to refer to the decisions taken at the North Atlantic Treaty Heads of Government meeting in December 1957 and to propose the following Agreement between the Government of the United States of America and the Government of Turkey for cooperation on the uses of Atomic Energy for Mutual Defense purposes:

The Government of the United States of America and the Government of Turkey,

Considering that they have concluded a mutual defense assistance agreement pursuant to which each Government will make available to the other equipment, materials, services, or the military assistance in accordance with such terms and conditions as may be agreed;

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

Considering that they are participating together in an international arrangement 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 certain types of equipment;

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, and all applicable statutes of Turkey, which were enacted or prepared with these purposes in mind,

Have agreed as follows:

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 47

ARTICLE I

General Provision

While the United States and Turkey 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 nonnuclear parts of atomic weapons systems involving restricted data 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

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

- A. the development of defense plans;
- B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- D. the development of delivery systems compatible with the atomic weapons which they carry.

ARTICLE III

Transfer of Nonnuclear Parts of Atomic Weapons Systems

The Government of the United States will transfer to the Government of Turkey, subject to terms and conditions to be agreed, nonnuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving Turkish state of training and operational readiness.

ARTICLE IV

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, nonnuclear parts of atomic weapons, or special nuclear materials.
- C. The information communicated or exchanged, or nonnuclear parts of atomic weapons systems 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 V

Guarantees

A. Classified information and nonnuclear parts of atomic weapons systems 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, and nonnuclear parts of atomic weapons systems, 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 nonnuclear parts of atomic weapons systems transferred pursuant to this Agreement shall

48 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

not be communicated, exchanged or transferred by the recipient. Party o sons
er its jurisdiction to any unauthorized persons or, except as provided i. title
of this Agreement, beyond the jurisdiction of that Party. Each Party may
stipulate the degree to which any of the information and nonnuclear parts of atomic
weapons systems 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
or nonnuclear parts of atomic weapons systems; and may impose such other
restrictions on the dissemination or distribution of such information or non-
nuclear parts of atomic weapons systems as it deems necessary.

ARTICLE VI

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 so communi-
cate classified information or transfer or permit access to or use of nonnuclear
parts of atomic weapons systems made available by the other Party pursuant to
this Agreement unless:

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

B. The originating Party has informed the recipient Party that the originating
Party has so communicated to, transferred to, permitted access to or use by
such other nation or international organization.

ARTICLE VII

Classification Policies

Agreed classification policies shall be maintained with respect to all classified
information and nonnuclear parts of atomic weapons systems communicated,
exchanged or transferred under this Agreement.

ARTICLE VIII

Responsibility For Use of Information and Nonnuclear Parts of Atomic Weapons Systems

The application or use of any information (including design drawing and
specifications) or nonnuclear parts of atomic weapons systems 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 or
warranty with respect to such application or use.

ARTICLE IX

Patents

The recipient Party shall use the classified information communicated or
revealed by equipment transferred hereunder for the purposes specified herein
only. Any inventions or discoveries resulting from possession of such information
on the part of the recipient Party or persons under its jurisdiction shall be made
available to the other Party for defense purposes without charge in accordance
with such arrangements as may be agreed and shall be safeguarded in accordance
with the provisions of Article V of this agreement.

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 49

ARTICLE X

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 States or Turkey, including that designated by the Government of the United States as "Restricted Data" or "Formerly Restricted Data" and that designated by the Government of Turkey as "Atomic".

C. "Nonnuclear 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 of, in whole or in part, special nuclear material; and "nonnuclear 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 of, in whole or in part, special nuclear material.

D. As used in this Agreement, the term "Atomic Information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" or "Formerly Restricted Data".

2. So far as concerns information provided by the Government of Turkey information which is designated "Atomic".

ARTICLE XI

Duration

This Agreement 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 legal requirements for the entry into force of this Agreement, and shall remain in force until terminated by agreement of both Parties except that either Party may terminate its cooperation under Article II or III upon the expiration of the North Atlantic Treaty.

If the foregoing is acceptable to your Government, I have the honor to propose that this Note and your reply thereto, Excellency, shall constitute an Agreement between our Governments.

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

THE WHITE HOUSE,
Washington, May 4, 1959.

Memorandum for:

THE SECRETARY OF DEFENSE.

THE CHAIRMAN, ATOMIC ENERGY COMMISSION.

In your joint letter to me of May 1, 1959, you recommended that I approve a proposed agreement between the Government of the United States of America and the Government of Turkey for cooperation on the uses of atomic energy for mutual defense purposes.

Turkey is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of Turkey, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

50 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

Having considered your joint recommendations and the cooperation provided in the agreement, including security safeguards and other terms and conditions of the agreement, I hereby

(1) approve the program for the transfer of non-nuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; however, types, quantities, and conditions of transfer of such parts are subject to my further approval;

(2) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

THE SECRETARY OF DEFENSE,
Washington, May 1, 1959.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of Turkey for cooperation on the uses of atomic energy for mutual defense purposes.

The proposed agreement will permit, under the authority of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the armed forces of Turkey. The December 1957 NATO heads of government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The carrying out of this agreement should do much to advance our mutual defense interests, including the vital cause of strengthening the NATO defensive alliance, and will thereby aid materially in the defense of the United States.

Article II of the agreement provides for the transfer of classified information, including restricted data and formerly restricted data, necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the agreement provides that the United States will transfer non-nuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the armed forces of Turkey. However, in view of section 91(c) of the Atomic Energy Act, the applicability of which is reflected in article IV of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities and conditions of transfer, whether by sale, lease or loan, of these parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities and conditions of transfer and such determination shall be submitted for your approval.

The agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provisions of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

In accordance with the provisions of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agree-

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 51

me also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and Turkey are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions of the terms, conditions, duration, nature and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

Turkey is now participating with the United States in an international arrangement pursuant to which Turkey is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you—

(a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to your later approval;

(b) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

DONALD A. QUARLES,
Deputy Secretary of Defense.

JOHN A. MCCONE,
Chairman, Atomic Energy Commission.

APPENDIX 8

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF GREECE FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

ATHENS, May 6, 1959.

His Excellency CONSTANTINE TSATSOS,
Acting Foreign Minister,
Athens.

EXCELLENCY: I have the honor to refer to the decisions taken at the North Atlantic Treaty Heads of Government Meeting in December 1957 and to propose the following agreement between the Government of the United States of America and the Government of The Kingdom of Greece for cooperation on the uses of atomic energy for mutual defense purposes.

The Government of the United States of America and the Royal Hellenic Government,

Considering that they have concluded a Mutual Defense Assistance Agreement pursuant to which each Government will make available to the other equipment, materials, services or other military assistance in accordance with such terms and conditions as may be agreed;

52 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

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

Considering that they are participating together in an international arrangement 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 certain types of equipment;

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, and all applicable statutes of The Kingdom of Greece, which were enacted or prepared with these purposes in mind,

Have agreed as follows:

ARTICLE I

General Provision

While the United States and The Kingdom of Greece 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 nonnuclear parts of atomic weapons systems involving restricted data 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

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

- A. the development of defense plans;
- B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- D. the development of delivery systems compatible with the atomic weapons which they carry.

ARTICLE III

Transfer of Nonnuclear Parts of Atomic Weapons Systems

The Government of the United States will transfer to the Royal Hellenic Government, subject to terms and conditions to be agreed nonnuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving the Greek state of training and operational readiness.

ARTICLE IV

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, nonnuclear parts of atomic weapons, or special nuclear materials.

C. The information communicated or exchanged, or nonnuclear parts of atomic weapons systems 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 V

Guarantees

A. Classified information and nonnuclear parts of atomic weapons systems communicated or transferred pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the Parties

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 53

and applicable national legislation and regulations of the Parties. In no case shall either Party maintain security standards for safeguarding classified information, and nonnuclear parts of atomic weapons systems, 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 nonnuclear parts of atomic weapons systems 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 VI of this Agreement, beyond the jurisdiction of that Party. Each Party may stipulate the degree to which any of the information and nonnuclear parts of atomic weapons systems 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 or nonnuclear parts of atomic weapons systems; and may impose such other restrictions on the dissemination or distribution of such information or nonnuclear parts of atomic weapons systems as it deems necessary.

ARTICLE VI

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 so communicate classified information or transfer or permit access to or use of nonnuclear parts of atomic weapons systems made available by the other Party pursuant to this Agreement unless:

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

B. The originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

ARTICLE VII

Classification policies

Agreed classification policies shall be maintained with respect to all classified information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement.

ARTICLE VIII

Responsibility for use of information and nonnuclear parts of atomic weapons systems

The application or use of any information (including design drawings and specifications) or nonnuclear parts of atomic weapons systems 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 or warranty with respect to such application or use.

ARTICLE IX

Patents

The recipient Party shall use the classified information communicated or revealed by equipment transferred hereunder for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of the recipient Party or persons under its jurisdiction shall be made

54 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

available to the other Party for all purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of Article V of this Agreement.

ARTICLE X

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 States or The Kingdom of Greece, including that designated by the Government of the United States as "Restricted Data" or "Formerly Restricted Data" and that designated by the Royal Hellenic Government as "Atomic".

C. "Nonnuclear 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 of, in whole or in part, special nuclear material; and "nonnuclear parts of atomic weapons systems involving Restricted Data" means parts of atomic weapons systems, other than nonnuclear parts of atomic weapons, which contain or reveal atomic information and which are not made of, in whole or in part, special nuclear material.

D. As used in this agreement, the term "Atomic information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" and "Formerly Restricted Data".

2. So far as concerns information provided by the Government of The Kingdom of Greece, information which is designated "Atomic".

ARTICLE XI

Duration

This agreement 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 legal requirements for the entry into force of this agreement, and shall remain in force until terminated by agreement of both Parties except that either Party may terminate its cooperation under Articles II or III upon the expiration of the North Atlantic Treaty.

If the foregoing is acceptable to your Government I have the honor to propose that this note and your reply thereto, Excellency, shall constitute an Agreement between our Governments.

JAMES W. RIDDLEBERGER.

To the Congress of the United States:

In December 1957 the heads of government of the nations members of the North Atlantic Treaty Organization reached agreement in principle on the desirability of achieving the most effective pattern of NATO military defensive strength, taking into account the most recent developments in weapons and techniques. In enunciating this agreement in principle the heads of government made it clear that this decision was the result of the fact that the Soviet leaders, while preventing a general disarmament agreement, had left no doubt that the most modern and destructive weapons of all kinds were being introduced into the Soviet armed forces. The introduction of modern weapons into NATO forces should be no cause for concern on the part of other countries, since NATO is purely a defensive alliance.

It is our conviction and the conviction of our NATO allies that the introduction into NATO defenses of the most modern weapons available is essential in maintaining the strength necessary to the Alliance. Any alliance depends in the last analysis upon the sense of shared mutual interests among its members, and by sharing with our Allies certain training information we are demonstrating concretely our sense of partnership in NATO's defensive planning. Failure on our

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 55

part to contribute to the improvement of the state of operational readiness of the forces. Other members of NATO will only encourage the Soviet Union to believe that it can eventually succeed in its goal of destroying NATO's effectiveness.

To facilitate the necessary cooperation on our part legislation amending the Atomic Energy Act of 1954 was enacted during the last session of the Congress. Pursuant to that legislation agreements for cooperation were recently concluded with three of our NATO partners and submitted to the Congress on May 26. A similar agreement was also recently concluded with our NATO ally, the Kingdom of Greece. All of these agreements are designed to implement in important respects the agreed NATO program. This agreement with the Kingdom of Greece will enable the United States to cooperate effectively in mutual defense planning with Greece and in the training of Greek NATO forces in order that, if an attack on NATO should occur, under the direction of the Supreme Allied Commander for Europe Greek forces could effectively use nuclear weapons in their defense.

