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協力提案する。
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

(3)

(a) 両政府が適当と認めるその他の形態

(b) 这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ための適切な規定を含む実施取決めであって、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の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。
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る。そのような通告が行われた後三箇月で終了する。これの取極は、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等を提案する光栄を持つます。

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って敬意を表します。
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 sub-paragraph 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:

[Signature]