

NUCLEAR ENERGY

Safety

**Agreement Between the
UNITED STATES OF AMERICA
and JAPAN**

Effected by Exchange of Notes
March 9, 2012



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

JAPAN

Nuclear Energy: Safety

*Agreement effected by exchange of notes
March 9, 2012;
Entered into force March 9, 2012.*

書簡をもって啓上いたします。本使は、原子力の安全、原子力の規制、原子力事故への対応、放射性廃棄物管理、放射性物質に関連する汚染の除去及び原子力施設の廃止、核セキュリティ、核不拡散（保障措置を含む。）、先進的な原子炉並びにその燃料、資材及び設備並びに核燃料サイクルの研究開発の分野における日本国政府の適当な機関とアメリカ合衆国政府の適当な機関との間の協力（以下「この協力」という。）の条件に関し、日本国政府の代表者とアメリカ合衆国政府の代表者との間で行われた最近の討議に言及する光栄を有します。

本使は、更に、千九百八十七年十一月四日に東京で署名された原子力の平和的利用に関する協力のための日本国政府とアメリカ合衆国政府との間の協定（以下「協定」という。）の下で原子力の平和的利用のための相互に有益な両政府間の協力が継続していることを考慮して、日本国政府に代わって次の取極を提案する光栄を有します。

1 協定第二条1(a)(v)の規定に関し、この取極の条件に従って行われるこの協力は、協定の下での両政府間の協力として適当と認められる。

2 この協力は、次の形態により行うことができる。

(a) 共同研究開発、各種の形態の会合、情報（ソフトウェアを含む。）の交換、人員の交流又は設備若しくは試料の交換

(b) 両政府が適当と認めるその他の形態

3 (a) この協力に適用される詳細な条件を定めるため、この協力を実施するそれぞれの政府の機関の間において、当該機関の間で行われるこの協力を実施するための適切な規定を含む実施取決めであつて、この協力の過程で生じ又は導入される知的財産権及び財産権的性格を有する他の権利の保護のための規定を含むものが、締結される。

(b) 両政府は、この取極の円滑なかつ効果的な実施を確保することを目的として、外交上の経路を通じて、この取極に基づいて締結される各実施取決めについて、表題、有効期間、実施取決めを締結する機関、この協力の一部として実施される特定の活動及び実施取決めを締結する機関以外の組織であつて当該活動を実施するものを明記する実施取決めを表を作成し、及び確認する。当該表は、両政府の相互の同意により修正することができる。

4 この取極及び3にいう実施取決めの規定は、利用可能な予算並びに協定及びそれぞれの国において施行

されている法令に従って実施される。

5 機関の間で行われるこの協力から又はそれに関連して問題が生じた場合には、関連する機関が協議を行う。問題がこのような機関の協議を通じて解決できない場合には、相互に受け入れることのできる解決を図るために、外交上の経路を通じて両政府間の協議が行われる。

6 千九百九十七年十月十五日の交換公文（以下「千九百九十七年の交換公文」という。）によって行われた原子力の規制及び原子力安全の研究開発の分野における協力の条件に関する取極並びに二千四年四月二十一日の交換公文（以下「二千四年の交換公文」という。）によって行われた革新的な原子力技術の研究開発の分野における協力の条件に関する取極は、この取極が効力を生ずる日に終了する。千九百九十七年の交換公文に基づき締結された実施取決め及び二千四年の交換公文に基づき締結された実施取決めは、3 (a)の規定に基づき締結されたものとみなし、この取極により規律される。それらの実施取決めに定める条件は、千九百九十七年の交換公文又は二千四年の交換公文の下で開始された協力であつて実施中のものについて準用する。

7 この取極は、協定が効力を有する限り、効力を有する。もつとも、いずれの政府も、他方の政府に対

し、この取極を終了させる意思をいつでも書面により通告することができ、その場合には、この取極は、そのような通告が行われた後三箇月で終了する。この取極は、両政府間の書面による合意により改正することができる。

本使は、更に、前記の取極がアメリカ合衆国政府にとって受諾し得るものであるときは、この書簡及び閣下の返簡が両政府間の合意を構成し、その合意が閣下の返簡の日付の日に効力を生ずるものとすることを提案する光榮を有します。

