

No. 26949

**UNITED STATES OF AMERICA
and
JAPAN**

Joint determination for reprocessing of special nuclear material of United States origin (with joint communiqué and exchange of letters). Signed at Washington on 30 October 1981

Authentic text: English.

Registered by the United States of America on 29 November 1989.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

Déclaration conjointe en vue du retraitement de certaines matières nucléaires en provenance des États-Unis (avec communiqué conjoint et échange de lettres). Signé à Washington le 30 octobre 1981

Texte authentique : anglais.

Enregistrée par les États-Unis d'Amérique le 29 novembre 1989.

JOINT DETERMINATION¹ FOR REPROCESSING OF SPECIAL NUCLEAR MATERIAL OF UNITED STATES ORIGIN

Bearing in mind the considerations set out in the Joint Communiqué of the Government of the United States of America and the Government of Japan issued on October 30, 1981, and Japan's continued adherence to the Treaty on the Non-Proliferation of Nuclear Weapons,² providing, in particular, for the effective and efficient application of safeguards by the International Atomic Energy Agency;

The Government of the United States of America and the Government of Japan hereby jointly determine pursuant to Article VIII C of the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy of February 26, 1968,³ as amended,⁴ that the provisions of Article XI of that Agreement may be effectively applied in respect of the reprocessing in the Tokai Reprocessing Facility during the period in which the Government of the United States of America and the Government of Japan are working out the mutually acceptable arrangements referred to in Section V, Paragraph 2 of the Joint Communiqué of this date of irradiated fuel elements containing fuel material received from the United States in amounts up to the design capacity of the Facility.

It is the intention of the respective Governments that, by not later than the date referred to in Section V, Paragraph 2 of the Joint Communiqué of this date, this Joint Determination be subsumed or replaced by the arrangements foreseen in the above-mentioned Joint Communiqué to assure the uninterrupted operation of the Tokai Facility.

October 30, 1981

For the Government
of the United States of America:

[Signed — Signé]⁵

For the Government
of Japan:

[Signed — Signé]⁶

¹ Came into force on 30 October 1981 by signature.

² United Nations, *Treaty Series*, vol. 729, p. 161.

³ *Ibid.*, vol. 683, p. 179.

⁴ *Ibid.*, vol. 836, p. 315, and vol. 937, p. 303.

⁵ Signed by Richard T. Kennedy — Signé par Richard T. Kennedy.

⁶ Signed by Yoshio Okawara — Signé par Yoshio Okawara.

JOINT COMMUNIQUÉ

October 30, 1981

I

In paragraph 14 of their Joint Communiqué of May 8, 1981, President Reagan and Prime Minister Suzuki stated that they, "... in recognition of vital importance of preventing nuclear weapons proliferation, reaffirmed the need to continue to promote international efforts to this end. They shared the view, on the other hand, that the role of nuclear energy ought to be further expanded under appropriate safeguards to meet the increasing energy needs of the world and that the United States and Japan have special responsibility to cooperate further in promoting the peaceful uses of nuclear energy. In this connection, the President endorsed the view of the Prime Minister that reprocessing is of particular importance to Japan. The President and the Prime Minister thus agreed that the two Governments should promptly start consultations with a view to working out a permanent solution at an early date on such pending issues as the continued operation of the Tokai Reprocessing Facility and the construction of an additional reprocessing plant in Japan."

II

With this in mind, representatives of the two Governments held discussions concerning the operation of the Tokai Reprocessing Facility (hereinafter referred to as "the Tokai Facility") in accordance with the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy of February 26, 1968, as amended (hereinafter referred to as "the Agreement for Cooperation"), and other matters of mutual concern.

III

1. The Government of the United States and the Government of Japan recognize the importance of the peaceful uses of nuclear energy to their energy security and economic development and intend to continue to cooperate fully in this regard.

2. The Government of the United States fully recognizes the particular significance of reprocessing to Japan and in that connection understands the importance Japan attaches to the continued operation of the Tokai Facility and to the construction of a scheduled additional reprocessing facility.

3. On its part, the Government of Japan welcomes the position of the Government of the United States as expressed in President Reagan's statement of July 16, 1981, that the United States will "... not inhibit or set back civil reprocessing and breeder reactor development abroad in nations with advanced nuclear power programs where it does not constitute a proliferation risk."

4. The two Governments intend to take into account the results and findings of the International Nuclear Fuel Cycle Evaluation in promoting the peaceful uses of nuclear energy in their respective countries, in cooperating with each other in the field of the utilization of nuclear energy, and in preventing proliferation of nuclear explosives.

5. In this context, the Government of the United States highly appreciates Japan's strong nuclear non-proliferation policies, including its continued adherence to the Treaty on the Non-Proliferation of Nuclear Weapons and Japan's significant contributions to various international efforts to prevent the proliferation of nuclear explosives.

6. The Government of the United States also appreciates the special efforts made by Japan to date in cooperation with the International Atomic Energy Agency (IAEA) to improve the application of safeguards at the Tokai Facility. These efforts have provided valuable experience in the application of safeguards at reprocessing facilities.

7. The two Governments attach great importance to the effective application of safeguards to plutonium separated at reprocessing facilities. They therefore reaffirm their determination to cooperate with the IAEA in improving IAEA safeguards activities. They further intend to continue to cooperate with each other and with other interested countries through their respective programs of technical support to the IAEA.

8. In that connection, the Government of Japan is prepared to encourage the design of reprocessing, plutonium conversion, fabrication and storage facilities in Japan so as to facilitate the effective and efficient application of IAEA safeguards. The Government of Japan is prepared to cooperate with the IAEA to promote this objective.

