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PAGE 01 STATE 010144
ORIGIN NODS-00

INFO OCT-00 AOS-00 /000 R

DRAFTED BY EA/J: JE HAYES:EH
APPROVED BY OES/NET: L V NOSENZO
EA/J: M CLARK
EA: M ARMACOST
DOE: F MCGOLDRICK
S/S-O: MSBUTCHER

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O 150023Z JAN 81 ZFF4
FM SECSTATE WASHDC
TO ANEMBASSY TOKYO IMMEDIATE
ANEMBASSY AMMAN IMMEDIATE

NODIS REVIEW	
<u>Cat. A</u>	Caption removed: transferred to IM/IS/FPC
Cat. B	Transferred to IM/IS/FPC with additional access controlled by S/S
Cat. C	Caption and custody retained by S/S
Reviewed by:	<u>E. Kelly, Jr.</u>
	<u>5/24/95</u>
IS/FPC/CDR	<u>9/15/96</u> Date

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DEPARTMENT OF STATE

<input checked="" type="checkbox"/> RELEASE	<input checked="" type="checkbox"/> DECLASSIFY
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IS/FPC/CDR

Date

EO Citations

NODIS
AMMAN FOR AMB. PICKERING

E.O. 12065: RDS-1 1/14/01

FOIA Exemptions
PA (NOSENZO, L.V.)

TS authority to
() CLASSIFY as () S or
() DOWNGRADE TS to () S or

TAGS: TNUC, JA, US

SUBJECT: TOKAI MURA NEGOTIATIONS TEXTS OF NOTES

1. GOJ EMBASSY COUNSELOR TOGO CALLED ON DAS NOSENZO TODAY TO RECEIVE COPIES OF THE DOCUMENTS PROPOSED BY THE USG FOR EXTENSION OF THE TOKAI MURA NEGOTIATIONS. DAS NOSENZO EXPLAINED THAT THE PAPERS WERE BASED ON THE ORIGINAL DRAFTS PROVIDED BY THE GOJ BUT THAT THEY HAD BEEN CHANGED TO REFLECT THE VIEWS OF THE USG AND TO BRING THEM INTO COMPLIANCE WITH OUR NEGOTIATING INSTRUCTIONS.

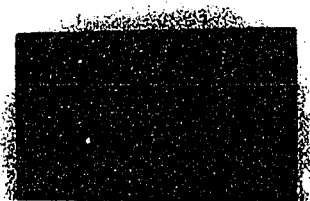
2. TOGO ASKED A SEVERAL QUESTIONS ABOUT THE TIMING OF THE AGREEMENT IF THE GOJ CAN RESPOND IN A TIMELY FASHION.

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DOE REP H. BENGLESDORF EXPLAINED THE STATUTORY REQUIREMENTS

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AND THE NEED TO MOVE AS EXPEDITIOUSLY AS POSSIBLE ON THIS MATTER.

3. TOGO INDICATED THAT HE WOULD TRANSMIT THE DOCUMENTS TO TOKYO ASAP AND THAT HE WOULD URGE A PROMPT REPLY. NOSENZO THANKED HIM FOR HIS EFFORTS TO NEGOTIATE THE AGREEMENT TO DATE.

4. FOLLOWING ARE THE TEXTS OF THE NOTES VERBALE, THE JOINT DETERMINATION AND THE SIDE LETTER WHICH THE US PRESENTED TO THE GOJ FOR ITS CONSIDERATION. THESE NOTES WERE PRODUCED USING THE ORIGINAL DRAFTS PRESENTED BY THE JAPANESE AND HAVE BEEN REDRAFTED TO COMPLY WITH THE NEGOTIATING INSTRUCTIONS CONTAINED IN REFTEL. EMBASSY SHOULD REPORT ANY REACTION TO THESE PAPERS FROM YATABE OR OTHER GOJ OFFICIALS. TEXTS SHOULD NOT BE DISSEMINATED BY EMBASSY, HOWEVER, TO GOJ OR OTHER CONTACTS.

5. BEGIN TEXT OF JAPANESE NOTE VERBAL, QUOTE:
THE EMBASSY OF JAPAN PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF STATE AND, WITH REFERENCE TO THE JOINT DETERMINATION OF JANUARY , 1981 (HEREINAFTER REFERRED TO AS "THE JOINT DETERMINATION"), HAS THE HONOUR TO INFORM THE LATTER AS FOLLOWS:

1. THE GOVERNMENT OF JAPAN CONSIDERS IT APPROPRIATE THAT THE UNDERSTANDINGS, PRINCIPLES AND INTENTIONS SET OUT IN THE JOINT COMMUNIQUE OF THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ISSUED OF SEPTEMBER 12, 1977, (HEREINAFTER REFERRED TO AS "THE JOINT COMMUNIQUE") TAKEN TOGETHER WITH THE EMBASSY'S