本使は、以上を申し進めるに際し、ここに重ねて閣下に向かつて敬意を表します。

二千十二年三月九日にワシントンで

アメリカ合衆国駐在

日本国特命全権大使に代わる

石川和秀

アメリカ合衆国國務長官

ヒラリー・ロダム・クリントン閣下

Translation

Washington, March 9, 2012

Excellency,

I have the honor to refer to the recent discussions between the representatives of the Government of Japan and the Government of the United States of America concerning the terms and conditions for cooperation between their appropriate agencies in the field of research and development of: nuclear safety; nuclear regulatory matters; response to nuclear incidents; radioactive waste management; decontamination relating to radioactive substances, and decommissioning of nuclear facilities; nuclear security; nuclear nonproliferation, including safeguards; advanced nuclear reactors and their fuels, materials, and equipment; and the nuclear fuel cycle (hereinafter referred to as "the Cooperation").

In consideration of the continuing mutually beneficial cooperation between the two Governments for the peaceful uses of nuclear energy under the Agreement for Cooperation Between the Government of Japan and the Government of the United States of America Concerning Peaceful Uses of Nuclear Energy, signed at Tokyo on November 4, 1987 (hereinafter referred to as "the Agreement"), I have the further honor to propose, on behalf of the Government of Japan, the following arrangement:

1. With respect to the provisions of sub-paragraph 1(a)(v) of Article 2 of the Agreement, the Cooperation, which shall be conducted in accordance with the terms and conditions of the present arrangement, shall be deemed appropriate as cooperation between the two Governments under the Agreement.

Her Excellency
Ms. Hillary Rodham Clinton
The Secretary of State
of the United States of America

2. The Cooperation may take the following forms:
 - (a) Joint research and development; meetings of various types; exchange of information including software; exchange of personnel; exchange of equipment or samples; and
 - (b) Other forms as deemed appropriate by the two Governments.
3.
 - (a) With a view to setting forth detailed terms and conditions that shall apply to the Cooperation, the agencies of each Government conducting the Cooperation shall conclude an implementing arrangement or implementing arrangements, which shall include appropriate provisions for implementing the Cooperation between the agencies, including provisions for protection of intellectual property rights and other rights of a proprietary nature created or introduced in the course of the Cooperation.
 - (b) For the purpose of ensuring smooth and effective implementation of the present arrangement, a list of implementing arrangements concluded under the present arrangement, which indicates each implementing arrangement's title, duration, concluding agencies, specific activities conducted as part of the Cooperation, and any organizations implementing such activities other than concluding agencies, shall be developed and confirmed by the two Governments through diplomatic channels, and the list may be modified by the mutual consent of the two Governments.
4. The provisions of the present arrangement and the implementing arrangements referred to in paragraph 3 above shall be implemented subject to the availability of appropriated funds, the Agreement, and the applicable laws and regulations in force in each country.
5. Should any question arise from or in connection with the Cooperation between the agencies, the relevant agencies shall consult. If the question cannot be resolved through such agency consultations, consultations between the two Governments shall be held through diplomatic channels with a view to finding a mutually acceptable solution.

6. The arrangement concerning the terms and conditions for cooperation in the field of nuclear regulatory matters and nuclear safety research and development, effected by the Exchange of Notes of October 15, 1997 (hereinafter referred to as "the 1997 Notes"), and the arrangement concerning the terms and conditions for cooperation in the field of research and development of innovative nuclear energy technologies, effected by the Exchange of Notes of April 21, 2004 (hereinafter referred to as "the 2004 Notes"), shall terminate on the date of entry into force of the present arrangement. The implementing arrangements concluded under the 1997 Notes and those concluded under the 2004 Notes shall be regarded as concluded under subparagraph 3(a) above and shall be governed by the present arrangement. The terms and conditions set forth in such implementing arrangements shall apply mutatis mutandis to any ongoing cooperation initiated under the 1997 Notes or the 2004 Notes.

7. The present arrangement shall remain in force so long as the Agreement is in force. However, either Government may at any time give written notice to the other Government of its intention to terminate the present arrangement, in which case the present arrangement shall be terminated three months after such notice has been given. The present arrangement may be amended by written agreement of the two Governments.

I have the further honor to propose that, if the foregoing arrangement is acceptable to the Government of the United States of America, this Note and Your Excellency's Note in reply shall constitute an agreement between the two Governments, which shall enter into force on the date of Your Excellency's Note in reply.