These agreements previously submitted and this Greek agreement represent only a portion of the work necessary for complete implementation of the decision taken by the North Atlantic Treaty Organization in December 1957. I anticipate the conclusion of similar agreements for cooperation with certain other NATO nations as the Alliance's defensive planning continues.

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting to each House of the Congress an authoritative copy of an agreement with the Kingdom of Greece. I am also transmitting a copy of the Acting Secretary of State's letter accompanying authoritative copies of the signed agreement, a copy of a joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of this document and a copy of my memorandum in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

The WHITE HOUSE.

(Enclosures: 1. Agreement with the Kingdom of Greece; 2. Copy of a joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission to the President; 3. Copy of the President's Memorandum recording his approval.)

JUNE 6, 1959.

THE PRESIDENT,
The White House.

The undersigned, the Acting Secretary of State, has the honor to lay before the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, authoritative copies of an agreement for cooperation on the uses of atomic energy for mutual defense purposes between the Government of the United States and the Kingdom of Greece signed in Athens on May 6, 1959.

This agreement was signed on behalf of the United States pursuant to the authorization granted in your memorandum of May 4, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. A copy of this memorandum was received by the Secretary of State from the President.

Respectfully submitted.

DOUGLAS DILLON.

MAY 1, 1959.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of Greece for cooperation on the uses of atomic energy for mutual defense purposes.

The proposed agreement will permit, under the authority of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the armed forces of Greece. The December 1957 NATO heads of government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The

56 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

carrying out of this agreement should do much to advance our mutual defense interests, including the vital cause of strengthening the NATO defensive alliance, and will thereby aid materially in the defense of the United States.

Article II of the agreement provides for the transfer of classified information, including restricted data and formerly restricted data, necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the agreement provides that the United States will transfer non-nuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the Armed Forces of Greece. However, in view of section 91(c) of the Atomic Energy Act, the applicability of which is reflected in article IV of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities, and conditions of transfer, whether by sale, lease, or loan, of those parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities, and conditions of transfer, and such determination shall be submitted for your approval.

The agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provisions of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

In accordance with the provisions of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and Greece are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions on the terms, conditions, duration, nature and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

Greece is now participating with the United States in an international arrangement pursuant to which Greece is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you

- (a) approve the program for the transfer of nonnuclear parts of atomic weapons systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities, and conditions of transfer of such parts are subject to your later approval;
- (b) determine that the performance of this agreement will promote and

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 55

part to contribute to the improvement of the state of operational readiness of the forces. Other members of NATO will only encourage the Soviet Union to believe that it can eventually succeed in its goal of destroying NATO's effectiveness.

To facilitate the necessary cooperation on our part legislation amending the Atomic Energy Act of 1954 was enacted during the last session of the Congress. Pursuant to that legislation agreements for cooperation were recently concluded with three of our NATO partners and submitted to the Congress on May 26. A similar agreement was also recently concluded with our NATO ally, the Kingdom of Greece. All of these agreements are designed to implement in important respects the agreed NATO program. This agreement with the Kingdom of Greece will enable the United States to cooperate effectively in mutual defense planning with Greece and in the training of Greek NATO forces in order that, if an attack on NATO should occur, under the direction of the Supreme Allied Commander for Europe Greek forces could effectively use nuclear weapons in their defense.

These agreements previously submitted and this Greek agreement represent only a portion of the work necessary for complete implementation of the decision taken by the North Atlantic Treaty Organization in December 1957. I anticipate the conclusion of similar agreements for cooperation with certain other NATO nations as the Alliance's defensive planning continues.

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting to each House of the Congress an authoritative copy of an agreement with the Kingdom of Greece. I am also transmitting a copy of the Acting Secretary of State's letter accompanying authoritative copies of the signed agreement, a copy of a joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of this document and a copy of my memorandum in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

The White House.

(Enclosures: 1. Agreement with the Kingdom of Greece; 2. Copy of a joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission to the President; 3. Copy of the President's Memorandum recording his approval.)

JUNE 6, 1959.

THE PRESIDENT,
The White House.

The undersigned, the Acting Secretary of State, has the honor to lay before the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, authoritative copies of an agreement for cooperation on the uses of atomic energy for mutual defense purposes between the Government of the United States and the Kingdom of Greece signed in Athens on May 6, 1959.

This agreement was signed on behalf of the United States pursuant to the authorization granted in your memorandum of May 4, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. A copy of this memorandum was received by the Secretary of State from the President.

Respectfully submitted.

DOUGLAS DILLON.

MAY 1, 1959.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of Greece for cooperation on the uses of atomic energy for mutual defense purposes.

The proposed agreement will permit, under the authority of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the armed forces of Greece. The December 1957 NATO heads of government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The

AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 57

will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State:

The Secretary of State concurs in the foregoing recommendations.

Respectfully,

Secretary of Defense.

Chairman, Atomic Energy Commission.

THE WHITE HOUSE,
Washington, May 4, 1959.

Memorandum for—

THE SECRETARY OF DEFENSE.

THE CHAIRMAN, ATOMIC ENERGY COMMISSION.

In your joint letter to me of May 1, 1959, you recommended that I approve a proposed agreement between the Government of the United States of America and the Government of Greece for cooperation on the uses of atomic energy for mutual defense purposes.

Greece is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the Armed Forces of Greece, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement, I hereby

(1) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to my further approval;

(2) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

○

AMENDED COPY

*Per file
50219-40*

50219-AK-40	
58	50

FM WASHDC JUL16/59 RESTD

TO EXTERNAL 1779 OPIMMEDIATE

INFO AECL OTT DND OTT OPIMMEDIATE FM OTT

CDA-USA AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR
MUTUAL DEFENCE PURPOSES

THE PRINTED RECORD OF THE HEARINGS OF THE JOINT COMMITTEE ON ATOMIC
ENERGY ON AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE PURPOSES
(INCLUDING THE UNCLASSIFIED PORTIONS OF CLOSED HEARINGS) HAS JUST
BECOME AVAILABLE. A COPY IS GOING FORWARD IN THE NEXT BAG.

2. IN THE DISCUSSION OF THE CDA-USA AGREEMENT THE FOLLOWING EXCHANGE
TOOK PLACE. IT WAS PRECEDED BY THE CHAIRMAN, REP DURHAM ENQUIRING
WHY THE USA GOES ALONG WITH THE UK ON DESIGN INFO BUT DOES NOT RPT
GO ALONG WITH CDA. GENERAL LOPER EXPLAINED THAT ACCORDING TO THE TERMS
OF THE ATOMIC ENERGY ACT DESIGN INFO MAY ONLY BE TRANSMITTED TO NATIONS
WHICH HAVE ATTAINED A SUBSTANTIAL NUCLEAR WEAPON PRODUCTION CAPABILITY
AND CDA DID NOT RPT NOT QUALIFY IN THIS REGARD WHILE THE UK DID,
THE RECORD THEN READS:

QUOTE REP DURHAM: OF COURSE, I THINK YOU HAVE TO ABIDE BY THE LAW
WHERE THE WORD CAPABILITY IS DISCUSSED AT LENGTH, BUT I DO ^{HOPE} IF WE
GET A REQUEST FROM CDA FOR COOPERATION IN THE WEAPONS, THE DOD
AND ANYBODY ELSE WITH THE AUTHORITY WILL BRING IT TO THE ATTENTION OF
THE COMMITTEE, AND WE WILL TRY TO WORK IT OUT, BECAUSE I DON'T WANT
THEN TO GET CAUGHT ACROSS THE BARREL,

REP HOSNER: YOU WILL RECALL LAST YEAR IN THE DISCUSSION OF THIS ACT--
WE WERE AT THAT TIME TRYING TO FIND SOME LANGUAGE WE COULD PUT IN A
GENERAL MEASURE, THAT WOULD BE APPLICABLE TO CDA ONLY, BUT WE WERE
UNSUCCESSFUL,

REP DURHAM: THAT IS RIGHT.

GENERAL LOPER: I AM SURE, MR CHAIRMAN, YOU WILL FIND ALL OF THE AGENCIES
REPRESENTED HERE JUST AS EAGER TO GET ALONG AND WILLING TO GET ALONG
WITH THE CDNS IN THIS FIELD JUST AS RAPIDLY AS THE CDNS ARE WILLING
TO GET ALONG. UNQUOTE

3. LATER THE FOLLOWING EXCHANGE TOOK PLACE, IN IT SENATOR DWORSHAK

...2"

* DELETE "I HOPE"

001078

PAGE TWO 1779

REPUBLICAN OF IDAHO IS RATHER INCOHERENT AND OBSCURE BUT HIS LACK OF KNOWLEDGE OF ATOMIC ENERGY DEVELOPMENT IN CDA IS SELF-EVIDENT. COMMISSIONER LIBBY'S REPLY IS ALSO NOT RPT NOT VERY WELL INFORMED. SENATOR DWORSHAK: ON THAT VERY POINT COULD I ASK ONE QUESTION? WHAT PROGRESS IS CDA MAKING IN THE DEVELOPMENT AND USE OF ATOMIC ENERGY? I AM AWARE OF THE FACT WE HAVE PURCHASED A LOT OF URANIUM FROM CDA. I DON'T KNOW WHETHER SHE HAS BEEN USING ANY FOR HER OWN DEVELOPMENTAL PROGRAM. CAN YOU BRIEFLY TELL US WHAT SHE HAS BEEN DOING?

GENERAL LOPER: IN THE WEAPONS FIELD, AS FAR AS WE KNOW SHE HAS DONE NOTHING, NOR HAS SHE EVIDENCED ANY INTENTION OF DOING ANY DEVELOPMENTAL WORK IN WEAPONS.

FROM THE REACTOR STANDPOINT, I THINK THAT THE COMMISSION IS FAR BETTER QUALIFIED TO ANSWER.

SENATOR DWORSHAK: IT SEEMS VERY PECULIAR TO ME, IF CDA HAS BEEN DRAGGING HER FEET INTENTIONALLY AND USING ATOMIC ENERGY IN THIS IMPORTANT ERA AFTER HAVING SOLD HUNDREDS OF MILLIONS OF DOLLARS WORTH OF URANIUM TO THIS COUNTRY AND NOW WE ARE GOING TO NEGOTIATE SOME KIND OF AN EXCHANGE PROGRAM. WHAT DO WE HAVE TO DO, CARRY THE ENTIRE BURDEN FOR EVERYBODY? I KNOW THAT IS NOT RPT NOT A PROPER QUESTION TO ASK YOU, BUT I GOT EXASPERATED SOME TIMES AS I LISTEN TO TESTIMONY AFFECTING PROPOSED EXCHANGE PROGRAMS WHERE UNCLE IS THE ONLY ONE WHO IS GIVING ANYTHING. HOW LONG HAVE THEY BEEN MINING URANIUM OVER THERE--A DECADE OR MORE?

GENERAL LOPER: SOMETHING ON THAT ORDER, YES.

SENATOR DWORSHAK: NOW THEY FINALLY HAVE AWAKENED TO THE FACT THAT URANIUM HAS SOME PRACTICAL USES. I DON'T KNOW I AM JUST ASSUMING IN THE ABSENCE OF ANY SPECIFIC INFO OR TESTIMONY MAYBE THEY HAVE MADE WONDERFUL PROGRESS. MAYBE I AM UNFAIR IN THE OBSERVATION I AM MAKING. MAYBE CDA HAS DONE SOMETHING BUT IF SHE HAS NOT RPT NOT, I THINK IT SHOULD BE THE CONCERN OF A LOT OF PEOPLE IN THE USA AS WE CONSIDER PROPOSED AGREEMENTS LIKE THIS.