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NOTE VERBALE DATED JULY 23, 1980, AS WELL AS IN THE NOTE OF THE SECRETARY OF STATE DATED JULY 25, 1980, AS PROVIDED IN PARAGRAPH 1 OF THE JOINT DETERMINATION, WILL CONTINUE TO SERVE AS THE BASIS FOR THE ACTIONS OF THE TWO COUNTRIES, EXCEPT AS MODIFIED HEREIN AND IN THE ACCOMPANYING JOINT DETERMINATION. THE APPLICABLE PERIOD SHALL BE MODIFIED TO EXTEND THROUGH JUNE 1, 1981.

2. THE GOVERNMENT OF JAPAN REAFFIRMS THE IMPORTANCE ATTACHED TO EFFECTIVE INTERNATIONAL ATOMIC ENERGY AGENCY (HEREINAFTER REFERRED TO AS THE "IAEA") SAFEGUARDS AT

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THE TOKAI REPROCESSING FACILITY OF THE POWER REACTOR AND NUCLEAR FUEL DEVELOPMENT CORPORATION (HEREINAFTER REFERRED TO AS "THE FACILITY"), AS EXPRESSED IN PARAGRAPH III 6 OF THE JOINT COMMUNIQUE, AND CONFIRMS THE FOLLOWING:

(I) THE GOVERNMENT OF JAPAN WILL CONTINUE TO SUPPORT IMPROVEMENTS IN SAFEGUARDS EFFECTIVENESS THROUGH THE TESTING OF ADVANCED SAFEGUARDS INSTRUMENTATION AND TECHNIQUES, BEGUN UNDER THE TOKAI ADVANCED SAFEGUARDS TECHNOLOGY EXERCISE (HEREINAFTER REFERRED TO AS "THE TASTEX") PROGRAM.

(II) THE GOVERNMENT OF JAPAN WILL TAKE THE STEPS NECESSARY ON ITS PART TO FACILITATE THE INCORPORATION

INTO EXISTING SAFEGUARDS PROCEDURES, DURING THE PERIOD MENTIONED IN PARAGRAPH I OF THE JOINT DETERMINATION, OF SUCH ELEMENTS OF THE TASTEX PROGRAM AS ARE IDENTIFIED BY THE IAEA FOR IMPROVING THE EFFECTIVENESS OF SAFEGUARDS AT THE FACILITY AS WELL AS OTHER ELEMENTS NECESSARY FOR EFFECTIVE SAFEGUARDS PROCEDURES. THE LATTER WOULD INCLUDE MEASURES DESIGNED TO ACHIEVE: TIMELY AND INDEPENDENT IAEA VERIFICATION OF MATERIAL BALANCES IN PROCESSING AND IN PLUTONIUM STORAGE; IMPROVEMENTS IN CONTAINMENT AND SURVEILLANCE MEASURES FOR SPENT FUEL
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AND OTHER NUCLEAR MATERIAL; AND TIMELY AND EFFICIENT PERFORMANCE OF IAEA ACTIVITIES.

(III) THE GOVERNMENT OF JAPAN WILL COOPERATE WITH THE IAEA AT AN EARLY STAGE IN FACILITATING THE APPLICATION OF SAFEGUARDS AT THE CONVERSION FACILITY TO BE CONSTRUCTED.

(IV) THE GOVERNMENT OF JAPAN WILL, PURSUANT TO THE FINAL PARAGRAPH OF THE JOINT COMMUNIQUE, PARTICIPATE IN REGULAR CONSULTATIONS ON THE ACTUAL IMPLEMENTATION OF IAEA SAFEGUARDS AT THE FACILITY AND ON PROGRESS WITH RESPECT TO IMPROVEMENTS IN THESE SAFEGUARDS, INCLUDING THOSE MENTIONED ABOVE.

THE EMBASSY OF JAPAN AVAILS ITSELF OF THIS

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OPPORTUNITY TO RENEW TO THE DEPARTMENT OF STATE THE ASSURANCES OF ITS HIGHEST CONSIDERATION. END TEXT.

