



United States Department of State

Washington, D.C. 20520

BUREAU OF OCEANS AND INTERNATIONAL  
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

March 1, 1988

*PDIC*  
*XSNM 02340*  
*Japan*

Mr. James R. Shea  
Director of International Programs  
United States Nuclear Regulatory Commission  
Rockville, Maryland

Dear Mr. Shea:

This letter is in response to the letter from your office dated June 29, 1987, requesting Executive Branch views 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 by the Nuclear Non-Proliferation Act of 1978:

**NRC No. XSNM02340** — Application by Mitsui & Co. (USA) Inc. for authorization to export three kilograms of uranium enriched to a maximum of 19.9 percent in the form of metal to Japan for vaporization experiments in laser isotopic separation by Toshiba Corporation.

The proposed export of low enriched uranium would take place pursuant to the Agreement for Cooperation Between the United States and Japan as confirmed in a letter from the the Embassy of Japan, a copy of which is enclosed. Japan has adhered to the provisions of its Agreement for Cooperation with the United States.

Under Section 17b, Elimination of Duplicative Reviews, of the Amended Procedures Established pursuant to the Nuclear Non-Proliferation Act of 1978, "where a proposed export requires approval for enrichment pursuant to section 402(a) of the NNPA and the proposed export for enrichment is licensed by the Nuclear Regulatory Commission, the Secretary of Energy, with the concurrence of the Secretary of State and having consulted the Director of the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission and the Secretary of Defense, hereby approves such enrichment". Thus, a separate approval action of the proposed enrichment abroad under this license request is not required.

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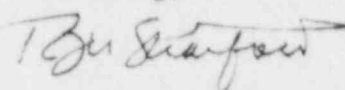
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The Executive Branch has reviewed the application and concluded that the requirements of the Atomic Energy Act, as amended, have been met and that the proposed export will not be inimical to the common defense and security of the United States. A detailed analysis for Japan was submitted April 30, 1979 for NRC case No. XSNM01435. There has been no material change in circumstances since that submission.

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

Sincerely,



Richard J. K. Stratford  
Deputy Assistant Secretary  
Nuclear Energy & Energy Technology Affairs

Enclosure:

Assurance letter

2- 11 80.

**EMBASSY OF JAPAN**

2520 MASSACHUSETTS AVENUE, N.W.  
WASHINGTON, D.C. 20008  
(202) 234-2266

November 25, 1987

Mr. John M. Rooney  
Director  
Politico-Military Security  
Affairs Division  
Department of Energy  
Washington, D.C. 20585

Dear Mr. Rooney:

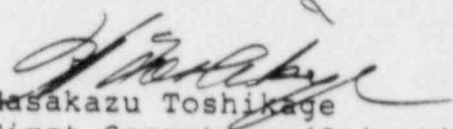
Concerning import of the special nuclear material for the facility noted below, this will confirm that the Government of Japan appointed Toshiba Corporation (TOSHIBA) as an authorized person under the terms and conditions pursuant to Article VI of the Agreement for Cooperation between the Government of the United States of America and Government of Japan concerning Civil Uses of Atomic Energy which entered into force on July 10, 1968, amended by the Protocol on December 21, 1973.

Research and Development for TOSHIBA Facility: 0.593 kgs of U-235 (19.75% maximum enrichment) contained in 3 kgs of uranium

Further, it is confirmed that the transfer of the special nuclear material identified above will take place under all the terms and conditions of the Agreement for Cooperation between our Governments, and that the appointee(s) named above have been authorized to receive and possess the material by both Governments.

Also, the Government of Japan confirms that the safeguards and guarantees of the Agreement for Cooperation will always apply to this special nuclear material, except for that material subsequently retransferred with the written approval of the United States.

Sincerely yours,

  
Masakazu Toshikage  
First Secretary (Scientific)

Ref: This is in reference to the case number of XSNM-2340 stated in your letter dated July 16, 1987.

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