001079

PAGE THREE 1779

GENERAL LOPER: SENATOR, WITH RESPECT TO DEVELOPMENT OF WEAPONS, THE USA I DON'T THINK WOULD LIKE TO SEE CDA GET INTO THE DEVELOPMENTAL BUSINESS FOR SEVERAL REASONS. ONE, SHE WOULD WASTE A GREAT MANY RESOURCES WHICH COULD BE APPLIED TO THINGS WE COULD DO BETTER, AND HAVE ALREADY DONE.

SENATOR DWORSHAK: I DID NOT WANT ANYBODY TO CONSTRUCT MY REMARKS AS INDICATING I WANT CDA TO DO THAT. THE ONLY REASON I MADE THAT COMMENT IS I WONDERED IF THERE IS ANY AWARENESS IN CDA THAT ATOMIC ENERGY IS A VITAL COMPONENT OF NATIONAL DEFENSE.

GENERAL LOPER: THERE IS CERTAINLY AWARENESS AMONG THEIR POLITICAL AND MILITARY LEADERS THAT IT IS A VITAL COMPONENT OF MILITARY DEFENCE. OF COURSE THAT IS THE REASON WE HAD OUR PRIOR AGREEMENT WITH THEM AND THE REASON WE DESIRE TO EXTEND THAT AGREEMENT TO BE MORE SPECIFIC AND TO POINT TO BROADER AREAS IN COOPERATION.

SENATOR DWORSHAK: THIS COVERS PEACETIME USE, TOO?

GENERAL LOPER: NO.

SENATOR DWORSHAK: JUST MILITARY APPLICATIONS EXCLUSIVELY.

GENERAL LOPER: YES.

SENATOR DWORSHAK: YOU DON'T KNOW WHETHER CDA HAS BEEN INTERESTED IN PEACEFUL USES?

GENERAL LOPER: I WOULD PREFER CERTAINLY FOR THE COMMISSION TO ANSWER THIS QUESTION.

SENATOR DWORSHAK: DR LIBBY IS HERE. I DON'T WANT TO BELABOR THIS, BUT I AM JUST INQUISITIVE.

DR LIBBY: I THINK THEY COULD HAVE DONE A BETTER JOB, SENATOR. THE SITUATION IS ROUGHLY THIS: THEY ARE TRYING TO DEVELOP A HEAVY WATER MODERATED NATURAL URANIUM TYPE OF POWER REACTOR. THEY ARE REALLY QUITE IN THE EARLY STAGES OF THAT AND JUST NOW TALKING ABOUT BUILDING A PROTOTYPE AND SO ON. IT IS A PRETTY SMALL EFFORT, FRANKLY. I THINK IT IS A GOOD QUALITY EFFORT, BUT IT IS A PRETTY SMALL EFFORT. WE ARE JOINING WITH THEM NOW AND TRYING TO COOPERATE IN THE HEAVY WATER WORK. THEY ARE

001080

PAGE FOUR 1779

GOOD QUALITY PEOPLE, BUT IT IS A PRETTY SMALL EFFORT.

SENATOR DWORSHAK: WELL, IT IS A SMALL COUNTRY OF LIMITED POPULATION. I AM AWARE OF THAT. BUT MY REACTION IS THAT OVER THE PAST DECADE WHEN WE HAVE BEEN PURCHASING ALL OF THIS URANIUM, I AM WONDERING WHAT THE CDNS THOUGHT WE WERE GOING TO DO WITH IT. WHY WERE WE BUYING IT? WHY WERE WE INTERESTED IN GETTING IT TO DUMP IN THE OCEAN, OR WHAT? OF COURSE, THAT IS AN UNFAIR QUESTION TO ASK YOU. I JUST WONDERED AS REPS OF THE STATE DEPT AND THE ATOMIC ENERGY COMMISSION NEGOTIATING WITH THE REPS OF THE CDN GOVT IF THEY DON'T TRY TO PURSUE SOME OF THESE QUESTIONS AND FIND OUT WHAT IS IN THEIR MINDS. I AM NOT RPT NOT MAKING AN ACCUSATION OF ANY KIND. MAYBE THIS ALL IS DUE TO INADVERTENCE AND LACK OF PROPER UNDERSTANDING AND RECOGNITION OF THE IMPORTANCE URANIUM PLAYS IN THE LIVES OF ALL PEOPLE TODAY. CERTAINLY IN SELLING ALL OF THIS URANIUM TO US, THEY MUST HAVE BEEN AWARE OF SOMETHING. UNQUOTE?

FILE COPY

50219-AK-40
28 50

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

20 JUL 1959

Referred under letter
to CCOS.
REC 3.
PCO.
Legal Div.

File
JAN 20

FM WASHDC JUL15/59 CONFD
TO EXTERNAL 1773 PRIORITY
INFO TT CCOS OTT PRIORITY FM OTT
REF YOURTEL DL542 JUL7

BILATERAL AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY
FOR MUTUAL DEFENCE PURPOSES.

PARKER(CDN-DESK) TODAY PASSED TO US DRAFTS OF NOTES WHICH THE STATE
DEPT SUGGESTS MIGHT BE EXCHANGED FOR THE PURPOSE OF FULFILLING
ARTICLE XIII OF THE PROPOSED AGREEMENT AND THUS BRINGING IT INTO
FORCE. THEY PROPOSE THAT THE NOTES BE DATED AND EXCHANGED ON JUL27.
IT IS UNDERSTOOD THAT THE NOTES WILL BE UNCLAS. THERE WILL BE THREE
OF THEM UNDER THE PROPOSED STATE DEPT SCHEME; AN ORIGINAL USA NOTE
INDICATING THAT THE PROVISIONS OF ARTICLE XIII HAVE BEEN COMPLIED
WITH BY THE USA GOVT, A CDN REPLY IN SIMILAR VEIN, AND A USA REPLY
ACKNOWLEDGING THE CDN NOTE. PARKER DID NOT RPT NOT KNOW WHY THREE
NOTES WERE REQUIRED BUT OUR GUESS IS THAT SINCE IT IS THE RECEIPT
BY EACH GOVT OF WRITTEN NOTIFICATION BY THE OTHER THAT BRINGS THE
MAIN AGREEMENT INTO FORCE, THERE IS TECHNICALLY A NECESSITY FOR
AN INDICATION BY THE USA GOVT THAT IT HAS RECEIVED THE CDN NOTE.
HOWEVER THE CASE MAY BE WE ASSUME THAT YOU HAVE NO RPT NO OBJEC-
TION TO THERE BEING THREE NOTES.

2. GENERALLY SPEAKING THE PROPOSED NOTES ARE ALONG THE LINES OF THE
DRAFTS SET OUT IN YOURTEL. PERHAPS THE MAIN SIGNIFICANT DIFFERENCE
IS THE SPELLING OUT OF QUOTE LEGAL REQUIREMENTS UNQUOTE BY USING THE
EXPRESSION, QUOTE STATUTORY AND CONSTITUTIONAL REQUIREMENTS
UNQUOTE. THIS MORE PRECISE EXPRESSION WOULD COVER THE SPECIFIC REF
IN YOUR DRAFT OF A POSSIBLE USA NOTE TO PARTICULAR SECTIONS OF THE
USA ATOMIC ENERGY ACT OF 1954 AS AMENDED. WE ASSUME THAT THERE WOULD
BE NO RPT NO OBJECTION ON OUR PART TO USING THE SAME FORMULA IN
OUR REPLY. INCIDENTALLY, THERE IS NO RPT NO SIGNIFICANCE TO BE
ATTACHED TO THE DIFFERENCE IN THE WORDING BETWEEN THE USA DRAFT

PAGE TWO 1773

NOTES AND THE WORDING OF THE DRAFTS SET OUT IN YOURTEL. THE FACT OF THE MATTER IS THAT WE DID NOT RPT NOT PASS THESE TEXTS TO THE STATE DEPT SINCE WE THOUGHT THAT, IN THIS INSTANCE, THEY MIGHT PREFER TO INITIATE THEIR OWN DRAFT.

3. WOULD YOU PLEASE INFORM US WHETHER WE MAY GO AHEAD ON JUL27 WITH THE PROPOSED EXCHANGE IN THE FORM INDICATED. TEXT OF PROPOSED NOTES ARE AS FOLLOWS:

FIRST USA NOTE: TEXT BEGINS: I REFER TO THE AGREEMENT BETWEEN THE GOVT OF THE USA AND THE GOVT OF CDA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES WHICH WAS SIGNED AT WASHDC ON MAY22.

ARTICLE XIII OF THE AGREEMENT PROVIDES THAT QUOTE THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE ON WHICH EACH GOVT SHALL HAVE RECEIVED FROM THE OTHER GOVT WRITTEN NOTIFICATION THAT IT HAS COMPLIED WITH ALL LEGAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THIS AGREEMENT. UNQUOTE IN ACCORDANCE WITH THIS ARTICLE, I AM PLEASED TO STATE THAT THE GOVT OF THE USA HAS NOW COMPLIED WITH ALL STATUTORY AND CONSTITUTIONAL REQUIREMENTS FOR ENTRY INTO FORCE OF THE AGREEMENT.

ACCEPT, ETC. TEXT ENDS

CDN REPLY: TEXT BEGINS: I HAVE THE HONOR TO ACKNOWLEDGE THE RECEIPT OF YOUR NOTE OF JUL27, INFORMING THE GOVT OF CDA THAT, IN ACCORDANCE WITH ARTICLE XIII OF THE AGREEMENT BETWEEN THE GOVT OF CDA AND THE GOVT OF THE USA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES, WHICH WAS SIGNED AT WASHDC MAY22, THE GOVT OF THE USA HAS COMPLIED WITH ALL STATUTORY AND CONSTITUTIONAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THIS AGREEMENT.

I AM PLEASED TO NOTIFY YOU THAT ALL STATUTORY AND CONSTITUTIONAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THE AGREEMENT IN QUESTION HAVE BEEN COMPLIED WITH BY THE GOVT OF CDA AND THAT CONSEQUENTLY, IN ACCORDANCE WITH ARTICLE XIII THE AGREEMENT ENTERS INTO FORCE

001083

PAGE THREE 1773

ON THE DATE OF RECEIPT OF THIS NOTE.

ACCEPT,ETC.TEXT ENDS

USA ACKNOWLEDGMENT:TEXT BEGINS:I ACKNOWLEDGE THE RECEIPT OF YOUR
NOTE OF JUL27,AND NOTE THAT THE AGREEMENT BETWEEN THE GOVT OF THE
USA AND THE GOVT OF CDA FOR COOPERATION ON THE USES OF ATOMIC
ENERGY FOR MUTUAL DEFENSE PURPOSES,WHICH WAS SIGNED AT WASHDC
ON MAY22,ENTERED INTO FORCE ON JUL27.

ACCEPT,ETC.TEXT ENDS°

0-1 FILED
3
50219-AK-40
38 50

16 JUL 1959

Refer: CCOS-5 ✓
Geny Wals-✓
Hue
SM.

Done
16 July 59

FM WASHDC JUL15/59 RESTD
TO EXTERNAL 1762 OPIMMEDIATE
REF OUR TEL 1750 JUL13
ATOMIC BILATERAL AGREEMENTS

COURTNEY OF STATE DEPT HAS INFORMED US THAT THE STATE DEPT'S CLOSED SESSION WITH SENATOR HUMPHREY ON THE ATOMIC BILATERAL AGREEMENTS HAD GONE IN A MOST SATISFACTORY MANNER. THEY FELT THAT THEY HAD SATISFIED THE SENATOR AND ANTICIPATE NO RPT NO DIFFICULTY FROM THAT QUARTER.

2. MEANWHILE THE JOINT COMMITTEE ON ATOMIC ENERGY HAS ENDORSED ALL SEVEN OF THE ATOMIC BILATERALS BY REJECTING THE CONCURRENT RESOLUTIONS TO VETO THE ATOMIC AGREEMENTS INTRODUCED BY REP MEYER AND OTHER DEMOCRATIC CONGRESSMEN.