6. BEGIN TEXT OF US NOTE VERBAL, QUOTE: THE DEPARTMENT OF STATE PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF JAPAN AND, WITH REFERENCE TO THE JOINT DETERMINATION OF JANUARY , 1981 (HEREINAFTER REFERRED TO AS "THE JOINT DETERMINATION"), HAS THE HONOUR TO INFORM THE LATTER AS FOLLOWS:

1. THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONSIDERS IT APPROPRIATE THAT THE UNDERSTANDINGS, PRINCIPLES AND INTENTIONS SET OUT IN THE JOINT COMMUNIQUE OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ISSUED ON SEPTEMBER 12, 1977 (HEREINAFTER REFERRED TO AS "THE JOINT COMMUNIQUE"), TAKEN TOGETHER WITH THE MODIFICATIONS CONTAINED IN THE EMBASSY'S

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NOTE VERBALE DATED JULY 23, 1980, AS WELL AS IN THE NOTE OF THE SECRETARY OF STATE DATED JULY 25, 1980, WILL CONTINUE TO SERVE AS THE BASIS FOR THE ACTIONS OF THE TWO COUNTRIES, EXCEPT AS MODIFIED HEREIN AND IN THE ACCOMPANYING JOINT DETERMINATION. AS PROVIDED IN PARAGRAPH 1 OF

THE JOINT DETERMINATION, THE APPLICABLE PERIOD SHALL BE MODIFIED TO EXTEND THROUGH JUNE 1, 1981.

2. THE GOVERNMENT OF THE UNITED STATES OF AMERICA REAFFIRMS THE IMPORTANCE ATTACHED TO EFFECTIVE INTERNATIONAL ATOMIC ENERGY AGENCY (HEREINAFTER REFERRED TO AS THE "IAEA") SAFEGUARDS AT THE TOKAI REPROCESSING FACILITY OF THE POWER REACTOR AND NUCLEAR FUEL DEVELOPMENT CORPORATION (HEREINAFTER REFERRED TO AS "THE FACILITY"), AS EXPRESSED IN PARAGRAPH III 6 OF THE JOINT COMMUNIQUE, AND UNDERSTANDS THAT:

(I) THE GOVERNMENT OF JAPAN WILL CONTINUE TO SUPPORT IMPROVEMENTS IN SAFEGUARDS EFFECTIVENESS THROUGH THE TESTING OF ADVANCED SAFEGUARDS INSTRUMENTATION AND TECHNIQUES, BEGUN UNDER THE TOKAI ADVANCED SAFEGUARDS TECHNOLOGY EXERCISE (HEREINAFTER REFERRED TO AS "THE TASTEX") PROGRAM.

(II) THE GOVERNMENT OF JAPAN WILL TAKE THE STEPS

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NECESSARY ON ITS PART TO FACILITATE THE INCORPORATION INTO EXISTING SAFEGUARDS PROCEDURES, DURING THE PERIOD MENTIONED IN PARAGRAPH 1 OF THE JOINT DETERMINATION, OF SUCH ELEMENTS OF THE TASTEX PROGRAM AS ARE IDENTIFIED BY THE IAEA FOR IMPROVING THE EFFECTIVENESS OF SAFEGUARDS AT THE FACILITY AS WELL AS OTHER ELEMENTS NECESSARY FOR EFFECTIVE SAFEGUARDS PROCEDURES. THE LATTER WOULD INCLUDE MEASURES DESIGNED TO ACHIEVE: TIMELY AND INDEPENDENT IAEA VERIFICATION OF MATERIAL BALANCE IN PROCESSING AND IN PLUTONIUM STORAGE; IMPROVEMENTS IN CON-

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TAINMENT AND SURVEILLANCE MEASURES FOR SPENT FUEL AND OTHER NUCLEAR MATERIAL; AND TIMELY AND EFFICIENT PERFORMANCE OF IAEA ACTIVITIES.

(III) THE GOVERNMENT OF JAPAN WILL COOPERATE WITH THE IAEA AT AN EARLY STAGE IN FACILITATING THE APPLICATION OF SAFEGUARDS AT THE CONVERSION FACILITY TO BE CONSTRUCTED.

(IV) THE GOVERNMENT OF JAPAN WILL, PURSUANT TO THE FINAL PARAGRAPH OF THE JOINT COMMUNIQUE, PARTICIPATE IN REGULAR CONSULTATIONS ON THE ACTUAL IMPLEMENTATION OF IAEA SAFEGUARDS AT THE FACILITY AND ON PROGRESS WITH RESPECT TO IMPROVEMENTS IN THESE SAFEGUARDS, INCLUDING THOSE MENTIONED ABOVE.

THE DEPARTMENT OF STATE AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE EMBASSY OF JAPAN THE ASSURANCES OF ITS HIGHEST CONSIDERATION. END QUOTE.

