



United States Department of State

Washington, D.C. 20520

April 9, 2001

Ms. Janice Dunn Lee  
Acting Director, International Programs  
United States Nuclear Regulatory Commission  
Rockville, Maryland

Dear Ms. Lee:

I refer to the letter from your office dated February 6, 2001 requesting the views of the Executive Branch as to whether issuance of an export license in accordance with the application hereinafter described meets the applicable criteria of the Atomic Energy Act of 1954, as amended:

NRC No. XSNM03182—Siemens Power Corporation has applied for authorization to export to Japan 42 kilograms of U-235 contained in 2,140 kilograms of uranium enriched to a maximum of 1.92 percent in the form of uranium dioxide for reload of the 165 Mwe Fugen Advanced Thermal Reactor uranium/plutonium fueled reactor owned and operated by the Japan Nuclear Cycle Development Institute.

It is the view of the Executive Branch that the proposed export will not be inimical to the common defense and security of the United States, and is consistent with the provisions of the Atomic Energy Act of 1954, as amended.

The proposed export to Japan would take place pursuant to the 1988 Agreement for Cooperation Between the United States and Japan, as confirmed in Japan Ministry of Foreign Affairs Note No.641 dated April 2, 2001, a copy of which is enclosed.

On the basis of the foregoing, the Executive Branch recommends that the license be issued.

Sincerely,

Richard J. K. Stratford  
Director  
Nuclear Energy Affairs

Enclosure: as stated.

Attachment 2



**FACSIMILE MESSAGE**

US Embassy, Tokyo  
Environment, Science and Technology ( EST) Office  
Tel: 81-3 3224-5498  
Fax: 81-3 3224-5229

April 4, 2001

To: Robin DeLaBarre  
Fax No.: 202-647-0775

From: Nelia Untalan *Nelia*

Subject: Copy of GOJ's Note Verbale Received

Number of pages including cover sheet: 3

Ref: State 26666

Dear Robin:

The following is a copy of a Note Verbale received from the Ministry of Foreign Affairs (MOFA) via fax. The original will be sent to you via pouch when it is received.

Note Verbale	Case Nos.	NRC Application No.
641/ASSN	552	XSNM03182

FYI only: Mr. Iwahashi of MOFA also included the following in his fax:

"We heard that this nuclear transfer will be started from the US facility about the middle of the next month. I understand that the US has enough time for its internal procedures to authorize this nuclear transfer. But the applicant of this transfer worries about whether the authorization would be in time, because this nuclear transfer is not for utilities, but for Japan Nuclear Fuel Cycle Development Institute. (They said this is not usual for the US Government, so it may take more time than usual. - I told them that these kinds of nuclear transfers are held a few times every year and that this is not unusual.)

Best regards -  
~ Nelia

MINISTRY OF FOREIGN AFFAIRS  
TOKYO, JAPAN

Translation

No. 641/ASSN

NOTE VERBALE

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honour to acknowledge the receipt of the Embassy's Note No. 060 dated February 14, 2001 concerning the notification of the intended transfer of items 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 (hereinafter referred to as "the Agreement"), pursuant to paragraph 3 of Article 2, thereof.

The Ministry has further the honour to confirm that, among the items listed in the Attachments to the said Note, the item of Serial No. 01/US/552 will be held subject to the Agreement upon its entry into the territorial jurisdiction of Japan and that the proposed recipients of the item are authorized persons in Japan.

Tokyo, April 2, 2001.