3. IT THUS BECOMES MORE CLEAR THAT THERE IS UNLIKELY TO BE ANY REAL DIFFICULTY IN HAVING THE CDN-USA ATOMIC AGREEMENT COME INTO EFFECT.

AEC

File - 50219-AK-40

[Signature]

UNITED STATES
ATOMIC ENERGY COMMISSION
Washington 25, D. C.

No. S-20-59
Tel. HAZELWOOD 7-7831
Ext. 3446

FOR RELEASE AT 11:00 A.M. (EDT)
(Tuesday, July 14, 1959)

Remarks Prepared by Commissioner Harold S. Vance,
Atomic Energy Commission, For Delivery at the Launching
of the Guided-Missile Cruiser, USS Long Beach, at
Bethlehem Steel Company's Shipyard,
Quincy, Massachusetts, July 14, 1959

It is a pleasure and an honor to participate in this
historic launching of the USS Long Beach, our first nuclear
powered naval surface ship.

I am sure this event is one of pride for this old ship-
building community, whose contributions to the development of the
United States as a world sea power date back to the construction
of the Yankee Clipper ships. Just as those early ships were con-
structed to gain our freedom as a maritime nation, the Long Beach,
a revolutionary naval vessel, is being constructed to guarantee
that this freedom is not destroyed. A product of the missile and
atomic age, this magnificent naval vessel with her two powerful
nuclear engines, will be free to travel the seas for unprece-
dented distances at high sustained speed. Her endurance and mo-
bility will far outstrip her conventional predecessors. She is
the "Nautilus" of our surface naval forces. This nuclear powered
cruiser will pave the way for the nuclear powered aircraft carri-
er, the Enterprise, being built at Newport News, and the nuclear
powered guided missile destroyer leader, the Bainbridge, whose
keel was laid recently at this Bethlehem yard. These ships are
the forerunners of our nuclear powered surface Navy, just as the
Nautilus provided the technological basis for our nuclear powered
submarine fleet.

(more)

- 2 -

The progress represented by these surface ships is particularly noteworthy when one reflects that less than five years have passed since the first atomic powered ship, the Nautilus, went to sea. In that brief period the Atomic Energy Commission, in cooperation with the Navy, has developed or has under development eight different types of naval nuclear propulsion plants designed to power many types of submarines and surface vessels. They range from a plant to drive the small hunter-killer submarine, the Tullibee, up to the Enterprise, powered by eight reactors. I doubt that many scientific fields have seen as intense a development effort over so short a period of time as has been the case for naval nuclear propulsion. The conversion of the Navy to nuclear power is well underway.

I hope we all can appreciate the stirring challenge that has been presented to this shipyard with the construction of its first nuclear powered ship and that we are all well aware of the changes that have had to be made to face up to the new and higher plateau of design, production, and quality control that is intrinsic to the construction of any nuclear power plant, especially one which has to operate in the stringent confines of naval application and with the reliability and safety essential to a successful naval vessel. Those of us who are experienced in the shipbuilding business know that the hardest part of the job is still ahead; it will be a test of the very character of this yard, and all of its technical talent.

We recognize too, that to fabricate the new materials and components unique to the naval nuclear program, industry has been required to develop new production techniques and extend industrial skills to new heights of technical accomplishments.

We of the Atomic Energy Commission are proud of our association with the Navy in the design, development and construction of this important ship. The reactor plant for this ship and its land-based prototype now operating in Idaho, were developed at the AEC's Bettis Laboratory operated by the Westinghouse Electric Corporation. The effective integration of the AEC, Westinghouse, Bethlehem, and Navy efforts that are being applied to this ship was made possible by the unique organizational setup which has been so successful in the development of the Nautilus, the Seawolf, the Skate, and the Skipjack. I am referring of course to the unified direction of this entire Naval nuclear propulsion development

(more)

- 3 -

program by Vice Admiral Rickover who acts for both the Navy and the AEC in these matters.

Like many other military developments, the naval nuclear power program has produced innumerable benefits to our civilian programs. The nuclear power plants developed at the Atomic Energy Commission's Bettis and Knolls Atomic Power Laboratories, although highly classified in themselves, have provided to the entire atomic power industry basic knowledge in the fields of physics, chemistry, shielding, radiation, metallurgy and heat transfer. Much of the technology of our civilian power program is based on naval nuclear propulsion developments. It is heartening to know that the great efforts which go into these military programs have peaceful derivatives which we expect will have widespread benefits in other fields.

The sea-going operation of the Long Beach will serve as the real proof-testing of the many technical concepts and the pattern of developments that have led to her nuclear plant design. Personnel assigned to operate this plant have been carefully selected and intensely trained not only to operate the controls but to understand the basis and limitations of their design. Operating experiences from such personnel will provide a valuable addition to our reactor technology and broaden the base of knowledge upon which plants of the future will be designed.

The United States has achieved world leadership in the development and application of atomic power for naval propulsion. The construction of this cruiser is direct evidence of our intention to maintain the technical lead in this field. To the men in the Navy who conceived it, to the many industrial concerns that furnished the components, to the shipbuilding industry who built it, this ship is a great tribute. The AEC is proud of its partnership with the Navy and industry in accomplishing this task.

- 30 -

Please file in 50219-AK-40

DEPARTMENT OF EXTERNAL AFFAIRS

RETURN CLIPPING SERVICE

Subject

Atomic Bombs

Date

JUL 14 1959

Publication

OTTAWA JOURNAL

D-1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9

Approve Exchange Nuclear Data, Fuels

WASHINGTON (AP) — The joint congressional atomic energy committee in effect approved Monday seven agreements with U.S. NATO partners involving exchange of nuclear information or fuels.

It did so by reporting unfavorably seven resolutions introduced in the House of Representatives disapproving the pacts. The agreements must lie before Congress 60 days before they become effective. They could be killed during that period by a vote of both branches.

Pact With Canada.

The pacts with Britain and France become effective July 18, those with Canada, West Germany, The Netherlands and Turkey July 25, and the one with Greece Aug. 10.

Several organizations urged the committee in public hearings to disapprove the agreements, arguing they would spread the danger of world-wide nuclear war.

The state and defence depart-

ments defended them as essential to the security of the nation.

Non-Nuclear Parts.

Under the agreement with Britain, the United States would transfer non-nuclear parts of nuclear weapons and weapons systems, and uranium-235 to that country.

France would receive uranium fuel for use in a land-based prototype of a French-designed nuclear submarine reactor.

The other five agreements would permit the United States to transfer non-nuclear parts of weapons systems for use in training, and to furnish information for use in development of defence plans and for training personnel in employment of the defence against atomic weapons.

S.L. (1) 5/R.
OK to file
PRESS CLIPPING SERVICE
DEPARTMENT OF EXTERNAL AFFAIRS
JUL 23 1959

FM WASHDC JUL13/59 RESTD
TO EXTERNAL 1750 OPIMMEDIATE
REF OUR TEL 1737 JUL10
ATOMIC BILATERAL AGREEMENTS

14 JUL 1959

YOU WILL HAVE NOTICED FROM THE FRONT PAGE OF TODAY'S NEW YORK TIMES THAT SENATOR HUMPHREY (DEM MINN), CHAIRMAN SENATE FOREIGN RELATIONS SUBCOMMITTEE ON DISARMAMENT HAS CALLED FOR A FULL DEBATE ON THE VARIOUS ATOMIC BILATERALS CURRENTLY LYING BEFORE THE JOINT COMMITTEE ON ATOMIC ENERGY SAYING HE WANTS ASSURANCE THAT THESE AGREEMENTS WILL NOT RPT NOT JEOPARDIZE NEGOTIATIONS AT GENEVA FOR THE CONTROL AND REDUCTION OF ARMAMENTS.

2. WE HAVE BEEN IN TOUCH WITH THE STATE DEPT AND COURTNEY INFORMS US THAT THEY WILL HAVE A CLEARER PICTURE OF THE SITUATION TOMORROW, TUES, WHEN THEY ARE SCHEDULED TO HAVE CLOSED SESSIONS WITH HUMPHREY ON THIS TOPIC. IN THE INTERIM THEY ARE OF THE OPINION THAT HUMPHREY IS ONLY SEEKING CLARIFICATION AND ASSURANCES WHICH THEY FEEL THEY CAN GIVE HIM. THEY DO NOT RPT NOT BELIEVE THAT HUMPHREY'S INTEREST IN THE SUBJECT WILL OCCASION ANY DELAY.

3. WE SHALL LET YOU KNOW AS SOON AS POSSIBLE THE OUTCOME OF THE CLOSED SESSIONS.

Re: 605-5- ✓
See y to Tah 1

Done
14 July 59
JF

7-1
Olsen

4	
5	
6	
7	
8	
9	
10	

50219-AK-40
58 50

18 JUL 1959

Refer: -ccos-5 ✓
Sery Lab 1 ✓

Done 16 July 59 + file

FM WASHDC JUL10/59 CONFD

TO EXTERNAL 1738 PRIORITY

INFO TT CCOS OTT FM OTT

REF YOURTEL DL542 JUL7

BILATERAL AGREEMENT WITH THE USA FOR COOPERATION ON THE USES OF
ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

AS REQUESTED, WE HAVE BEEN IN TOUCH WITH THE STATE DEPT ON HOW
THEY PROPOSE TO BRING THIS ATOMIC BILATERAL INTO FORCE. WE EXPECT
TO RECEIVE EARLY NEXT WEEK A COPY OF THE PROPOSED USA NOTE AND
TO DISCUSS THE PROCEDURE FURTHER.

FM WASHDC JUL10/59 RESTD
TO EXTERNAL 1737 PRIORITY
REF OURTEL 1711 JUL8

13 JUL1959

ATOMIC BILATERAL AGREEMENTS

ON JUL9 MESSRS MEYER, JOHNSON, MILLER AND WOLF MADE STATEMENTS IN THE HOUSE OF REPS OPPOSING THE ATOMIC BILATERAL AGREEMENTS BETWEEN THE USA AND THE VARIOUS NATO COUNTRIES, AT PRESENT BEING BEFORE THE JOINT COMMITTEE. NO RPT NO DEBATE ENSUED.

2. SEVERAL OF THESE CONGRESSMEN MADE THE POINT THAT THE AGREEMENTS WITH CDA, THE UK AND FRANCE HAVE A 10-YEAR TIME LIMIT WHEREAS THE AGREEMENTS WITH THE OTHER COUNTRIES EXPIRE ONLY WHEN NATO IS DIS-
SOLVED OR BY MUTUAL CONSENT. THEY ARGUED THAT THIS GIVES THOSE COUNTRIES A VETO OVER USA POLICY AND IN PARTICULAR GIVES WEST GERMANY A VETO OVER ANY POSSIBLE DENUCLEARIZATION OF CENTRAL EUROPE. THE EXPLANATION IS THAT, ALTHOUGH ALL THE AGREEMENTS RE-
SEMBLE EACH OTHER, THE ANNEXES ARE DIFFERENT. THE EXCHANGES CONTEMPLATED UNDER THE AGREEMENTS WITH WEST GERMANY, GREECE ETC ARE AT SUCH A LEVEL THAT THE USA CAN READILY CONTINUE THEM AS LONG AS THESE COUNTRIES ARE WITHIN NATO WITHOUT ASSUMING ANY REAL RISK/ON THE OTHER HAND THE CONTENT OF THE EXCHANGES BETWEEN THE USA AND CDA, THE UK AND FRANCE ARE OF SUCH A NATURE THAT BOTH PARTIES TO THE BILATERALS WOULD WISH TO LIMIT THE TERM OF THE AGREEMENT. ° ° ° ° °

Refer - ceos - Scogins ✓
Scig bilals. ✓

Done
16 July 59
JH.

Helo
JH.