7. BEGIN TEXT OF SIDE LETTER, QUOTE: THE GOVERNMENT OF JAPAN WISHES TO INFORM THE GOVERNMENT OF THE UNITED STATES OF AMERICA THAT JAPAN HAS NOT UNDERTAKEN ANY MAJOR MOVES REGARDING ADDITIONAL REPROCESSING FACILITIES FOR PLUTONIUM SEPARATION AND DOES NOT INTEND TO UNDERTAKE ANY SUCH MAJOR MOVES THROUGH JUNE 1, 1981. WHILE THE JAPANESE NUCLEAR FUEL SERVICES CO. WAS ESTABLISHED ON MARCH 1, 1980, IT IS ANTICIPATED THAT THE ACTIVITIES OF THIS GROUP THROUGH JUNE 1, 1981 WILL BE LARGELY ORIENTED TO CONDUCTING SURVEYS OF POSSIBLE SITES AND CONDUCTING RELEVANT CONSULTATIONS WITH LOCAL AUTHORITIES AND OTHER PARTIES CONCERNED.

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THE GOVERNMENT OF JAPAN INTENDS TO KEEP THE GOVERNMENT OF THE UNITED STATES CURRENTLY INFORMED OF RELEVANT ACTIVITIES TO BE CONDUCTED IN THE PERIOD THROUGH JUNE 1, 1981. IF AN ISSUE ARISES AS TO WHAT CONSTITUTES A "MAJOR MOVE", THE PARTIES WILL PROMPTLY CONSULT WITH A VIEW TO REACHING MUTUAL AGREEMENT. END QUOTE.

N 4) BEGIN TEXT OF JOINT DETERMINATION, QUOTE: ON THE BASIS OF THE UNDERSTANDINGS, PRINCIPLES AND INTENTIONS SET OUT IN THE COMMUNIQUE OF THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ISSUED ON SEPTEMBER 12, 1977, AND TAKEN TOGETHER WITH THE MODIFICATIONS CONTAINED IN THE NOTE VERBALE OF THE EMBASSY OF JAPAN DATED JULY 23, 1980, AS WELL AS IN THE NOTE OF THE SECRETARY OF STATE DATED JULY 25, 1980, EXCEPT AS MODIFIED HEREIN AND IN THE ACCOMPANYING EXCHANGE OF NOTES; AND

IN VIEW OF JAPAN'S CONTINUED ADHERENCE TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS AND ITS UNDERTAKINGS THEREIN WITH RESPECT TO SAFEGUARDS, THE LIMITED AMOUNT OF PLUTONIUM INVOLVED, THE CAREFULLY MONITORED EXPERIMENTAL CHARACTER OF THE PROCESS INVOLVED, AND THE PROVISIONS FOR THE APPLICATION OF EFFECTIVE SAFEGUARDS BY THE INTERNATIONAL ATOMIC ENERGY AGENCY AND FOR ADVANCED SAFEGUARDS EXPERIMENTATION:

1. THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA HEREBY JOINTLY DETERMINE PURSUANT TO ARTICLE VIII C OF THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING CIVIL USES OF ATOMIC ENERGY OF FEBRUARY 26, 1968, AS AMENDED, THAT

THE PROVISIONS OF ARTICLE XI OF THAT AGREEMENT MAY BE

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EFFECTIVELY APPLIED TO THE REPROCESSING IN THE TOKAI

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REPROCESSING FACILITY OF THE POWER REACTOR AND NUCLEAR FUEL DEVELOPMENT CORPORATION OF IRRADIATED FUEL ELEMENTS CONTAINING UP TO AN ADDITIONAL 50 TONNES OF FUEL MATERIAL RECEIVED FROM THE UNITED STATES OF AMERICA, OVER AND ABOVE THE ORIGINAL 99 TONNES OF FUEL MATERIAL. THIS MATERIAL MAY BE REPROCESSED DURING THE PERIOD THROUGH JUNE 1, 1981.

2. NO DETERMINATION IS NOW BEING MADE AS TO WHETHER SAFEGUARDS CAN BE EFFECTIVELY APPLIED TO PUREX RE-PROCESSING PLANTS IN GENERAL.

3. THERE IS NO CHANGE IN THE REQUIREMENT FOR SUBSEQUENT DETERMINATIONS AS TO WHETHER THE PROVISIONS OF ARTICLE XI MAY BE EFFECTIVELY APPLIED TO THE RE-PROCESSING OR OTHER ALTERATION IN FORM OR CONTENT OF ANY SPECIAL NUCLEAR MATERIAL OR IRRADIATED FUEL ELEMENTS TO BE REPROCESSED DURING THE PERIOD MENTIONED IN PARAGRAPH 1 ABOVE. HOWEVER, THE UNITED STATES OF AMERICA WOULD BE PREPARED TO ENTER INTO AN AFFIRMATIVE JOINT DETERMINATION, IF THE MODE OF OPERATING THE SAID FACILITY IS CONVERTED TO FULL-SCALE COPROCESSING, SUBJECT TO THE REQUIREMENTS OF ITS LAW AND MUTUAL AGREEMENT ON THE SCOPE AND CHARACTER OF THE COPROCESSING OPERATION. END QUOTE.

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