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

For the Ambassador Extraordinary
and Plenipotentiary of Japan
to the United States of America

Kazuhide Ishikawa

March 9, 2012

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"Excellency,

I have the honor to refer to the recent discussions between the representatives of the Government of Japan and the Government of the United States of America concerning the terms and conditions for cooperation between their appropriate agencies in the field of research and development of: nuclear safety; nuclear regulatory matters; response to nuclear incidents; radioactive waste management; decontamination relating to radioactive substances, and decommissioning of nuclear facilities; nuclear security; nuclear nonproliferation, including safeguards; advanced nuclear reactors and their fuels, materials, and equipment; and the nuclear fuel cycle (hereinafter referred to as "the Cooperation").

In consideration of the continuing mutually beneficial cooperation between the two Governments for the peaceful uses of nuclear energy under the Agreement for Cooperation Between the Government of Japan and the Government of the United States of America Concerning Peaceful Uses of Nuclear Energy, signed at Tokyo on November 4, 1987 (hereinafter referred to as "the Agreement"), I have the further honor to propose, on behalf of the Government of Japan, the following arrangement:

His Excellency
Ichiro Fujisaki,
Ambassador of Japan.

1. With respect to the provisions of sub-paragraph 1(a)(v) of Article 2 of the Agreement, the Cooperation, which shall be conducted in accordance with the terms and conditions of the present arrangement, shall be deemed appropriate as cooperation between the two Governments under the Agreement.
2. The Cooperation may take the following forms:
 - (a) Joint research and development; meetings of various types; exchange of information including software; exchange of personnel; exchange of equipment or samples; and
 - (b) Other forms as deemed appropriate by the two Governments.
3.
 - (a) With a view to setting forth detailed terms and conditions that shall apply to the Cooperation, the agencies of each Government conducting the Cooperation shall conclude an implementing arrangement or implementing arrangements, which shall include appropriate provisions for implementing the Cooperation between the agencies, including provisions for protection of intellectual property rights and other rights of a proprietary nature created or introduced in the course of the Cooperation.
 - (b) For the purpose of ensuring smooth and effective implementation of the present arrangement, a list of implementing arrangements concluded under the present arrangement, which indicates each implementing arrangement's title, duration, concluding agencies, specific activities conducted as part of the Cooperation, and any organizations implementing such activities other than concluding agencies, shall be developed and confirmed by the two Governments through diplomatic channels, and the list may be modified by the mutual consent of the two Governments.
4. The provisions of the present arrangement and the implementing arrangements referred to in paragraph 3 above shall be

implemented subject to the availability of appropriated funds, the Agreement, and the applicable laws and regulations in force in each country.

5. Should any question arise from or in connection with the Cooperation between the agencies, the relevant agencies shall consult. If the question cannot be resolved through such agency consultations, consultations between the two Governments shall be held through diplomatic channels with a view to finding a mutually acceptable solution.

6. The arrangement concerning the terms and conditions for cooperation in the field of nuclear regulatory matters and nuclear safety research and development, effected by the Exchange of Notes of October 15, 1997 (hereinafter referred to as "the 1997 Notes"), and the arrangement concerning the terms and conditions for cooperation in the field of research and development of innovative nuclear energy technologies, effected by the Exchange of Notes of April 21, 2004 (hereinafter referred to as "the 2004 Notes"), shall terminate on the date of entry into force of the present arrangement. The implementing arrangements concluded under the 1997 Notes and those concluded under the 2004 Notes shall be regarded as concluded under subparagraph 3(a) above and shall be governed by the present arrangement. The terms and conditions set forth in such implementing arrangements shall apply *mutatis mutandis* to any ongoing cooperation initiated under the 1997 Notes or the 2004 Notes.

7. The present arrangement shall remain in force so long as the Agreement is in force. However, either Government may at any time give written notice to the other Government of its intention to terminate the present arrangement, in which case the present arrangement shall be terminated three months after such notice has been given. The present arrangement may be amended by written agreement of the two Governments.

I have the further honor to propose that, if the foregoing arrangement is acceptable to the Government of the United States of America, this Note and Your Excellency's Note in reply shall constitute an agreement between the two Governments, which shall enter into force on the date of Your Excellency's Note in reply.

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

I have the further honor to confirm that the arrangement contained in Your Excellency’s Note is acceptable to the Government of the United States of America and to confirm that Your Excellency’s Note and this Note in reply shall constitute an agreement between the two Governments, which shall enter into force on the date of this Note.

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

For the Secretary of State:

A handwritten signature in cursive script, reading "Thomas M. Coates". The signature is written in black ink and is positioned below the text "For the Secretary of State:". The signature is fluid and elegant, with a long, sweeping tail on the final letter.