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

File

TO: THE UNDER-SECRETARY

Security CONFIDENTIAL

Date JULY 9, 1959

FROM: DEFENCE LIAISON (1) DIVISION

File No.

50219-AK-40

REFERENCE:

70

SUBJECT: BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION ON
THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.

You inquired as to whether any significance should be attached to the recent move on the part of six Democratic Congressmen to introduce concurrent resolutions in the House of Representatives stating that Congress does not favour the proposed agreements with Germany, Turkey, the Netherlands, France, the United Kingdom, Greece and Canada.

2. Attached is a copy of telegram 1711 of July 8 from our Embassy in Washington in this connection. From it you will note that the State Department do not attach any importance to this move. The six Congressmen in question are described as a "Pacifist group" and are substantially the same Congressmen that made representations against the amendments to the U.S. Atomic Energy Act which enabled the modified agreement with Canada to be entered into. Moreover, a staff member of the Joint Committee on Atomic Energy believes that no difficulty will arise as a result of the introduction of these concurrent resolutions.

CIRCULATION

Please send copy to General C. G. [unclear]

Defence Liaison (1) Division.

FILE COPY

50219-AK-46	
20	50

D

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

19 JUL 1959

lt
5
Ref: ecos-5
See 10/10/59
15 July 59

FM WASHDC JUL8/59 CONFD
TO EXTERNAL 1711 OPIMMED

REF TELECON TOVELL-NUTT JUL8 AND OURTEL 1684 JUL3
ATOMIC BILATERAL AGREEMENTS

WE HAVE JUST SPOKEN TO COURTNEY OFFICE OF SPECIAL ASSISTANT TO
THE SECRETARY FOR DISARMAMENT AND ATOMIC ENERGY) CONCERNING THE CONCUR-
RENT RESOLUTIONS INTRODUCED BY REP MCGOVERN OF SOUTH DAKOTA AND FIVE
OTHER DEMOCRAT CONGRESSMEN STATING THAT CONGRESS DOES NOT RPT NOT
FAVOUR THE PROPOSED AGREEMENTS WITH INTER ALIA CDA WE ASKED COURTNEY
IF HE HAD ANY INFO CONCERNING THESE CONGRESSMEN WHICH MIGHT SHED
SOME LIGHT ON THEIR ACTION IN INTRODUCING THE CONCURRENT RESOLUTIONS.
HE DESCRIBED THEM AS A "PACIFIST GROUP". HE SAID THAT SUBSTANTIALLY
THE SAME CONGRESSMEN HAD MADE REPRESENTATIONS AGAINST THE AMENDMENT
TO THE USA ATOMIC ENERGY ACT WHICH HAD ENABLED THE MODIFIED AGREEMENT
TO BE ENTERED INTO WITH CDA AND THE OTHER COUNTRIES.
COURTNEY SAID HE HAD BEEN IN TOUCH WITH A STAFF MEMBER OF THE
CONGRESSIONAL JOINT COMMITTEE FOR COOPERATION ON ATOMIC ENERGY MATTERS
AND THE LATEST WORD WAS THAT NO DIFFICULTY WAS ANTICIPATED AS A
RESULT OF THE INTRODUCTION OF THESE CONCURRENT RESOLUTIONS.

2. YOU MAY FIND IT HELPFUL TO HAVE AVAILABLE THE FOLLOWING TEXT OF
REP MCGOVERN'S STATEMENT INTRODUCING THE CONCURRENT RESOLUTIONS:
TEXT BEGINS

MR MCGOVERN, MR SPEAKER, I AM TODAY INTRODUCING RESOLUTIONS EXPRESSING
THE OPPOSITION OF THE CONGRESS TO THE PROPOSED TRANSFER OF NUCLEAR
WEAPONS FROM THE USA TO GREECE, TURKEY, GERMANY, HOLLAND, GREAT BRITAIN,
CDA AND FRANCE. I HAVE PREVIOUSLY JOINED WITH CONGRESSMEN MEYER,
OF VERMONT, AND CLEM MILLER, OF CALIFORNIA, IN A LET SENT TO SOME OF
OUR COLLEAGUES, POINTING UP THE DANGER OF THIS PROPOSED TRANSFER.

OUR GOVT HAS EXECUTED AGREEMENTS WITH A NUMBER OF FOREIGN POWERS
TO PROVIDE THEM WITH ATOMIC WEAPONS. UNDER PUBLIC LAW 85-479 THE
CONGRESS MAY WITHIN 2 MONTHS OF THE SUBMISSION OF SUCH AGREEMENTS

PAGE TWO 1711

ACT ON A CONCURRENT RESOLUTION WHICH WOULD HAVE THE EFFECT OF VOIDING SUCH NUCLEAR TRANSFERS. EXECUTIVE AGREEMENTS HAVE BEEN SIGNED WITH THE ABOVE SEVEN COUNTRIES, AND WE ARE NOW APPROACHING THE END OF THE 60-DAY WAITING PERIOD IN THE CASE OF SOME OF THESE AGREEMENTS.

I FEEL VERY STRONGLY THAT IT WILL BE A TRAGIC MISTAKE TO FURTHER EXTEND NUCLEAR WEAPONS AROUND THE WORLD. IT INVOLVES VERY SERIOUS RISKS TO THE PEACE OF THE WORLD, AND TO OUR OWN SECURITY, THAT FAR OUTWEIGH THE POSSIBLE ADVANTAGES.

WE ARE ALL PAINFULLY AWARE OF OUR PRESENT DIFFICULTY IN REACHING A NUCLEAR ARMAMENTS LIMITATION AGREEMENT WITH THE SOVIET UNION, SUCH AN AGREEMENT WILL BE MADE INFINITELY MORE DIFFICULT AS THE NUMBER OF COUNTRIES HOLDING NUCLEAR WEAPONS INCREASES.

I AM CONVINCED THAT THE DEADLY DANGER TO CIVILIZATION POSED BY NUCLEAR WEAPONS DEMANDS THAT WE DO EVERYTHING IN OUR POWER TO LIMIT THE POSSIBILITY OF A NUCLEAR HOLOCAUST, WE NEED TO BE REEXAMINING CONSTANTLY THE VALIDITY OF OUR PRESENT POLICY OF MILITARY DETERRENCE. IT IS DIFFICULT TO IMAGINE THAT WE ARE IMPROVING EITHER OUR NATIONAL SECURITY OR THE CHANCES FOR WORLD PEACE BY PLACING IN THE HANDS OF ADDITIONAL COUNTRIES THE DESTRUCTIVE POWER OF A NUCLEAR WEAPONS SYSTEM,

I HONESTLY HOPE THAT THE RESOLUTIONS WHICH MY COLLEAGUES AND I ARE INTRODUCING TODAY WILL BE ACTED UPON FAVORABLY BY THE CONGRESS, IT IS IMPORTANT THAT THE TRANSFER OF ATOMIC WEAPONS BE DELAYED UNTIL SUCH TIME AS THE CONGRESS CAN SUCCESSFULLY INVESTIGATE THE RAMIFICATIONS OF SUCH A MOVE,

THE RECENT HEARINGS CONDUCTED BY OUR COLLEAGUE THE GENTLEMAN FROM CALIFORNIA (MR HOLIFIELD) ON THE PROBABLE EFFECTS OF NUCLEAR WAR FURTHER HIGHLIGHTS THE NECESSITY FOR SERIOUS THOUGHT BY THE CONGRESS RELATIVE TO THIS PROBLEM. TEXT ENDS. °

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

FILE

OUTGOING MESSAGE

31

46	DATE	FILE		SECURITY	
	7 8-7-59	50219-AK-40 70 58		CONFED.	
FM: EXTERNAL OTTAWA	NUMBER		PRECEDENCE		COMCENTRE USE ONLY
TO: WASHINGTON	DL-542		OPIMMEDIATE		
INFO: CCOS					

Ref.:
Subject: BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.
ALTHOUGH THE SIXTY DAY WAITING PERIOD WILL NOT EXPIRE UNTIL (WE CALCULATE) JULY 25, WE THINK IT WOULD BE ADVISABLE FOR YOU TO BEGIN TO CONSIDER WITH THE STATE DEPARTMENT THE MANNER IN WHICH ARTICLE XIII WILL BE IMPLEMENTED SO AS TO BRING THE AGREEMENT INTO FORCE. ACCORDINGLY, WOULD YOU PLEASE TAKE A SUITABLE OCCASION TO OBTAIN FROM THE STATE DEPARTMENT AN INDICATION OF THEIR INTENTIONS IN THIS RESPECT.
2. WE ASSUME THAT THE MEANS BY WHICH THE AGREEMENT WOULD BE BROUGHT INTO FORCE WOULD BE AN UNCLASSIFIED EXCHANGE OF NOTES AS WAS THE CASE WHEN THE 1955 AGREEMENT WAS BROUGHT INTO FORCE. IN THAT INSTANCE THE STATE DEPARTMENT INFORMED THE EMBASSY (THEIR NOTE OF JULY 21, 1955) THAT AS THE "PERIOD OF THIRTY DAYS REQUIRED BY SECTION 123 C OF THE U.S. ATOMIC ENERGY ACT OF 1954 HAS NOW ELAPSED" THE "AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF THE RECEIPT OF

LOCAL DISTRIBUTION				
ORIGINATOR		DIVISION	PHONE	APPROVED BY
F.M.Tovell/ih		D.L.(1)	67509	N. A. ROBERTSON
NAME		NAME		NAME

- 2 -

THIS NOTE". IN THE EMBASSY'S REPLY, WHICH WAS DATED JULY 25, THE STATE DEPARTMENT'S COMMUNICATION WAS ACKNOWLEDGED AND IT WAS "NOTED" THAT THE AGREEMENT HAD ENTERED INTO FORCE ON JULY 22, THE DATE ON WHICH THE UNITED STATES NOTE WAS RECEIVED. THE PROCEDURE FOLLOWED IN THIS INSTANCE WAS IN LINE WITH ARTICLE VI WHICH PROVIDED THAT "THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF RECEIPT BY THE GOVERNMENT OF CANADA OF A NOTIFICATION FROM THE GOVERNMENT OF THE UNITED STATES OF AMERICA THAT THE PERIOD OF THIRTY DAYS REQUIRED BY SECTION 123 C OF THE U.S. ATOMIC ENERGY ACT OF 1954 HAS ELAPSED ... ". ARTICLE XIII OF THE NEW AGREEMENT WOULD APPEAR TO CALL FOR AN EXCHANGE OF NOTES SOMEWHAT DIFFERENT IN CONTENT SINCE THE AGREEMENT "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 LEGAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THIS AGREEMENT ...".

3. IF THE STATE DEPARTMENT HAVE IN MIND PROCEEDING BY EXCHANGE OF NOTES; YOU MAY PROPOSE THAT IT BE ALONG THE FOLLOWING LINES.
THE U.S. NOTE MIGHT READ:

I HAVE THE HONOUR TO REFER TO THE "AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES" WHICH WAS SIGNED ON MAY 22, 1959.

ARTICLE XIII OF THE AGREEMENT PROVIDES THAT "THIS AGREEMENT 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 LEGAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THIS AGREEMENT ...".

IN ACCORDANCE WITH ARTICLE XIII I AM PLEASED TO INFORM YOU THAT ALL LEGAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THIS AGREEMENT INCLUDING THOSE OF SECTIONS 123 B AND 123 D OF THE U.S. ATOMIC ENERGY ACT OF 1954, AS AMENDED, HAVE BEEN COMPLIED WITH. THIS AGREEMENT SHALL THEREFORE ENTER INTO FORCE ON THE DATE OF THE RECEIPT OF A NOTE FROM YOUR EXCELLENCY TO THE EFFECT THAT FOR ITS PART YOUR GOVERNMENT HAS COMPLIED WITH ALL LEGAL REQUIREMENTS WITH REGARD TO THE ENTRY INTO FORCE

OF THIS AGREEMENT.
ACCEPT ETC.