9. The two Governments intend to work toward the establishment of effective institutional arrangements for the prevention of nuclear explosives proliferation, such as an international plutonium storage system.

10. In the context of working out long term arrangements for the reprocessing of irradiated fuel elements containing fuel material received from the United States and as part of their joint efforts to improve safeguards, the Government of Japan intends to exchange views, as appropriate, with the Government of the United States with regard to the scheduled additional reprocessing facility.

11. Japan intends to continue to carry out research and development activities relevant to recycling of plutonium in its light water reactors, giving due consideration to the need to minimize proliferation risks associated with widespread plutonium use.

IV

1. It is planned that the Tokai Facility will reprocess irradiated fuel elements containing fuel material received from the United States up to the design capacity of the said Facility, which is 210 tonnes of fuel material per year.

2. The guidelines for the operation of the Tokai Facility, which will be operated in accordance with the laws and regulations of Japan, are as follows:

A. As stated in a separate letter, the Government of Japan is prepared to continue to afford the IAEA full opportunity to apply safeguards effectively and efficiently at the Tokai Facility, including continuous inspection in accordance with the JAPAN-IAEA Safeguards Agreement, and to continue to improve safeguards implementation, where feasible.

- B. The plutonium separated in the Tokai Facility will be co-converted in the plutonium conversion facility at Tokai to a mixed oxide product using the highest practical uranium to plutonium ratio in the light, in particular, of the requirements of Japan's nuclear research and development programs. Japan intends to use the mixed oxide product obtained from fuel material covered by the Joint Determination of October 30, 1981 and previous Joint Determinations for Japan's fast breeder and advanced reactor research and development programs.

V

1. The two Governments reaffirm that they should continue to consult on a regular basis, or at the request of either of them, on any matters related to the Agreement for Cooperation.

2. With a view to achieving the "permanent solution" foreseen by President Reagan and Prime Minister Suzuki in their Joint Communiqué cited earlier, the two Governments intend to work out, at the earliest possible date and in any event not later than December 31, 1984, mutually acceptable arrangements whereby the provisions of the Agreement for Cooperation will be implemented on a long-term, predictable and reliable basis, and in a manner that will further facilitate the peaceful uses of nuclear energy in the respective countries.

EXCHANGE OF LETTERS

I

EMBASSY OF JAPAN
WASHINGTON, D.C.

October 30, 1981

Dear Mr. Marshall:

With reference to Section IV. 2 A. of the Joint Communiqué of the Government of Japan and the Government of the United States issued today, I am pleased to convey to you the following:

Recognizing the great importance the two Governments place on the effective and efficient application of IAEA safeguards at nuclear facilities in general and at reprocessing facilities in particular, the Government of Japan intends:

1. To continue to support improvements in safeguards effectiveness at the Tokai Reprocessing Facility through follow-up work to the TASTEX (Tokai Advanced Safeguards Technology Exercise) program on those elements which were considered to be promising at the fifth meeting of the TASTEX Steering Committee in Tokyo; and to continue to support the IAEA in other research and development activities for the improvement of IAEA safeguards, including those relating to shipping containers, identification of stored spent fuel assemblies and systematic safeguards approaches for reprocessing facilities;
2. To continue to cooperate with the IAEA in incorporating, in accordance with the procedures set out in the JAPAN-IAEA Safeguards Agreement and through, among other means, the Japanese technical support program to the IAEA, into the existing safeguards measures at the Tokai Reprocessing Facility, the results of research and development activities, including those of the TASTEX program and those elements of any follow-up work to the TASTEX program which are identified by the IAEA for improving the effectiveness of safeguards at the Tokai Reprocessing Facility;
3. To continue to cooperate with the IAEA in facilitating and improving the effective application of safeguards at the Tokai Reprocessing Facility; and
4. To continue to cooperate with the IAEA in facilitating the application of safeguards at the co-conversion facility now under construction.

The Government of Japan understands that the Government of the United States appreciates Japan's excellent record on continuous efforts in this area and the close working relationship which it shares with the Government of Japan in this work. The Government of Japan understands the continued interest of the Government of the United States in cooperating with the Government of Japan on the occasion of consultations between the Government of Japan and the IAEA for the improvement of the application of safeguards, and through their respective technical support programs to the IAEA.

The Government of Japan understands that the intended measures referred to in paragraphs 1, 2 and 3 above should not unduly hamper the normal operation of the Tokai Reprocessing Facility.

Sincerely yours,

[Signed]

HIROYOSHI KURIHARA
Counselor

Mr. Harry R. Marshall, Jr.
Principal Deputy Assistant Secretary
Bureau of Oceans and International
Environmental and Scientific Affairs
Department of State
Washington, D.C.

II

DEPARTMENT OF STATE
WASHINGTON, D.C.

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

October 30, 1981

Dear Mr. Kurihara:

I acknowledge receipt of your letter dated October 30, 1981. My Government appreciates Japan's excellent record of continuous efforts to improve the application of IAEA safeguards at reprocessing facilities.

My Government reaffirms its willingness to continue to work with the Government of Japan in improving IAEA safeguards generally and as they are applied at reprocessing plans specifically. We believe that the efforts of the Government of Japan that are described in your letter will make a further significant contribution to improving the application of IAEA safeguards at reprocessing facilities.

My Government understands that work on further improving IAEA safeguards that will be carried out at the Tokai Reprocessing Facility should not unduly hamper its normal operation.

Sincerely yours,

[Signed]

HARRY R. MARSHALL, JR.
Principal Deputy Assistant Secretary

Mr. Hiroyoshi Kurihara
Science Counselor
Embassy of Japan
Washington, D.C.