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BY AI NARADATE 3/3/68

THE WHITE HOUSE
WASHINGTON

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June 4, 1982

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NATIONAL SECURITY DECISION
DIRECTIVE NUMBER 39

UNITED STATES POLICY ON FOREIGN REPROCESSING
AND USE OF PLUTONIUM SUBJECT TO U.S. CONTROL

I have reviewed the interagency report on United States policy on foreign reprocessing and use of plutonium subject to U.S. control, as forwarded by the Department of State's memorandum of May 26, 1982, and have approved the policies recommended in that report and as set forth below.

- o With respect to Japan, the United States will offer (1) an advance consent arrangement for certain reprocessing, retransfers for reprocessing and use of U.S.-controlled material in programs for which available information allows the United States to make the necessary statutory determinations, and (2) a statement of intention to approve use of such material in future programs in Japan and retransfers for reprocessing to EURATOM or other mutually agreed countries in future facilities when sufficient information is available to allow the United States to make the necessary statutory determinations. It is understood that an advance consent arrangement could include retransfer of spent fuel from Japan to facilities in France and the United Kingdom for reprocessing; reprocessing at the Tokai-Mura plant for its operative life; use of plutonium in Japan's breeder, advanced reactor and thermal recycle programs and return of separated plutonium from France and the United Kingdom for these programs.

These approvals will be subject to the conditions in the agreement continuing to be met, including necessary non-proliferation and statutory conditions such as those on safeguards and physical security, and to a continued strong commitment by Japan to non-proliferation efforts.

The United States will offer the above in the context of seeking a new or amended agreement for peaceful nuclear cooperation in traditional form or, if that form is not acceptable to Japan, in another appropriate form containing equivalent provisions. The United States will be flexible on the form an agreement might take, if it contains equivalent provisions in substance, and will seek to complete negotiations at an early date, if possible within one year. If Japan proves unwilling to accept equivalent provisions, the Senior Interagency Group will reassess the matter.

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- o With respect to EURATOM, the United States will seek to obtain a right of consent over reprocessing of U.S.-controlled material and provide approvals equivalent to those offered to Japan. Those approvals will be subject to similar conditions and in similar form as those offered to Japan.
- o With respect to U.S. exports, the United States will permit the export of U.S. sensitive reprocessing technology and equipment for facilities in Japan and EURATOM if the necessary statutory requirements and Nuclear Supplier Group Guidelines are satisfied and assuming a continued commitment by the recipient country to non-proliferation efforts and to strengthening International Atomic Energy Agency safeguards and physical security measures to be applied at a facility using or deemed to be derived from U.S.-supplied technology or equipment.
- o With respect to other countries, if so requested the United States will (1) grant advance approval for retransfers to the United Kingdom and France for reprocessing of U.S.-controlled material in facilities for which available information allows the necessary statutory determinations to be made, and (2) state its intention to provide approval for such retransfers to future facilities in EURATOM or other mutually agreed countries when sufficient information is available to allow the necessary statutory determinations to be made. The United States will retain approval rights over the disposition of the plutonium.

The United States will make clear to its cooperating partners that these approaches are premised on the expectation of improved non-proliferation cooperation, particularly on pressing proliferation problems in sensitive regions of the world, and of their implementing more effective controls on civil plutonium.

Consultations on the substance of these proposals should be commenced promptly with allies and, to ensure sufficient support, with key members of Congress. The Senior Interagency Group will monitor the negotiations implementing the above policies and Congressional reactions, and will review any significant issues that may arise. Any agency differences will be forwarded for my consideration.

Ronald Reagan

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