001097

13

- 3 -

4. YOUR NOTE, WHICH WOULD BE DATED THE SAME DAY AS THE UNITED STATES NOTE, MIGHT READ:

I HAVE THE HONOUR TO ACKNOWLEDGE THE RECEIPT OF YOUR NOTE OF _____ REFERRING TO THE "AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES".

I NOTE THAT YOUR GOVERNMENT HAS COMPLIED WITH ALL LEGAL REQUIREMENTS FOR THE ENTRY INTO FORCE ON THIS AGREEMENT AND THAT AS A CONSEQUENCE IT SHALL COME INTO FORCE ON THE DATE OF THE RECEIPT OF A NOTE FROM ME TO THE EFFECT THAT THE CANADIAN GOVERNMENT HAS COMPLIED WITH ITS LEGAL REQUIREMENTS.

I, THEREFORE, WISH TO INFORM YOU IN ACCORDANCE WITH ARTICLE XIII THAT MY GOVERNMENT HAS SIMILARLY COMPLIED WITH ALL LEGAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THIS AGREEMENT AND THAT IT CONSIDERS IT TO BE IN FORCE AS OF THIS DATE.

RECEPT, ETC.

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR
EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM:The Canadian Embassy,.....
.....Washington, D.C.....

Reference:.....*****.....

Subject: Canada-USA Bilateral Agreement on Atomic
.....Information for Mutual Defence Purposes.....

Security:.....UNCLASSIFIED.....

No:.....1021.....

Date:.....July 7th, 1959.....

Enclosures:.....2.....

Air or Surface Mail:... Courier.....

Post File No:.....

Ottawa File No.

50219 - AK - 40.

57

References

The Joint Committee on Atomic Energy held open public hearings on July 1st and 2nd on seven proposed agreements for cooperation on uses of atomic energy for mutual defence purposes including the proposed Canada-USA agreement. Enclosed are copies of the statements made by the State Department and the Department of Defence.

2. Arising out of these hearings, as you will have noticed from our telegram #1684 of July 3, a few Democratic Congressmen have introduced resolutions into the House opposing these atomic bilateral agreements chiefly on the grounds that it brings these countries too far along the road to independent atomic capability. None of these Representatives are on the Joint Committee and the group is not considered by the State Department to have any great influence. The present view of the State Department is that action of this group is unlikely to have any effect on the ultimate outcome of the legislation.

D-1	
1	
2	
3	
4	
5	
6	
7	
8	
9	

9 JUL 1959

Internal
Circulation

Distribution
to Posts

1959 JUL 9 AM 10:24

TO THE HONOURABLE MEMBERS OF PARLIAMENT
FROM THE SECRETARY OF DEFENCE
SUBJECT: THE CANADIAN DEFENCE FORCE
RE: THE CANADIAN DEFENCE FORCE
1. The Canadian Defence Force is a
military organization of the
Government of Canada. It is
composed of the Canadian Army,
the Canadian Navy, and the
Canadian Air Force. The
Canadian Defence Force is
responsible for the defence of
Canada and for the maintenance
of peace and order in the
North Atlantic area.

2. The Canadian Defence Force
is a part of the Canadian
Armed Forces. It is a
military organization of the
Government of Canada. It is
composed of the Canadian Army,
the Canadian Navy, and the
Canadian Air Force. The
Canadian Defence Force is
responsible for the defence of
Canada and for the maintenance
of peace and order in the
North Atlantic area.

3. The Canadian Defence Force
is a part of the Canadian
Armed Forces. It is a
military organization of the
Government of Canada. It is
composed of the Canadian Army,
the Canadian Navy, and the
Canadian Air Force. The
Canadian Defence Force is
responsible for the defence of
Canada and for the maintenance
of peace and order in the
North Atlantic area.

4. The Canadian Defence Force
is a part of the Canadian
Armed Forces. It is a
military organization of the
Government of Canada. It is
composed of the Canadian Army,
the Canadian Navy, and the
Canadian Air Force. The
Canadian Defence Force is
responsible for the defence of
Canada and for the maintenance
of peace and order in the
North Atlantic area.

5. The Canadian Defence Force
is a part of the Canadian
Armed Forces. It is a
military organization of the
Government of Canada. It is
composed of the Canadian Army,
the Canadian Navy, and the
Canadian Air Force. The
Canadian Defence Force is
responsible for the defence of
Canada and for the maintenance
of peace and order in the
North Atlantic area.

JUL 1 1959

Statement by Honorable Herbert B. Loper, Assistant to the Secretary of Defense (Atomic Energy) before the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy on the Proposed Agreements between the United States and the Government of Canada, the Federal Republic of Germany, the Kingdom of the Netherlands, the Kingdom of Greece, the Government of Turkey, and the Republic of France, for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes and the United States - United Kingdom Amendment to the Agreement for Mutual Defense Purposes of July 3, 1958.

I am appearing before you on behalf of the Department of Defense in support of the Agreements between the United States and the Government of Canada, the Federal Republic of Germany, the Kingdom of the Netherlands, the Kingdom of Greece, the Government of Turkey, and the Republic of France, for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes and the United States - United Kingdom Amendment to the Agreement for Mutual Defense Purposes of July 3, 1958. These proposed new agreements and the proposed amendment to the agreement with the United Kingdom have been under negotiation for some time. The Department of Defense regards them as necessary instruments for maintaining and improving the political cohesion and military strength of the free nations of the world allied with the United States in the defense of their freedom.

The Atomic Energy Act of 1954 authorized a certain degree of cooperation in the atomic energy field with Allied nations and regional defense organizations. Following the enactment of that legislation, we

entered into agreements with the United Kingdom, Canada and with the North Atlantic Treaty Organization. Subsequently, an agreement was entered into with Australia. These agreements are still in effect with the exception of the one with the United Kingdom which was replaced by a new agreement concluded on 3 July 1958.

In his testimony before this Committee in the course of the open hearings on amending the Atomic Energy Act of 1954, the Deputy Secretary of Defense stated that the Department had determined from experience that the limitations imposed by the law made it impossible for the United States to provide sufficient information and assistance to enable selected Allies to achieve an operational capability with nuclear weapons. The Congress saw fit to enact amending legislation which removed these limitations but which prohibited the transmission of information and materials to improve the capability of any nation to develop, design or fabricate nuclear weapons except under certain specified conditions. The agreements before your Committee have been designed to implement the purposes of the amended Act of 1954 and at the same time to observe the limitations imposed by the Act.

The first agreement entered into under the Act as amended was with the United Kingdom and was concluded 3 July 1958. We have before you today the first of the agreements with individual NATO countries to carry out the purposes and objectives of the

amendment to the Act. We also have the proposed agreement with Canada, which replaces the present agreement; a proposed agreement with France to provide enriched nuclear fuel for use in the development and operation of a land based prototype submarine nuclear propulsion plant and a proposed amendment to the 3 July 1958 agreement with the United Kingdom.

The agreements with Germany, Greece, the Netherlands and Turkey cover that portion of the field of cooperation and communication of atomic information and transfer of equipment authorized by Sections 91c(1) and 144b of the amended Act.

In the area of information the agreements cover the development of defense plans, the training of personnel and the implementation of and defense against atomic weapons and other military application (not including military reactors), the evaluation of the capability of a potential enemy in the employment of atomic weapons and other military application of atomic energy and the development of delivery systems capable of carrying atomic weapons.

In the area of equipment, the agreements provide that the United States, subject to terms and conditions mutually agreed upon by the United States and the nation concerned, will transfer non-nuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving that nation's state of training and operational readiness.

With respect to these four agreements, the cooperation provided for is an essential part of the implementation of the concept of a stockpile of arms for the strengthening of the North Atlantic Treaty Organization defenses. Further, by carrying out these agreements, the United States will be enabled to cooperate effectively in mutual defense planning with these nations and training of the respective NATO forces in order to attain an effective state of operational readiness in the uses of nuclear weapons in their defense should it become necessary.

The agreement with Canada is essentially the same as the agreements with the other NATO nations. In addition it provides for the research, development and design of military reactors and the training of personnel in the employment of such military reactors. For the most part, this cooperation continues and extends that originally undertaken with Canada through existing agreements. We believe the increased cooperation to be an essential step in advancing our mutual interests, specifically, the cause of North American defense as well as the defense of the free world.

The agreement with France concerns the transfer of enriched U-235 - nuclear fuel - for use in the development and operation of a land based prototype submarine nuclear propulsion plant. We believe with the State Department that this cooperation is to our mutual benefit and we strongly support the State Department views that this agreement should go forward.

The proposed amendment to the agreement with the United Kingdom permits the additional cooperation beyond the Agreement of 3 July 1958 envisaged within the limits of the Act of 1954, as amended. It was recognized at the time of concluding the agreement last year that the cooperation as provided for in that amendment could not be adequately defined until further collaboration was possible and undertaken pursuant to that agreement. On the basis of these discussions and collaboration since last August, it has become possible to develop the program of transfer of special nuclear materials, non-nuclear parts of atomic weapons, and non-nuclear parts of atomic weapons systems involving Restricted Data; all within the limits of the provisions of the Atomic Energy Act of 1954, as amended.

We believe that this proposed amendment together with the agreement for cooperation of 3 July 1958 constitutes a very real and useful framework for close collaboration with the United Kingdom in the field of military application of atomic energy. Further, the carrying out of the cooperation provided for will do much towards implementing the joint Declaration of October 25, 1957, by the President and Prime Minister Macmillan which affirmed the principle of interdependence among the countries of the free world.

Referring to agreements with Canada, the Netherlands, Greece, Turkey and the Federal Republic of Germany, I should like to make three specific points.

First: The matter of custody, control and ownership of weapons which may be stockpiled in support of the Armed Forces of these nations which are committed to the defense of NATO. These stockpiles will be essentially ammunition depots under the full control of the United States. They will contain tactical or air defense atomic weapons suitable for delivery by the trained nuclear capable forces of the countries concerned and will be of such types and in such numbers as will enable those forces to carry out their NATO assigned defensive missions in the event of attack. These agreements do not provide in any way for the transfer of atomic weapons to any nation.

Second: What is meant by non-nuclear parts of atomic weapons systems which may be transferred under these agreements?

Non-nuclear parts of atomic weapons systems are those accessories for handling the weapons, for attaching weapons to delivery vehicles, and for monitoring and checking out the bomb or warhead to ensure that it is in a safe and operating condition prior to actual use.

Non-nuclear parts of the systems include the control mechanisms which are parts of aircraft or missile launching devices associated with the warhead; lugs, pylons, and other devices for attaching the

missile or bomb to its carrier and the like. They do not include any part of the bomb or warhead itself. Since these items are components of the delivery system rather than of the warhead or bomb, it is desirable that arrangements be made for their transfer by sale or under military assistance programs to the nation which provides or is provided the other parts of the system, thus making it unnecessary for these nations to establish special production facilities for the limited quantities involved.

Third: The information concerning nuclear weapons transferred to these nations is limited to that necessary to enable his military forces to use the weapons, not to design or manufacture them. An artillery man does not need to know the formula for gunpowder or how to make it in order to use an artillery shell effectively. He does need to know how to set a fuze and how to load and fire a projectile as well as what it will do when it detonates. Information concerning our weapons to be furnished under these agreements must and will be carefully and thoroughly screened to ensure that it meets but does not exceed the needs for training and operational employment, and for defense against their use by an enemy.

As a final statement, I should like to point out that the scope of each of these agreements has been established by careful consideration

of the areas in which mutual assistance is believed to be mutually beneficial. Further, we believe that the cooperation to be undertaken pursuant to these agreements under the authority of the Atomic Energy Act of 1954, as amended, will promote and will not constitute an unreasonable risk to the common defense and security.

