

EXCHANGE OF LETTERS BETWEEN THE GOVERNMENT OF CANADA
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA
— CONSTITUTING AN AGREEMENT CONCERNING ARTICLE XII(D) OF
THE JUNE 15, 1955⁽¹⁾ AGREEMENT

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*The Minister (Economic) and Deputy Chief of Mission of Canada to the Deputy
Assistant Secretary of the United States of America*

Washington, D.C., August 22, 1988

Dear Mr. Stratford,

I refer to the "Agreement for Cooperation Concerning Civil Uses of Atomic Energy between the Government of Canada and the Government of the United States of America," signed on June 15, 1955, as amended (hereinafter referred to as "the Agreement").

2. Article XII (D) of the Agreement provides that "Designated nuclear technology, material, equipment and devices, major critical components, components and Restricted Data subject to this Agreement and over which a Party has jurisdiction, shall not be transferred to unauthorized persons, or, unless the Parties agree, beyond the territorial jurisdiction of that Party". In order to facilitate the application of this provision, I have the honour to propose that:

- (a) in the case of natural uranium, depleted uranium, other source material, uranium enriched to less than 20% in the isotope U-235 and heavy water, Canada hereby provides its agreement to the future transfer of such items by the United States of America beyond its territorial jurisdiction to third parties provided that:
 - (i) such third parties have been identified as acceptable by Canada in writing from time to time;
 - (ii) the United States of America, for each such transfer, inform the third party that the material transferred is subject to the provisions of a nuclear cooperation agreement between the United States of America and Canada;

⁽¹⁾ Treaty Series 1955 No. 15