E N D

Statement by Ivan B. White, Deputy Assistant Secretary of State for European Affairs before the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy on proposed atomic energy cooperation agreements with Canada, France, Greece, the Federal Republic of Germany, the Netherlands and Turkey, and a proposed amendment to the Atomic Energy Cooperation Agreement of July 3, 1958 with the United Kingdom.

Mr. Chairman, Members of the Subcommittee:

I appreciate this opportunity to appear before the Subcommittee to speak in support of the six proposed agreements for cooperation on uses of atomic energy for mutual defense purposes, and a proposed amendment to one existing agreement, which are now before the Congress.

These proposed agreements and amendment are all with countries with whom the U.S. is allied in the North Atlantic Treaty Organization. The defense posture of the Atlantic Alliance is the major element of the foundation upon which rest our efforts to achieve a just resolution of the political issues giving rise to international tension and make progress towards genuine controlled disarmament. These agreements will strengthen this foundation and enhance the security of the U.S. by increasing the capability of certain of our Allies to contribute to the common defense.

On December 19, 1957, the NATO Heads of Government said in their communique that:

"the Soviet leaders while preventing a general disarmament agreement have made it clear that the most modern and destructive weapons including missiles of all kinds are being

2/

introduced in the Soviet armed forces. In the Soviet view all European nations except the USSR should without waiting for general disarmament renounce nuclear weapons and rely on arms of the pre-atomic age. As long as the Soviet Union persists in this attitude we have no alternative but to remain vigilant and to look to our defenses".

It is abundantly clear that the Soviet Union has until now persisted in this attitude. Moreover, they have renewed their threat to the freedom of West Berlin and they continue to engage in attempts to intimidate individual members of the NATO Alliance. Their primary objective is still to achieve the disintegration of NATO. They do not hesitate to use threats in their attempts to do so. At the same time, they continue to claim that the North Atlantic Alliance and the determination of its members to provide for their defense is a threat to peace and a cause of tension. The myth they attempt to promulgate throughout the free world is that Soviet missile rattling is a contribution to the relaxation of tension while the determination of countries of the free world to provide for the defense of their liberty is a threat to peace. The NATO policy of achieving an atomic capability for the forces of its member countries cannot be cited as the cause of continuing tension between the Soviet Union and the Western powers. It was the existence of this tension which compelled the Nations of NATO to reach this decision; from the outset the willingness of the NATO Powers to consider all reasonable and promising means of reducing these tensions has been clear.

The responsibility for the persisting tension is clearly that of the Soviet Union. While refusing to respond to our repeated attempts to bring about a genuine relaxation of tension, the Soviet Union and its satellites are maintaining an enormous military establishment. The USSR alone has 22 divisions in the Soviet Zone of Germany. Sixty more Soviet divisions are stationed in the Western USSR and in the unhappy countries of Eastern Europe now under Soviet domination. These forces are equipped with modern, including atomic capable, weapons. The NATO forces facing this army, although stronger now than at any time in the past, must be equipped with modern weapons if they are to continue to meet their responsibility for the defense of the European NATO area against the numerical superiority of a potential aggressor.

The NATO countries have staunchly rejected Soviet attempts to intimidate them. They will continue to do so as long as we and they continue our cooperation in maintaining and improving our defenses. It was with this aim in mind that the Executive Branch a year ago submitted proposals for the amendment of the Atomic Energy Act which were passed by the Congress. At that time Department representatives expressed their conviction that the strength of NATO and consequently the security of the U.S. would be enhanced by the introduction of modern weapons into the NATO shield. NATO is stronger today than it was a year ago. The agreements now before you are designed to make further progress in this direction. Some differ in scope from others, but all serve the same purpose. All are in full accord with the spirit and the letter of the Atomic Energy Act of 1954, as amended.

The proposed amendment is to the agreement for cooperation between the U.S. and the United Kingdom Governments executed on July 3, 1958. That agreement permitted the exchange of classified atomic energy information relating to weapons and other military applications, including reactors, and made provision for the transfer of a submarine nuclear propulsion reactor and materials to the Government of the United Kingdom.

The amendment now before you provides for the transfer of non-nuclear parts of atomic weapons, other non-nuclear parts of atomic weapons systems, and special nuclear materials for these military applications. The purpose of the amendment is to preclude unnecessary duplication of effort, facilities and funds, while providing greater collective security for both countries. It will permit further effective implementation of the agreement for cooperation.

Anglo-American cooperation has a long history. In this century this cooperation has been characterized by alliances in two world wars and by a long record of close collaboration in many fields. In the years following World War II this growing collaboration has taken the form of continuous close consultation between both countries on matters of mutual concern as well as collective defense efforts, economic and technical cooperation, and educational, social and cultural contacts. Within the NATO Alliance, the United Kingdom contributes substantially to the nuclear deterrent to aggression. Close cooperation with the U.S. has been the keystone of British foreign policy since World War II.

The agreement with France provides for the transfer by sale to the French Government of enriched uranium for use in the development and operation of a land based prototype nuclear submarine propulsion plant to assist France in the development of a nuclear submarine capability in the French Fleet.

5/

We believe that it is in the interests of the U.S. to aid France in this field. It will contribute to a further development of the spirit of cooperation between our two countries, a spirit which has been vividly illustrated during the recent Geneva talks where France's determination to stand with the West and maintain the rights of the West in Berlin was constantly manifested. France is a vital member of the Atlantic Alliance. It is a country of great resources and capabilities. Under General de Gaulle it has undertaken a series of far-reaching reforms which have given it economic and political stability. France today is a stronger country and its increased strength contributes importantly to the reinforcement of our whole Alliance.

Cooperation with Canada in the defense of North America and the free world dates back to the early days of World War II and has progressively grown closer in the ensuing years. Through the North American Air Defense Command, in which U.S. and Canadian Air Defense forces have been integrated, the defense of the U.S. has become inseparably bound with that of Canada. The agreement with Canada now before you provides for the exchange of information to assist Canada in the development of defense plans, the training of personnel, the development of delivery systems, as well as in research, development and design of military reactors.

The agreement also provides for the transfer of non-nuclear parts of atomic weapons systems and for the possible transfer to Canada of military reactors and special nuclear materials.

The agreement with Canada now before you is designed to help our northern neighbor to play a fuller role in the defense of North America and the free world. It should also help to strengthen further the traditionally close cooperation between our two countries in other fields.

The four agreements between the U.S. on one hand and Greece, Turkey, the Netherlands, and the Federal Republic of Germany, on the other, are the direct results of the decision by the NATO Heads of Government in December, 1957 to take steps to "achieve the most effective pattern of NATO military defensive strength taking into account the most recent developments in weapons and techniques".

As I have indicated earlier our friends and allies in order to maintain their staunch and steadfast attitude in the face of Soviet threats must feel that they can, together with the other allies, play their part effectively in their own defense and in the defense of the Atlantic area of which they are an integral part. There was therefore initiated a program to equip the defense forces of the NATO Alliance with modern weapons similar to those already in the hands of numerically superior Soviet forces.

Three requirements must be met, although not necessarily concurrently, to achieve the objective of giving the allied forces of the NATO shield an effective modern capability.

First, it is, of course, necessary for the forces of the Alliance to be equipped with modern weapons systems which in the event of aggression can be used by American and other allied forces for the defense of the Alliance. Good progress has been made in the last year in placing these modern weapons systems of a tactical type in the hands of allied forces in the NATO shield either under the Military Assistance Program or by purchase by allied governments. We are continuing this part of the program.

Secondly, in order to enable the forces of the Alliance to make effective use of these weapons systems in case of need, it is, of course, necessary to establish stocks of nuclear warheads for use with the delivery systems

available to the NATO forces. The establishment of stocks of nuclear warheads readily available for the defense of the Alliance in case of need was specifically called for by the NATO Heads of Government at their meeting in December 1957. Generally speaking, good progress has been made so far in establishing these stocks of warheads which, in accordance with U.S. law, in all cases remain in U.S. custody.

Thirdly, to complete the process of introducing a modern nuclear capability into the NATO shield, the allied forces must have the know-how as well as some additional equipment which will enable them to actually make use of the modern weapons systems and the warheads in case of need. The purpose of these four agreements with the Netherlands, Greece, Turkey and the Federal Republic of Germany now before the Congress is attainment of this last objective.

Under these four agreements, and with minor insignificant variations they are identical, the U.S. will be able to exchange with these countries information jointly determined to be necessary to the development of defense plans, to the training of personnel in the employment of and the defense against atomic weapons, the evaluation of potential enemy capabilities in atomic weapons, and to the development of delivery systems. We will also be able to transfer to these allied governments non-nuclear parts of atomic weapons systems, thereby considerably increasing their capability to use these systems in the event of an emergency.

I would like to make several things quite clear about these agreements.

Except in the case of the agreement concluded with the United Kingdom last year, they do not provide for the exchange of information on the design or manufacture of nuclear weapons, that is to say the warheads for the

delivery vehicles. All of the agreements provide specifically that there will be no transfer of nuclear weapons. The agreements in no way alter the fact that nuclear warheads in the NATO atomic stockpile remain in U.S. custody in accordance with U.S. law.

The specific transfers of information and equipment to be made under these agreements are subject to continuing review and determination. In other words, the agreements simply enable the U.S. to make such transfers of information and equipment as specified therein in particular instances where such transfers are jointly determined to be desirable in the interest of the common defense. Therefore, we are not compelled to make any specific transfer of information or equipment for the duration of the agreements.

Mr. Chairman, these agreements do not entail a proliferation of nuclear weapons. They simply are a necessary step, dictated by consideration for our own and free world security, in introducing a modern nuclear capability into the NATO defense forces while retaining the system under which the nuclear weapons themselves are maintained in the NATO stockpile under conditions fully consistent with existing U.S. law.

Frequently in recent years, when the countries of the free world have taken steps to improve the state of their defenses, the Soviets have attempted to claim that such action on part of the free world would undercut efforts to arrive at negotiated agreements on questions at issue between the West and the Soviet Union. They have attempted to sell the myth that if only the NATO countries would refrain from equipping their own forces, negotiations could succeed and international tension would be eased.

There is not the slightest shred of evidence in the record of the Soviet Union which would support the contention that deliberate acceptance

by the free world of a state of military inferiority will somehow make it easier to negotiate with the Soviet Union on terms other than those which would entail the gravest dangers for ourselves and our friends.

The purposes of NATO are defensive. The purpose of these six agreements and the proposed amendment now before you is to make these defenses more effective. During the first ten years of its existence NATO has prevented Soviet aggression in Europe and North America and has preserved the peace in that area. Fundamentally, this achievement is due to the determination of the member countries of the Alliance to defend themselves against aggression and to the steps they have taken to make it possible for them to do so. The maintenance of peace depends in large measure on our ability to make it quite clear to the Soviet Union that we and our Allies are not only willing, but also fully capable of dealing with aggression.

The agreements now before you are in accord with this objective and in the best interest of the security of the United States.

I, therefore, commend them for your favorable consideration.

*Ribe 5 copies WCCOS ✓
1 copy WCCO ✓
and all
Dulane
D.C. (1)
Done
6 July 59*

P-1

1	
2	
3	✓
4	
5	
6	
7	
8	
9	
10	

6 JUL 1959

FILE COPY

50219-AK-46	
58	50

FM WASHDC JUL3/59 RESTD
TO EXTERNAL 1684

ATOMIC BILATERAL AGREEMENTS

ALTHOUGH TOO MUCH SIGNIFICANCE SHOULD NOT RPT NOT BE ATTACHED TO THIS MOVE, YOU MAY NEVERTHELESS BE INTERESTED TO KNOW THAT SIX DEMOCRATIC CONGRESSMEN YESTERDAY INTRODUCED CONCURRENT RESOLUTIONS IN THE HOUSE OF REPS STATING THAT CONGRESS DOES NOT RPT NOT FAVOUR THE PROPOSED AGREEMENTS WITH GERMANY TURKEY THE NETHERLANDS FRANCE THE UK GREECE AND CDA. THE CONGRESSMEN INVOLVED ARE MESSRS JOHNSON OF COLORADO, MCGOVERN OF SOUTH DAKOTA, MEYER OF VERMONT, MILLER OF CALIFORNIA, WIER OF MINNESOTA AND WOLF OF IOWA. IN ADDITION MRS GREEN, DEMOCRAT OF OREGON, INTRODUCED SIMILAR RESOLUTIONS RELATING TO THE AGREEMENTS WITH ALL OF THE ABOVE COUNTRIES WITH THE IMPORTANT EXCEPTIONS OF CDA AND THE UK.

2. WE SHALL BE REPORTING SHORTLY ON THE HEARINGS WHICH HAVE BEEN TAKING PLACE IN THE JOINT COMMITTEE REGARDING THE VARIOUS BILATERAL AGREEMENTS. GENERALLY THEY HAVE BEEN PROCEEDING QUIETLY AND SATISFACTORILY. °

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

OUTGOING MESSAGE

FM: EXTERNAL OTTAWA	DATE	FILE		SECURITY					
	3-7-59			CONFED.					
TO: WASHINGTON	NUMBER		PRECEDENCE		COMCENTRE USE ONLY				
	DL-542		OPTIMEDIATE						
INFO: CCOS									

Ref.:

Subject: BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.

ALTHOUGH THE SIXTY DAY WAITING PERIOD WILL NOT EXPIRE UNTIL (WE CALCULATE) JULY 25, WE THINK IT WOULD BE ADVISABLE FOR YOU TO BEGIN TO CONSIDER WITH THE STATE DEPARTMENT THE MANNER IN WHICH ARTICLE XIII WILL BE IMPLEMENTED SO AS TO BRING THE AGREEMENT INTO FORCE. ACCORDINGLY, WOULD YOU PLEASE TAKE A SUITABLE OCCASION TO OBTAIN FROM THE STATE DEPARTMENT AN INDICATION OF THEIR INTENTIONS IN THIS RESPECT.

2. WE ASSUME THAT THE MEANS BY WHICH THE AGREEMENT WOULD BE BROUGHT INTO FORCE WOULD BE AN UNCLASSIFIED EXCHANGE OF NOTES AS WAS THE CASE WHEN THE 1955 AGREEMENT WAS BROUGHT INTO FORCE. IN THAT INSTANCE THE STATE DEPARTMENT INFORMED THE EMBASSY (THEIR NOTE OF JULY 21, 1955) THAT AS THE "PERIOD OF THIRTY DAYS REQUIRED BY SECTION 123 C OF THE U.S. ATOMIC ENERGY ACT OF 1954 HAS NOW ELAPSED" THE "AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF THE RECEIPT OF

/2

LOCAL DISTRIBUTION				PCO
ORIGINATOR		DIVISION	PHONE	APPROVED BY
SIG..... NAME... F.M.Tovell/ih.....		D.L.(1)	67509	SIG..... NAME.....

- 2 -

THE NOTE". IN THE EMBASSY'S REPLY, WHICH WAS DATED JULY 25, THE STATE DEPARTMENT'S COMMUNICATION WAS ACKNOWLEDGED AND IT WAS "NOTED" THAT THE AGREEMENT HAD ENTERED INTO FORCE ON JULY 22, THE DATE ON WHICH THE UNITED STATES NOTE WAS RECEIVED. THE PROCEDURE FOLLOWED IN THIS INSTANCE WAS IN LINE WITH ARTICLE VI WHICH PROVIDED THAT "THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF RECEIPT BY THE GOVERNMENT OF CANADA OF A NOTIFICATION FROM THE GOVERNMENT OF THE UNITED STATES OF AMERICA THAT THE PERIOD OF THIRTY DAYS REQUIRED BY SECTION 123 C OF THE U.S. ATOMIC ENERGY ACT OF 1954 HAS ELAPSED ... ". ARTICLE XIII OF THE NEW AGREEMENT WOULD APPEAR TO CALL FOR AN EXCHANGE OF NOTES SOMEWHAT DIFFERENT IN CONTENT SINCE THE AGREEMENT "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 LEGAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THIS AGREEMENT ...".

3. IF THE STATE DEPARTMENT HAVE IN MIND PROCEEDING BY EXCHANGE OF NOTES, YOU MAY PROPOSE THAT IT BE ALONG THE FOLLOWING LINES.
THE U.S. NOTE MIGHT READ:

I HAVE THE HONOUR TO REFER TO THE "AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES" WHICH WAS SIGNED ON MAY 22, 1959.

ARTICLE XIII OF THE AGREEMENT PROVIDES THAT "THIS AGREEMENT 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 LEGAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THIS AGREEMENT ...".

IN ACCORDANCE WITH ARTICLE XIII I AM PLEASED TO INFORM YOU THAT ALL LEGAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THIS AGREEMENT INCLUDING THOSE OF SECTIONS 123 B AND 123 D OF THE U.S. ATOMIC ENERGY ACT OF 1954, AS AMENDED, HAVE BEEN COMPLIED WITH. THIS AGREEMENT SHALL THEREFORE ENTER INTO FORCE ON THE DATE OF THE RECEIPT OF A NOTE FROM YOUR EXCELLENCY TO THE EFFECT THAT FOR ITS PART YOUR GOVERNMENT HAS COMPLIED WITH ALL LEGAL REQUIREMENTS WITH REGARD TO THE ENTRY INTO FORCE

OF THIS AGREEMENT.
ACCEPT. ETC.

001120

/3

- 3 -

4. YOUR NOTE, WHICH WOULD BE DATED THE SAME DAY AS THE UNITED STATES NOTE, MIGHT READ:

I HAVE THE HONOUR TO ACKNOWLEDGE THE RECEIPT OF YOUR NOTE OF _____ REFERRING TO THE "AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES".

I NOTE THAT YOUR GOVERNMENT HAS COMPLIED WITH ALL LEGAL REQUIREMENTS FOR THE ENTRY INTO FORCE ON THIS AGREEMENT AND THAT AS A CONSEQUENCE IT SHALL COME INTO FORCE ON THE DATE OF THE RECEIPT OF A NOTE FROM ME TO THE EFFECT THAT THE CANADIAN GOVERNMENT HAS COMPLIED WITH ITS LEGAL REQUIREMENTS.

I, THEREFORE, WISH TO INFORM YOU IN ACCORDANCE WITH ARTICLE XIII THAT MY GOVERNMENT HAS SIMILARLY COMPLIED WITH ALL LEGAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THIS AGREEMENT AND THAT IT CONSIDERS IT TO BE IN FORCE AS OF THIS DATE.

RECEIPT, ETC.

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

TO: THE UNDER-SECRETARY

Security CONFIDENTIAL

THROUGH LEGAL DIVISION

Date JULY 3, 1959

FROM: DEFENCE LIAISON (1) DIVISION

File No.		

REFERENCE:

SUBJECT: BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION ON THE
USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.

*Sent 59
7.7.* Attached for your consideration is a telegram to Washington on the above subject asking them to take up with the State Department the manner in which the new Atomic Energy Agreement should be brought into force.

2. This agreement, you will recall, was approved by the Cabinet Defence Committee on April 22, by Cabinet on May 13, and the necessary Submission to Council authorizing Mr. Heeney to sign the agreement on behalf of the Canadian Government was signed by the Prime Minister on the same day. As you may recall, the State Department have informed us that the Joint Committee on Atomic Energy of the U.S. Congress has already approved this agreement.

What is the significance of the objection to the Agreement filed by a number of Congressmen?
Parent remblay
Defence Liaison (1) Division.

CIRCULATION

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

TO: LEGAL DIVISION
ATTENTION: MR. SCOTT
FROM: DEFENCE LIAISON (1) DIVISION
REFERENCE: *sub*
SUBJECT: BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION ON THE
USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.

Security CONFIDENTIAL

Date JULY 3, 1959

File No.

With reference to our telephone conversation of this morning I attach a proposed telegram to the Embassy in Washington and a covering memorandum to the Under-Secretary. If you have no comments to make on the telegram would you please so indicate on the memorandum to the Under-Secretary and forward it to him for his consideration.

We made a few changes of form in the texts of the exchange of notes and we had page 2 and 3 of your telegram retyped. Attached

E. Greenough

Defence Liaison (1) Division

CIRCULATION

is a copy of the telegram as retyped and released to the USSR.

MB/legat.

DEPARTMENT OF EXTERNAL AFFAIRS

RETURN CLIPPING SERVICE

Subject

Date JUL - 2 1959

Publication

NEW YORK TIMES

U.S. COOL TO SHIFT IN ATOM-DATA LAW

State Department Disclaims Plan for Nuclear Sharing Despite French Bids

Special to The New York Times.

WASHINGTON, July 1—The State Department said today that it had no intention of seeking a change in the Atomic Energy Law to permit a greater sharing of nuclear weapons secrets with such nations as France.

The State Department position, spelled out in public testimony before the Joint Congressional Committee on Atomic Energy, raises new difficulties in the already strained relations between the United States and France over cooperation in the atomic weapons field.

For several months France has been pressing the United States for a position comparable with that of Britain in the sharing of United States nuclear weapons secrets. The demands have been emphasized by such actions as France's refusal to permit the stockpiling of United States nuclear weapons on French soil. Without a change in the Atomic Energy Law, the United States is unable to meet the French demands.

As liberalized last year at the request of the Administration, the Atomic Energy Law provides that secrets of nuclear weapons design can be given only to nations that already have a substantial capability in the weapons field. The definition was worked out by Congress specifically to include Britain and exclude France. The law also provides that nuclear weapons cannot be given to any nation and must remain in United States custody.

Anderson Is Assured

With the French demands obviously in mind, Senator Clinton P. Anderson, Democrat of New Mexico, committee chairman, raised the question of whether the State Department had any plans to seek any change in these legislative restrictions. He was assured by Ivan B. White, Deputy Assistant Secretary of State for European Affairs, and Raymond F. Courtney of the State Department Office for Disarmament and Atomic Energy that the State Department had "no intention" of seeking a modification in the Atomic Energy Law.

The State Department officials, along with Herbert B. Loper, Special Assistant to the Secretary of Defense for Atomic Energy, appeared before the committee to support agreements for atomic cooperation with seven North Atlantic Treaty Organization allies — Britain, France, Canada, West Germany, the Netherlands, Greece and Turkey. The agreements automatically go into effect during July and August, unless vetoed by a concurrent resolution passed by both the House and Senate.

French Agreement Limited

Of the agreements, the one with France is the most limited. It provides only for the transfer of enriched uranium to be used by France in the development of a land-based prototype of a submarine nuclear power plant. The restricted nature of the agreement reflects the past negotiating difficulties between the two nations over atomic cooperation.

The agreement with Britain provides for the transfer of secret design information for the building of nuclear weapons and an atomic submarine power plant. It also permits the exchange of materials used in the manufacture of weapons.

The agreements with the five other NATO allies provide for the exchange of information for the training of troops in the use of nuclear weapons and the transfer of non-nuclear parts of devices for launching atomic weapons. The agreement with Canada also provides for cooperation in the development of military reactors.

Concern Is Expressed

In the face of concern expressed by some private witnesses before the committee, Mr. White gave assurances that the agreements would not result in the "proliferation" of nuclear weapons among nations not now members of the "nuclear club."

He emphasized repeatedly that no information would be provided to any nation but Britain that would enable a nation to design and manufacture an atomic weapon. Any atomic weapons stockpiled in NATO, he said, would remain under United States custody.

Mr. Loper testified that the non-nuclear parts to be transferred would consist of accessories for handling atomic weapons, for attaching the weapons to launching vehicles and for monitoring and checking the weapons to insure that they were in operating condition.

